

As Reported by the House Criminal Justice Committee

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 86

Representatives Blessing, Heard

Cosponsors: Representatives Uecker, Slaby

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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, 2151.312, 2
2151.354, 2152.02, 2152.021, 2152.10, 2152.11, 3
2152.12, 2152.13, 2152.14, 2152.17, 2152.22, 4
2152.26, 2301.27, 2301.30, 2903.01, 2909.03, 5
2909.05, 2909.11, 2911.12, 2913.01, 2913.02, 6
2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 7
2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 8
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 9
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 10
2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 11
2921.34, 2921.41, 2923.01, 2923.31, 2925.01, 12
2925.03, 2925.05, 2925.11, 2929.01, 2929.11, 13
2929.13, 2929.14, 2929.15, 2929.16, 2929.20, 14
2929.26, 2929.34, 2930.12, 2930.16, 2930.17, 15
2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 16
2967.193, 2967.28, 2981.07, 4507.51, 5120.07, 17
5120.10, 5120.111, 5120.16, 5120.331, 5120.48, 18
5120.59, 5120.60, 5120.66, 5139.01, 5139.05, 19
5139.06, 5139.20, 5139.43, 5139.51, 5149.01, 20
5149.10, 5149.31, 5149.32, 5149.33, 5149.34, and 21
5149.36, to enact new sections 2151.56, 2151.57, 22
2151.58, and 2151.59 and sections 307.932, 23

2151.351, 2152.51, 2152.52, 2152.53, 2152.54, 24
2152.55, 2152.56, 2152.57, 2152.58, 2152.59, 25
2301.271, 2929.143, 2951.022, 2967.19, 5120.035, 26
5120.036, 5120.113, 5120.114, 5120.115, and 27
5149.311, and to repeal sections 2151.56, 2151.57, 28
2151.58, 2151.59, 2151.60, and 2151.61 of the 29
Revised Code to increase from \$500 to \$1,000 the 30
threshold amount for determining increased 31
penalties for theft-related offenses and for 32
certain elements of "vandalism" and "engaging in a 33
pattern of corrupt activity"; to increase by 50% 34
the other threshold amounts for determining 35
increased penalties for those offenses; to revise 36
and clarify the law regarding prosecution of 37
multiple theft, Medicaid fraud, workers' 38
compensation fraud, and similar offenses and the 39
valuation of property or services involved; to 40
include workers' compensation fraud as a theft 41
offense; to provide that if "nonsupport of 42
dependents" is based on an abandonment of or 43
failure to support a child or a person to whom a 44
court order requires support and is a felony the 45
sentencing court generally must first consider 46
placing the offender on one or more community 47
control sanctions; to eliminate the difference in 48
criminal penalties for crack cocaine and powder 49
cocaine; to revise some of the penalties for 50
trafficking in marihuana or hashish and for 51
possession of marihuana, cocaine, or hashish; to 52
revise procedures for notification of victims when 53
violent offenders escape from the Department of 54
Rehabilitation and Correction; to modify the 55
number of Parole Board members required to conduct 56

a full Board hearing; to limit a member of the 57
Parole Board who is not the Chairperson or a 58
victim representative to two six-year terms; to 59
revise the eligibility criteria for, and 60
procedures governing, intervention in lieu of 61
conviction; to revise the eligibility criteria for 62
judicial release; to reduce the penalty for the 63
offense of "escape" when it involves certain 64
conduct by a person under supervised release by 65
the Department; to revise the procedure for 66
prisoners in state correctional institutions to 67
earn days of credit for productive participation 68
in specified prison programs and the number of 69
days of credit that may be earned; to require GPS 70
monitoring of a prisoner placed on post-release 71
control who was released early from prison due to 72
earning 60 or more days of credit; to enact a new 73
mechanism for the possible release with sentencing 74
court approval of certain Department inmates who 75
have served at least 85% of their prison term; to 76
expand the membership of a county's local 77
corrections planning board; to expand the 78
authorization to transfer certain Ohio prisoners 79
for pretrial confinement to a contiguous county in 80
an adjoining state to also apply to postconviction 81
confinement and confinement upon civil process; to 82
make changes regarding halfway houses and 83
community residential centers and authorize 84
reentry centers; to allow placement in a skilled 85
nursing facility for care of an inmate who is 86
released on indefinite parole due to being in 87
imminent danger of death, medically incapacitated, 88
or terminally ill; to provide for the 89

establishment and operation of community	90
alternative sentencing centers for misdemeanants	91
sentenced directly to the centers under a	92
community residential sanction or an OVI term of	93
confinement not exceeding 30 days; to change the	94
membership of the Ex-offender Reentry Coalition by	95
reducing the number and functions of members from	96
the Governor's office and adding the Director of	97
Veterans Services; to remove judges from the	98
membership of a corrections commission and instead	99
have them form an advisory board; to require the	100
Department to develop a reentry plan for each	101
inmate committed to the Department who was not	102
sentenced to a term of life without parole or a	103
sentence of death and who is expected to be	104
imprisoned for more than 30 days; to revise the	105
procedures governing the Department's issuance of	106
an inmate identification card upon an inmate's	107
release and the use of such a card to obtain a	108
state identification card; to authorize, instead	109
of require, the Department to discontinue subsidy	110
payment to a political subdivision that reduces	111
local funding for corrections by the amount of a	112
community-based corrections subsidy or that uses a	113
subsidy for capital improvements; to require the	114
Department, together with the Department of	115
Alcohol and Drug Addiction Services, to develop an	116
implementation plan related to funding through the	117
federal Second Chance Act related to community	118
reentry of offenders; to adopt a single validated	119
risk assessment tool to be used by courts,	120
probation departments, and the Department of	121
Rehabilitation and Correction to evaluate risk	122

levels of offenders; to provide judges the option 123
of risk reduction sentencing to allow for early 124
release of prisoners who complete treatment and 125
programming while incarcerated; to require 126
offenders convicted of or pleading guilty to a 127
felony of the fourth or fifth degree that is not 128
an offense of violence to serve community control 129
sanctions; to create the offense of trespass in a 130
habitation of a person when any person other than 131
an accomplice of the offender is present or likely 132
to be present; to change the sentencing structure 133
for felonies of the first and third degree; to 134
restrict sentencing to community-based 135
correctional facilities to offenders who are a 136
high risk to reoffend; to reduce duplication of 137
probation supervision resources and to require 138
probation departments to provide a monthly report 139
with statistical data to the Department of 140
Rehabilitation and Correction; to require the 141
Department of Rehabilitation and Correction to 142
establish and administer the probation improvement 143
grant and the probation incentive grant; to 144
require a county and the Juvenile Court that 145
serves the county to prioritize the use of the 146
moneys in the county treasury's Felony Delinquent 147
Care and Custody Fund to research-supported, 148
outcome-based programs and services; to clarify 149
when a delinquent child committed to the 150
department of youth services generally may be 151
granted a judicial release; to authorize judicial 152
release for a delinquent child committed to the 153
department when the commitment includes a period 154
of commitment imposed for certain specifications; 155

to establish procedures for determining the 156
competency to participate in the proceeding of a 157
child who is the subject of a complaint alleging 158
that the child is an unruly or delinquent child or 159
a juvenile traffic offender and procedures for a 160
child to attain competency if the child is found 161
to be incompetent; to establish an interagency 162
task force to investigate and make recommendations 163
on how to most effectively treat delinquent youth 164
who suffer from serious mental illness or 165
emotional and behavioral disorders; to eliminate 166
mandatory requirements that a court transfer 167
certain alleged delinquent children to adult 168
court; to provide the court discretion on whether 169
or not to commit a child to the Department of 170
Youth Services if the child is adjudicated a 171
delinquent child for committing an act that would 172
be a felony if committed by an adult and if the 173
child is guilty of certain specifications; to 174
specify that a child is eligible for a serious 175
youthful offender disposition only if the case was 176
not transferred out of juvenile court and the 177
child is adjudicated a delinquent child for 178
committing an act that would be a felony if 179
committed by an adult, was 14 years of age or 180
older when the act was committed, and is eligible 181
for a serious youthful offender disposition based 182
on the child's age and the level of felony 183
charged; to repeal the interstate compact on 184
juveniles and enact the interstate compact for 185
juveniles; and to conform the Ohio Criminal 186
Sentencing Law with the Ohio Supreme Court's 187
decision in State v. Foster. 188

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

Section 1. That sections 109.42, 307.93, 309.18, 341.12, 189
926.99, 1333.99, 1707.99, 1716.99, 2151.312, 2151.354, 2152.02, 190
2152.021, 2152.10, 2152.11, 2152.12, 2152.13, 2152.14, 2152.17, 191
2152.22, 2152.26, 2301.27, 2301.30, 2903.01, 2909.03, 2909.05, 192
2909.11, 2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 193
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 194
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 195
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 196
2921.13, 2921.34, 2921.41, 2923.01, 2923.31, 2925.01, 2925.03, 197
2925.05, 2925.11, 2929.01, 2929.11, 2929.13, 2929.14, 2929.15, 198
2929.16, 2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 2930.17, 199
2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 2967.193, 2967.28, 200
2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.16, 5120.331, 201
5120.48, 5120.59, 5120.60, 5120.66, 5139.01, 5139.05, 5139.06, 202
5139.20, 5139.43, 5139.51, 5149.01, 5149.10, 5149.31, 5149.32, 203
5149.33, 5149.34, and 5149.36 be amended and new sections 2151.56, 204
2151.57, 2151.58, and 2151.59, and sections 307.932, 2151.351, 205
2152.51, 2152.52, 2152.53, 2152.54, 2152.55, 2152.56, 2152.57, 206
2152.58, 2152.59, 2301.271, 2929.143, 2951.022, 2967.19, 5120.035, 207
5120.036, 5120.113, 5120.114, 5120.115, and 5149.311 of the 208
Revised Code be enacted to read as follows: 209

Sec. 109.42. (A) The attorney general shall prepare and have 210
printed a pamphlet that contains a compilation of all statutes 211
relative to victim's rights in which the attorney general lists 212
and explains the statutes in the form of a victim's bill of 213
rights. The attorney general shall distribute the pamphlet to all 214
sheriffs, marshals, municipal corporation and township police 215
departments, constables, and other law enforcement agencies, to 216
all prosecuting attorneys, city directors of law, village 217

solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930. or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

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

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

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

(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place

of the trial or delinquency proceeding in the case or, if there 250
will not be a trial or delinquency proceeding, information from 251
the prosecutor, as defined in section 2930.01 of the Revised Code, 252
regarding the disposition of the case; 253

(5) The right of the victim in certain criminal or juvenile 254
cases or a victim's representative to receive, pursuant to section 255
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 256
name of the person charged with the violation, the case or docket 257
number assigned to the charge, and a telephone number or numbers 258
that can be called to obtain information about the disposition of 259
the case; 260

(6) The right of the victim in certain criminal or juvenile 261
cases or of the victim's representative pursuant to section 262
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 263
terms set by the court as authorized under section 2930.14 of the 264
Revised Code, to make a statement about the victimization and, if 265
applicable, a statement relative to the sentencing or disposition 266
of the offender; 267

(7) The opportunity to obtain a court order, pursuant to 268
section 2945.04 of the Revised Code, to prevent or stop the 269
commission of the offense of intimidation of a crime victim or 270
witness or an offense against the person or property of the 271
complainant, or of the complainant's ward or child; 272

(8) The right of the victim in certain criminal or juvenile 273
cases or a victim's representative pursuant to sections 2151.38, 274
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 275
receive notice of a pending motion for judicial release, release 276
pursuant to section 2967.19 of the Revised Code, or other early 277
release of the person who committed the offense against the 278
victim, to make an oral or written statement at the court hearing 279
on the motion, and to be notified of the court's decision on the 280
motion; 281

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

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

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

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

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

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the

victim's last address or telephone number provided to the 313
custodial agency, and to receive notice that, if either the 314
victim's address or telephone number changes, it is in the 315
victim's interest to provide the new address or telephone number 316
to the custodial agency; 317

(15) The right of a victim of domestic violence to seek the 318
issuance of a civil protection order pursuant to section 3113.31 319
of the Revised Code, the right of a victim of a violation of 320
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 321
of the Revised Code, a violation of a substantially similar 322
municipal ordinance, or an offense of violence who is a family or 323
household member of the offender at the time of the offense to 324
seek the issuance of a temporary protection order pursuant to 325
section 2919.26 of the Revised Code, and the right of both types 326
of victims to be accompanied by a victim advocate during court 327
proceedings; 328

(16) The right of a victim of a sexually oriented offense or 329
of a child-victim oriented offense that is committed by a person 330
who is convicted of, pleads guilty to, or is adjudicated a 331
delinquent child for committing the offense and who is in a 332
category specified in division (B) of section 2950.10 of the 333
Revised Code to receive, pursuant to that section, notice that the 334
person has registered with a sheriff under section 2950.04, 335
2950.041, or 2950.05 of the Revised Code and notice of the 336
person's name, the person's residence that is registered, and the 337
offender's school, institution of higher education, or place of 338
employment address or addresses that are registered, the person's 339
photograph, and a summary of the manner in which the victim must 340
make a request to receive the notice. As used in this division, 341
"sexually oriented offense" and "child-victim oriented offense" 342
have the same meanings as in section 2950.01 of the Revised Code. 343

(17) The right of a victim of certain sexually violent 344

offenses committed by an offender who also is convicted of or 345
pleads guilty to a sexually violent predator specification and who 346
is sentenced to a prison term pursuant to division (A)(3) of 347
section 2971.03 of the Revised Code, of a victim of a violation of 348
division (A)(1)(b) of section 2907.02 of the Revised Code 349
committed on or after January 2, 2007, by an offender who is 350
sentenced for the violation pursuant to division (B)(1)(a), (b), 351
or (c) of section 2971.03 of the Revised Code, of a victim of an 352
attempted rape committed on or after January 2, 2007, by an 353
offender who also is convicted of or pleads guilty to a 354
specification of the type described in section 2941.1418, 355
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 356
the violation pursuant to division (B)(2)(a), (b), or (c) of 357
section 2971.03 of the Revised Code, and of a victim of an offense 358
that is described in division (B)(3)(a), (b), (c), or (d) of 359
section 2971.03 of the Revised Code and is committed by an 360
offender who is sentenced pursuant to one of those divisions to 361
receive, pursuant to section 2930.16 of the Revised Code, notice 362
of a hearing to determine whether to modify the requirement that 363
the offender serve the entire prison term in a state correctional 364
facility, whether to continue, revise, or revoke any existing 365
modification of that requirement, or whether to terminate the 366
prison term. As used in this division, "sexually violent offense" 367
and "sexually violent predator specification" have the same 368
meanings as in section 2971.01 of the Revised Code. 369

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 370
prosecuting attorney, assistant prosecuting attorney, city 371
director of law, assistant city director of law, village 372
solicitor, assistant village solicitor, or similar chief legal 373
officer of a municipal corporation or an assistant of any of those 374
officers who prosecutes an offense committed in this state, upon 375
first contact with the victim of the offense, the victim's family, 376
or the victim's dependents, shall give the victim, the victim's 377

family, or the victim's dependents a copy of the pamphlet prepared 378
pursuant to division (A) of this section and explain, upon 379
request, the information in the pamphlet to the victim, the 380
victim's family, or the victim's dependents. 381

(b) Subject to division (B)(1)(c) of this section, a law 382
enforcement agency that investigates an offense or delinquent act 383
committed in this state shall give the victim of the offense or 384
delinquent act, the victim's family, or the victim's dependents a 385
copy of the pamphlet prepared pursuant to division (A) of this 386
section at one of the following times: 387

(i) Upon first contact with the victim, the victim's family, 388
or the victim's dependents; 389

(ii) If the offense or delinquent act is an offense of 390
violence, if the circumstances of the offense or delinquent act 391
and the condition of the victim, the victim's family, or the 392
victim's dependents indicate that the victim, the victim's family, 393
or the victim's dependents will not be able to understand the 394
significance of the pamphlet upon first contact with the agency, 395
and if the agency anticipates that it will have an additional 396
contact with the victim, the victim's family, or the victim's 397
dependents, upon the agency's second contact with the victim, the 398
victim's family, or the victim's dependents. 399

If the agency does not give the victim, the victim's family, 400
or the victim's dependents a copy of the pamphlet upon first 401
contact with them and does not have a second contact with the 402
victim, the victim's family, or the victim's dependents, the 403
agency shall mail a copy of the pamphlet to the victim, the 404
victim's family, or the victim's dependents at their last known 405
address. 406

(c) In complying on and after December 9, 1994, with the 407
duties imposed by division (B)(1)(a) or (b) of this section, an 408

official or a law enforcement agency shall use copies of the 409
pamphlet that are in the official's or agency's possession on 410
December 9, 1994, until the official or agency has distributed all 411
of those copies. After the official or agency has distributed all 412
of those copies, the official or agency shall use only copies of 413
the pamphlet that contain at least the information described in 414
divisions (A)(1) to (17) of this section. 415

(2) The failure of a law enforcement agency or of a 416
prosecuting attorney, assistant prosecuting attorney, city 417
director of law, assistant city director of law, village 418
solicitor, assistant village solicitor, or similar chief legal 419
officer of a municipal corporation or an assistant to any of those 420
officers to give, as required by division (B)(1) of this section, 421
the victim of an offense or delinquent act, the victim's family, 422
or the victim's dependents a copy of the pamphlet prepared 423
pursuant to division (A) of this section does not give the victim, 424
the victim's family, the victim's dependents, or a victim's 425
representative any rights under section 2743.51 to 2743.72, 426
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 427
Revised Code or under any other provision of the Revised Code and 428
does not affect any right under those sections. 429

(3) A law enforcement agency, a prosecuting attorney or 430
assistant prosecuting attorney, or a city director of law, 431
assistant city director of law, village solicitor, assistant 432
village solicitor, or similar chief legal officer of a municipal 433
corporation that distributes a copy of the pamphlet prepared 434
pursuant to division (A) of this section shall not be required to 435
distribute a copy of an information card or other printed material 436
provided by the clerk of the court of claims pursuant to section 437
2743.71 of the Revised Code. 438

(C) The cost of printing and distributing the pamphlet 439
prepared pursuant to division (A) of this section shall be paid 440

out of the reparations fund, created pursuant to section 2743.191 441
of the Revised Code, in accordance with division (D) of that 442
section. 443

(D) As used in this section: 444

(1) "Victim's representative" has the same meaning as in 445
section 2930.01 of the Revised Code; 446

(2) "Victim advocate" has the same meaning as in section 447
2919.26 of the Revised Code. 448

Sec. 307.93. (A) The boards of county commissioners of two or 449
more adjacent counties may contract for the joint establishment of 450
a multicounty correctional center, and the board of county 451
commissioners of a county or the boards of two or more counties 452
may contract with any municipal corporation or municipal 453
corporations located in that county or those counties for the 454
joint establishment of a municipal-county or multicounty-municipal 455
correctional center. The center shall augment county and, where 456
applicable, municipal jail programs and facilities by providing 457
custody and rehabilitative programs for those persons under the 458
charge of the sheriff of any of the contracting counties or of the 459
officer or officers of the contracting municipal corporation or 460
municipal corporations having charge of persons incarcerated in 461
the municipal jail, workhouse, or other correctional facility who, 462
in the opinion of the sentencing court, need programs of custody 463
and rehabilitation not available at the county or municipal jail 464
and by providing custody and rehabilitative programs in accordance 465
with division (C) of this section, if applicable. The contract may 466
include, but need not be limited to, provisions regarding the 467
acquisition, construction, maintenance, repair, termination of 468
operations, and administration of the center. The contract shall 469
prescribe the manner of funding of, and debt assumption for, the 470
center and the standards and procedures to be followed in the 471

operation of the center. Except as provided in division (H) of 472
this section, the contracting counties and municipal corporations 473
shall form a corrections commission to oversee the administration 474
of the center. Members of the commission shall consist of the 475
sheriff of each participating county, ~~the president~~ a member of 476
the board of county commissioners of each participating county, 477
~~the presiding judge of the court of common pleas of each~~ 478
~~participating county, or, if the court of common pleas of a~~ 479
~~participating county has only one judge, then that judge, the~~ 480
chief of police of each participating municipal corporation, and 481
the mayor or city manager of each participating municipal 482
corporation, ~~and the presiding judge or the sole judge of the~~ 483
~~municipal court of each participating municipal corporation.~~ Any 484
of the foregoing officers may appoint a designee to serve in the 485
officer's place on the corrections commission. The standards and 486
procedures shall be formulated and agreed to by the commission and 487
may be amended at any time during the life of the contract by 488
agreement of the parties to the contract upon the advice of the 489
commission. The standards and procedures formulated by the 490
commission shall include, but need not be limited to, designation 491
of the person in charge of the center, designation of a fiscal 492
agent, the categories of employees to be employed at the center, 493
the appointing authority of the center, and the standards of 494
treatment and security to be maintained at the center. The person 495
in charge of, and all persons employed to work at, the center 496
shall have all the powers of police officers that are necessary 497
for the proper performance of the duties relating to their 498
positions at the center. 499

(B)(1) Upon the establishment of a corrections commission 500
under division (A) of this section, the judges specified in this 501
division shall form a judicial advisory board for the purpose of 502
making recommendations to the corrections commission on issues of 503
bed allocation, expansion of the center that the corrections 504

commission oversees, and other issues concerning the 505
administration of sentences or any other matter determined to be 506
appropriate by the board. The judges who shall form the judicial 507
advisory board for a corrections commission are the administrative 508
judge of the general division of the court of common pleas of each 509
county participating in the corrections center, the presiding 510
judge of the municipal court of each municipal corporation 511
participating in the corrections center, and the presiding judge 512
of each county court of each county participating in the 513
corrections center. If the number of the foregoing members of the 514
board is even, the county auditor or the county auditor of the 515
most populous county if the board serves more than one county 516
shall also be a member of the board. Any of the foregoing judges 517
may appoint a designee to serve in the judge's place on the 518
judicial advisory board, provided that the designee shall be a 519
judge of the same court as the judge who makes the appointment. 520
The judicial advisory board for a corrections commission shall 521
meet with the corrections commission at least once each year. 522

(2) Each board of county commissioners that enters a contract 523
under division (A) of this section may appoint a building 524
commission pursuant to section 153.21 of the Revised Code. If any 525
commissions are appointed, they shall function jointly in the 526
construction of a multicounty or multicounty-municipal 527
correctional center with all the powers and duties authorized by 528
law. 529

(C) Prior to the acceptance for custody and rehabilitation 530
into a center established under this section of any persons who 531
are designated by the department of rehabilitation and correction, 532
who plead guilty to or are convicted of a felony of the fourth or 533
fifth degree, and who satisfy the other requirements listed in 534
section 5120.161 of the Revised Code, the corrections commission 535
of a center established under this section shall enter into an 536

agreement with the department of rehabilitation and correction 537
under section 5120.161 of the Revised Code for the custody and 538
rehabilitation in the center of persons who are designated by the 539
department, who plead guilty to or are convicted of a felony of 540
the fourth or fifth degree, and who satisfy the other requirements 541
listed in that section, in exchange for a per diem fee per person. 542
Persons incarcerated in the center pursuant to an agreement 543
entered into under this division shall be subject to supervision 544
and control in the manner described in section 5120.161 of the 545
Revised Code. This division does not affect the authority of a 546
court to directly sentence a person who is convicted of or pleads 547
guilty to a felony to the center in accordance with section 548
2929.16 of the Revised Code. 549

(D) Pursuant to section 2929.37 of the Revised Code, each 550
board of county commissioners and the legislative authority of 551
each municipal corporation that enters into a contract under 552
division (A) of this section may require a person who was 553
convicted of an offense, who is under the charge of the sheriff of 554
their county or of the officer or officers of the contracting 555
municipal corporation or municipal corporations having charge of 556
persons incarcerated in the municipal jail, workhouse, or other 557
correctional facility, and who is confined in the multicounty, 558
municipal-county, or multicounty-municipal correctional center as 559
provided in that division, to reimburse the applicable county or 560
municipal corporation for its expenses incurred by reason of the 561
person's confinement in the center. 562

(E) Notwithstanding any contrary provision in this section or 563
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 564
corrections commission of a center may establish a policy that 565
complies with section 2929.38 of the Revised Code and that 566
requires any person who is not indigent and who is confined in the 567
multicounty, municipal-county, or multicounty-municipal 568

correctional center to pay a reception fee, a fee for medical 569
treatment or service requested by and provided to that person, or 570
the fee for a random drug test assessed under division (E) of 571
section 341.26 of the Revised Code. 572

(F)(1) The corrections commission of a center established 573
under this section may establish a commissary for the center. The 574
commissary may be established either in-house or by another 575
arrangement. If a commissary is established, all persons 576
incarcerated in the center shall receive commissary privileges. A 577
person's purchases from the commissary shall be deducted from the 578
person's account record in the center's business office. The 579
commissary shall provide for the distribution to indigent persons 580
incarcerated in the center of necessary hygiene articles and 581
writing materials. 582

(2) If a commissary is established, the corrections 583
commission of a center established under this section shall 584
establish a commissary fund for the center. The management of 585
funds in the commissary fund shall be strictly controlled in 586
accordance with procedures adopted by the auditor of state. 587
Commissary fund revenue over and above operating costs and reserve 588
shall be considered profits. All profits from the commissary fund 589
shall be used to purchase supplies and equipment for the benefit 590
of persons incarcerated in the center and to pay salary and 591
benefits for employees of the center, or for any other persons, 592
who work in or are employed for the sole purpose of providing 593
service to the commissary. The corrections commission shall adopt 594
rules and regulations for the operation of any commissary fund it 595
establishes. 596

(G) In lieu of forming a corrections commission to administer 597
a multicounty correctional center or a municipal-county or 598
multicounty-municipal correctional center, the boards of county 599
commissioners and the legislative authorities of the municipal 600

corporations contracting to establish the center may also agree to 601
contract for the private operation and management of the center as 602
provided in section 9.06 of the Revised Code, but only if the 603
center houses only misdemeanor inmates. In order to enter into a 604
contract under section 9.06 of the Revised Code, all the boards 605
and legislative authorities establishing the center shall approve 606
and be parties to the contract. 607

(H) If a person who is convicted of or pleads guilty to an 608
offense is sentenced to a term in a multicounty correctional 609
center or a municipal-county or multicounty-municipal correctional 610
center or is incarcerated in the center in the manner described in 611
division (C) of this section, or if a person who is arrested for 612
an offense, and who has been denied bail or has had bail set and 613
has not been released on bail is confined in a multicounty 614
correctional center or a municipal-county or multicounty-municipal 615
correctional center pending trial, at the time of reception and at 616
other times the officer, officers, or other person in charge of 617
the operation of the center determines to be appropriate, the 618
officer, officers, or other person in charge of the operation of 619
the center may cause the convicted or accused offender to be 620
examined and tested for tuberculosis, HIV infection, hepatitis, 621
including but not limited to hepatitis A, B, and C, and other 622
contagious diseases. The officer, officers, or other person in 623
charge of the operation of the center may cause a convicted or 624
accused offender in the center who refuses to be tested or treated 625
for tuberculosis, HIV infection, hepatitis, including but not 626
limited to hepatitis A, B, and C, or another contagious disease to 627
be tested and treated involuntarily. 628

(I) As used in this section, "multicounty-municipal" means 629
more than one county and a municipal corporation, or more than one 630
municipal corporation and a county, or more than one municipal 631
corporation and more than one county. 632

Sec. 307.932. (A) As used in this section: 633

(1) "Division of parole and community services" means the 634
division of parole and community services of the department of 635
rehabilitation and correction. 636

(2) "Eligible offender" means, in relation to a particular 637
community alternative sentencing center or district community 638
alternative sentencing center established and operated under 639
division (E) of this section, an offender who has been convicted 640
of or pleaded guilty to a qualifying misdemeanor offense, for whom 641
no provision of the Revised Code or ordinance of a municipal 642
corporation other than section 4511.19 of the Revised Code or an 643
ordinance of a municipal corporation that provides the penalties 644
for a municipal OVI offense of the municipal corporation requires 645
the imposition of a mandatory jail term for that qualifying 646
misdemeanor offense, and who is eligible to be sentenced directly 647
to that center and admitted to it under rules adopted under 648
division (G) of this section by the board of county commissioners 649
or affiliated group of boards of county commissioners that 650
established and operates that center. 651

(3) "Municipal OVI offense" has the same meaning as in 652
section 4511.181 of the Revised Code. 653

(4) "OVI term of confinement" means a term of confinement 654
imposed for a violation of section 4511.19 of the Revised Code or 655
for a municipal OVI offense, including any mandatory jail term or 656
mandatory term of local incarceration imposed for that violation 657
or offense. 658

(5) "Community residential sanction" means a community 659
residential sanction imposed under section 2929.26 of the Revised 660
Code for a misdemeanor violation of a section of the Revised Code 661
or a term of confinement imposed for a misdemeanor violation of a 662
municipal ordinance that is not a jail term. 663

(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. 664
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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. 668
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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 the purpose of closely monitoring those eligible offenders' adjustment to community supervision. Each board that affiliates with one or more other boards to formulate a proposal pursuant to this division shall formulate the proposal by resolution. 680
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(C) Each proposal for a community alternative sentencing 695

center or a district community alternative sentencing center that 696
is formulated under division (B)(1) or (2) of this section shall 697
include proposals for operation of the center and for criteria to 698
define which offenders are eligible to be sentenced directly to 699
the center and admitted to it. At a minimum, the proposed criteria 700
that define which offenders are eligible to be sentenced directly 701
to the center and admitted to it shall provide all of the 702
following: 703

(1) That an offender is eligible to be sentenced directly to 704
the center and admitted to it if the offender has been convicted 705
of or pleaded guilty to a qualifying misdemeanor offense and is 706
sentenced directly to the center for the qualifying misdemeanor 707
offense pursuant to a community residential sanction of not more 708
than thirty days or pursuant to an OVI term of confinement of not 709
more than thirty days by a court that is located in the county or 710
one of the counties served by the board of county commissioners or 711
by any of the affiliated group of boards of county commissioners 712
that submits the proposal; 713

(2) That no offender is eligible to be sentenced directly to 714
the center or admitted to it if, in addition to the community 715
residential sanction or OVI term of confinement described in 716
division (C)(1) of this section, the offender is serving or has 717
been sentenced to serve any other jail term, prison term, or 718
community residential sanction. 719

(D)(1) If a board of county commissioners formulates a 720
proposal for a community alternative sentencing center pursuant to 721
division (B)(1) of this section or an affiliated group of boards 722
of county commissioners formulates a proposal for a district 723
community alternative sentencing center pursuant to division 724
(B)(2) of this section, prior to establishing or operating the 725
center, the board or the affiliated group of boards shall submit 726
the proposal for certification to the division of parole and 727

community services of the department of rehabilitation and 728
correction for approval and certification pursuant to division (F) 729
of section 5120.10 of the Revised Code. The division may approve 730
and certify a center as a suitable facility for the care and 731
treatment of adult offenders only if the center complies with the 732
standards for the certification of the centers that the division 733
adopts by rule in accordance with Chapter 119. of the Revised 734
Code. The division shall inspect each center to which a proposal 735
submitted under this division applies and annually shall inspect 736
each center established or operated under an approved and 737
certified proposal to determine if the proposed or certified 738
center is in compliance with the certification standards. A board 739
or affiliated group of boards shall not establish or operate a 740
center without the division's approval and certification. The 741
approval and certification of a center by the division is not a 742
requirement for, and is not an affirmation that the division or 743
the department of rehabilitation and correction must or will 744
provide, funding for the operation of the center. 745

(2) If a proposal for a community alternative sentencing 746
center or a district community alternative sentencing center that 747
is formulated under division (B)(1) or (2) of this section 748
contemplates the use of an existing facility, or a part of an 749
existing facility, as the center, nothing in this section limits, 750
restricts, or precludes the use of the facility, the part of the 751
facility, or any other part of the facility for any purpose other 752
than as a community alternative sentencing center or district 753
community alternative sentencing center. 754

(E) Upon approval and certification by the division of parole 755
and community services of a proposal for a community alternative 756
sentencing center or for a district community alternative 757
sentencing center submitted to the division under division (D) of 758
this section, the board of county commissioners or the affiliated 759

group of boards of county commissioners that submitted the 760
proposal may establish and operate the center in accordance with 761
the approved and certified proposal, division (G) of this section, 762
and rules adopted under that division. The establishment and 763
operation of the center may be done by subcontracting with a 764
nonprofit organization for the operation of the center. 765

If a board of county commissioners or an affiliated group of 766
boards of county commissioners establishes and operates a 767
community alternative sentencing center or district community 768
alternative sentencing center under this division, except as 769
otherwise provided in this division, the center is not a minimum 770
security jail under section 341.14, section 753.21, or any other 771
provision of the Revised Code, is not a jail or alternative 772
residential facility as defined in section 2929.01 of the Revised 773
Code, is not required to satisfy or comply with minimum standards 774
for minimum security jails or other jails that are promulgated 775
under division (A) of section 5120.10 of the Revised Code, is not 776
a local detention facility as defined in section 2929.36 of the 777
Revised Code, and is not a residential unit as defined in section 778
2950.01 of the Revised Code. The center is a detention facility as 779
defined in sections 2921.01 and 2923.124 of the Revised Code, and 780
an eligible offender confined in the center is under detention as 781
defined in section 2921.01 of the Revised Code. Regarding persons 782
sentenced directly to the center under an OVI term of confinement, 783
the center shall be considered a "jail" or "local correctional 784
facility" for purposes of any provision in section 4511.19 of the 785
Revised Code or in an ordinance of a municipal corporation that 786
requires a mandatory jail term or mandatory term of local 787
incarceration for the violation of section 4511.19 of the Revised 788
Code or the municipal OVI offense, and a direct sentence of a 789
person to the center under an OVI term of confinement shall be 790
considered to be a sentence to a "jail" or "local correctional 791
facility" for purposes of any such provision in section 4511.19 of 792

the Revised Code or in an ordinance of a municipal corporation. 793

(F)(1) If the board of county commissioners of a county that 794
is being served by a community alternative sentencing center 795
established pursuant to division (E) of this section determines 796
that it no longer wants to be served by the center, the board may 797
dissolve the center by adopting a resolution evidencing the 798
determination to dissolve the center and notifying, in writing, 799
the division of parole and community services of the determination 800
to dissolve the center. 801

(2) If the boards of county commissioners of all of the 802
counties served by any district community alternative sentencing 803
center established pursuant to division (E) of this section 804
determine that they no longer want to be served by the center, the 805
boards may dissolve the center by adopting in each county a 806
resolution evidencing the determination to dissolve the center and 807
notifying, in writing, the division of parole and community 808
services of the determination to dissolve the center. 809

(3) If at least one, but not all, of the boards of county 810
commissioners of the counties being served by any district 811
community alternative sentencing center established pursuant to 812
division (E) of this section determines that it no longer wants to 813
be served by the center, the board may terminate its involvement 814
with the center by adopting a resolution evidencing the 815
determination to terminate its involvement with the center and 816
notifying, in writing, the division of parole and community 817
services of the determination to terminate its involvement with 818
the center. If at least one, but not all, of the boards of county 819
commissioners of the counties being served by any community 820
alternative sentencing center terminates its involvement with the 821
center in accordance with this division, the other boards of 822
county commissioners of the counties being served by the center 823
may continue to be served by the center. 824

(G) 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 it under division (D) of this section, prior to establishing or operating the center, the board of county commissioners or the affiliated group of boards of county commissioners that submitted the proposal shall adopt rules for the operation of the center. The rules shall include criteria that define which offenders are eligible to be sentenced directly to the center and admitted to it and the criteria so included shall be consistent with the proposed criteria included in the proposal approved and certified by the division.

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

(1) Any court located within the county served by the board that establishes and operates a community correctional center may directly sentence eligible offenders to the center 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. Any court located within a county served by any of the boards that establishes and operates a district community correctional center may directly sentence eligible offenders to the center 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.

(2) Each eligible offender who is sentenced to the center as described in division (H)(1) of this section and admitted to it shall be offered during the eligible offender's confinement at the

center educational and vocational services and reentry planning 857
and may be offered any other treatment and rehabilitative services 858
that are available and that the court that sentenced the 859
particular eligible offender to the center and the administrator 860
of the center determine are appropriate based upon the offense for 861
which the eligible offender was sentenced to the community 862
residential sanction and the length of the sanction. 863

(3) Before accepting an eligible offender sentenced to the 864
center by a court, the board or the affiliated group of boards 865
shall enter into an agreement with a political subdivision that 866
operates that court that addresses the cost and payment of medical 867
treatment or services received by eligible offenders sentenced by 868
that court while they are confined in the center. The agreement 869
may provide for the payment of the costs by the particular 870
eligible offender who receives the treatment or services, as 871
described in division (I) of this section. 872

(4) If a court sentences an eligible offender to a center 873
under authority of division (H)(1) of this section, immediately 874
after the sentence is imposed, the eligible offender shall be 875
taken to the probation department that serves the court. The 876
department shall handle any preliminary matters regarding the 877
admission of the eligible offender to the center, including a 878
determination as to whether the eligible offender may be admitted 879
to the center under the criteria included in the rules adopted 880
under division (G) of this section that define which offenders are 881
eligible to be sentenced and admitted to the center. If the 882
eligible offender is accepted for admission to the center, the 883
department shall schedule the eligible offender for the admission 884
and shall provide for the transportation of the offender to the 885
center. If an eligible offender who is sentenced to the center 886
under a community residential sanction is not accepted for 887
admission to the center for any reason, the nonacceptance shall be 888

considered a violation of a condition of the community residential 889
sanction, the eligible offender shall be taken before the court 890
that imposed the sentence, and the court may proceed as specified 891
in division (C)(2) of section 2929.25 of the Revised Code based on 892
the violation or as provided by ordinance of the municipal 893
corporation based on the violation, whichever is applicable. If an 894
eligible offender who is sentenced to the center under an OVI term 895
of confinement is not accepted for admission to the center for any 896
reason, the eligible offender shall be taken before the court that 897
imposed the sentence, and the court shall determine the place at 898
which the offender is to serve the term of confinement. If the 899
eligible offender is admitted to the center, all of the following 900
apply: 901

(a) The admission shall be under the terms and conditions 902
established by the court and the administrator of the center, and 903
the court and the administrator of the center shall provide for 904
the confinement of the eligible offender and supervise the 905
eligible offender as provided in divisions (H)(4)(b) to (f) of 906
this section. 907

(b) The eligible offender shall be confined in the center 908
during any period of time that the eligible offender is not 909
actually working at the eligible offender's approved work release 910
described in division (H)(4)(c) of this section, engaged in 911
community service activities described in division (H)(4)(d) of 912
this section, engaged in authorized vocational training or another 913
authorized educational program, engaged in another program 914
designated by the administrator of the center, or engaged in other 915
activities approved by the court and the administrator of the 916
center. 917

(c) If the court and the administrator of the center 918
determine that work release is appropriate based upon the offense 919
for which the eligible offender was sentenced to the community 920

residential sanction or OVI term of confinement and the length of 921
the sanction or term, the eligible offender may be offered work 922
release from confinement at the center and be released from 923
confinement while engaged in the work release. 924

(d) If the administrator of the center determines that 925
community service is appropriate and if the eligible offender will 926
be confined for more than ten days at the center, the eligible 927
offender may be required to participate in community service 928
activities approved by the political subdivision served by the 929
court. Community service activities that may be required under 930
this division may take place in facilities of the political 931
subdivision that operates the court, in the community, or in both 932
such locales. The eligible offender shall be released from 933
confinement while engaged in the community service activities. 934
Community service activities required under this division shall be 935
supervised by the court or an official designated by the board of 936
county commissioners or affiliated group of boards of county 937
commissioners that established and is operating the center. 938
Community service activities required under this division shall 939
not exceed in duration the period for which the eligible offender 940
will be confined at the center under the community residential 941
sanction or the OVI term of confinement. 942

(e) The confinement of the eligible offender in the center 943
shall be considered for purposes of this division and division 944
(H)(4)(f) of this section as including any period of time 945
described in division (H)(4)(b) of this section when the eligible 946
offender may be outside of the center and shall continue until the 947
expiration of the community residential sanction or OVI term of 948
confinement that the eligible offender is serving upon admission 949
to the center. 950

(f) After the admission and until the expiration of the 951
community residential sanction or OVI term of confinement that the 952

eligible offender is serving upon admission to the center, the 953
eligible offender shall be considered for purposes of any 954
provision in Title XXIX of the Revised Code to be serving the 955
community residential sanction or OVI term of confinement. 956

(5) The administrator of the center, or the administrator's 957
designee, shall post a sign as described in division (A)(4) of 958
section 2923.1212 of the Revised Code in a conspicuous location at 959
the center. 960

(I) The board of county commissioners that establishes and 961
operates a community alternative sentencing center under division 962
(E) of this section, or the affiliated group of boards of county 963
commissioners that establishes and operates a district community 964
alternative sentencing center under that division, may require an 965
eligible offender who is sentenced directly to the center and 966
admitted to it to pay to the county served by the board or the 967
counties served by the affiliated group of boards or the entity 968
operating the center the reasonable expenses incurred by the 969
county or counties, whichever is applicable, in supervising or 970
confining the eligible offender after being sentenced to the 971
center and admitted. Inability to pay those reasonable expenses 972
shall not be grounds for refusing to admit an otherwise eligible 973
offender to the center. 974

(J)(1) If an eligible offender who is directly sentenced to a 975
community alternative sentencing center or district community 976
alternative sentencing center and admitted to the center 977
successfully completes the service of the community residential 978
sanction in the center, the administrator of the center shall 979
notify the court that imposed the sentence, and the court shall 980
enter into the journal that the eligible offender successfully 981
completed the service of the sanction. 982

(2) If an eligible offender who is directly sentenced to a 983
community alternative sentencing center or district community 984

alternative sentencing center and admitted to the center violates 985
any rule established under this section by the board of county 986
commissioners or the affiliated group of boards of county 987
commissioners that establishes and operates the center, violates 988
any condition of the community residential sanction or OVI term of 989
confinement imposed by the sentencing court, or otherwise does not 990
successfully complete the service of the community residential 991
sanction or OVI term of confinement in the center, the 992
administrator of the center shall report the violation or failure 993
to successfully complete the sanction or term directly to the 994
court or to the probation department or probation officer with 995
general control and supervision over the eligible offender. A 996
failure to successfully complete the service of the community 997
residential sanction or OVI term of confinement in the center 998
shall be considered a violation of a condition of the community 999
residential sanction or the OVI term of confinement. If the 1000
administrator reports the violation to the probation department or 1001
probation officer, the department or officer shall report the 1002
violation to the court. Upon its receipt under this division of a 1003
report of a violation or failure to complete the sanction by a 1004
person sentenced to the center under a community residential 1005
sanction, the court may proceed as specified in division (C)(2) of 1006
section 2929.25 of the Revised Code based on the violation or as 1007
provided by ordinance of the municipal corporation based on the 1008
violation, whichever is applicable. Upon its receipt under this 1009
division of a report of a violation or failure to complete the 1010
term by a person sentenced to the center under an OVI term of 1011
confinement, the court shall determine the place at which the 1012
offender is to serve the remainder of the term of confinement. The 1013
eligible offender shall receive credit towards completing the 1014
eligible offender's sentence for the time spent in the center 1015
after admission to it. 1016

Sec. 309.18. (A) If a prosecuting attorney of a county 1017
receives notice from the ~~department of rehabilitation and~~ 1018
~~correction pursuant to section 5120.14 of the Revised Code that a~~ 1019
~~person indicted in that county for an offense of violence that is~~ 1020
~~a felony has escaped from a correctional institution under the~~ 1021
~~control of the department or otherwise has escaped from the~~ 1022
~~e custody of the department, receives notice from the sheriff of the~~ 1023
county pursuant to section 341.011 of the Revised Code that a 1024
person indicted for or otherwise charged with an offense of 1025
violence that is a felony and that was committed in the county has 1026
escaped from the county jail or workhouse or otherwise has escaped 1027
from the custody of the sheriff, or receives notice from a chief 1028
of police or other chief law enforcement officer of a municipal 1029
corporation pursuant to section 753.19 of the Revised Code that a 1030
person indicted for or otherwise charged with an offense of 1031
violence that is a felony and that was committed in the county has 1032
escaped from a jail or workhouse of that municipal corporation or 1033
otherwise has escaped from the custody of that municipal 1034
corporation, the prosecuting attorney shall notify each victim of 1035
an offense of violence that is a felony committed by that person 1036
of the person's escape and, if applicable, of ~~his~~ the person's 1037
subsequent apprehension. The notice of escape shall be given as 1038
soon as possible after receipt of the notice from the department, 1039
sheriff, or chief law enforcement officer of the municipal 1040
corporation and shall be given by telephone or in person, except 1041
that, if a prosecuting attorney tries and fails to give the notice 1042
of escape by telephone at the victim's last known telephone number 1043
or tries and fails to give the notice of escape in person at the 1044
victim's last known address, the notice of escape shall be given 1045
to the victim at ~~his~~ the victim's last known address by certified 1046
mail, return receipt requested. The notice of apprehension shall 1047
be given as soon as possible after the person is apprehended and 1048

shall be given in the same manner as is the notice of escape. 1049

Any prosecuting attorney who fails to give any notice 1050
required by this ~~section~~ division is immune from civil liability 1051
for any injury, death, or loss to person or property that might be 1052
incurred as a result of that failure to give notice. 1053

(B) If a prosecuting attorney of a county receives notice 1054
from the department of rehabilitation and correction pursuant to 1055
section 5120.14 of the Revised Code or otherwise receives notice 1056
from the department that a person who was convicted of or pleaded 1057
guilty in that county to an offense of violence that is a felony 1058
has escaped from a correctional institution under the control of 1059
the department or otherwise has escaped from the custody of the 1060
department, and if the office of victim services of the department 1061
requests assistance from the prosecuting attorney in identifying 1062
and locating the victim of the offense, the prosecuting attorney 1063
promptly shall provide the information requested, if available, to 1064
the office of victim services. 1065

Sec. 341.12. In a county not having a sufficient jail or 1066
staff, the sheriff shall convey any person charged with the 1067
commission of an offense, sentenced to imprisonment in the county 1068
jail, or in custody upon civil process to a jail in any county the 1069
sheriff considers most convenient and secure. ~~In the case of a 1070
person who has been charged with an offense and is being held 1071
pending trial~~ As used in this paragraph, any county includes a 1072
contiguous county in an adjoining state. 1073

The sheriff may call such aid as is necessary in guarding, 1074
transporting, or returning such person. Whoever neglects or 1075
refuses to render such aid, when so called upon, shall forfeit and 1076
pay the sum of ten dollars, to be recovered by an action in the 1077
name and for the use of the county. 1078

Such sheriff and his assistants shall receive such 1079

compensation for their services as the county auditor of the 1080
county from which such person was removed considers reasonable. 1081
The compensation shall be paid from the county treasury on the 1082
warrant of the auditor. 1083

The receiving sheriff shall not, pursuant to this section, 1084
convey the person received to any county other than the one from 1085
which the person was removed. 1086

Sec. 926.99. (A)(1) Except as provided in division (A)(2) of 1087
this section, whoever violates section 926.04 of the Revised Code 1088
is guilty of a misdemeanor of the first degree on a first offense 1089
and a felony of the fifth degree on each subsequent offense. 1090

(2) A person who violates section 926.04 of the Revised Code 1091
and who is insolvent and financially unable to satisfy a claimant 1092
as defined in section 926.021 of the Revised Code is guilty of a 1093
felony of the fifth degree if the financial obligation owed by the 1094
offender to the claimant is ~~five hundred~~ one thousand dollars or 1095
more and is less than ~~five~~ seven thousand five hundred dollars. If 1096
the financial obligation is ~~five~~ seven thousand five hundred 1097
dollars or more and is less than one hundred fifty thousand 1098
dollars, the offender is guilty of a felony of the fourth degree. 1099
If the financial obligation is one hundred fifty thousand dollars 1100
or more, the offender is guilty of a felony of the third degree. 1101

(B) Whoever violates division (E) or (F) of section 926.20 or 1102
division (A) of section 926.22 of the Revised Code is guilty of a 1103
minor misdemeanor on a first offense and a misdemeanor of the 1104
second degree on each subsequent offense. 1105

(C) Whoever violates division (G) of section 926.20 or 1106
section 926.34 or 926.35 of the Revised Code is guilty of a felony 1107
of the fourth degree. 1108

(D) Whoever violates division (A) of section 926.28 or 1109

division (B) of section 926.29 of the Revised Code is guilty of a 1110
felony of the fifth degree. 1111

(E) Whoever violates section 926.31 of the Revised Code is 1112
guilty of a misdemeanor of the fourth degree. 1113

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 1114
1333.04 of the Revised Code is guilty of a minor misdemeanor. 1115

(B) Whoever violates section 1333.12 or 1333.71 of the 1116
Revised Code is guilty of a misdemeanor of the fourth degree. 1117

(C) Whoever violates section 1333.36 of the Revised Code is 1118
guilty of a misdemeanor of the third degree. 1119

(D) A prosecuting attorney may file an action to restrain any 1120
person found in violation of section 1333.36 of the Revised Code. 1121
Upon the filing of such an action, the common pleas court may 1122
receive evidence of such violation and forthwith grant a temporary 1123
restraining order as may be prayed for, pending a hearing on the 1124
merits of said cause. 1125

(E) Whoever violates division (A)(1) of section 1333.52 or 1126
section 1333.81 of the Revised Code is guilty of a misdemeanor of 1127
the first degree. 1128

(F) Whoever violates division (A)(2) or (B) of section 1129
1333.52 of the Revised Code is guilty of a misdemeanor of the 1130
second degree. 1131

(G) Except as otherwise provided in this division, whoever 1132
violates section 1333.92 of the Revised Code is guilty of a 1133
misdemeanor of the first degree. If the value of the compensation 1134
is ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 1135
seven thousand five hundred dollars, whoever violates section 1136
1333.92 of the Revised Code is guilty of a felony of the fifth 1137
degree. If the value of the compensation is ~~five~~ seven thousand 1138
five hundred dollars or more and less than one hundred fifty 1139

thousand dollars, whoever violates section 1333.92 of the Revised Code is guilty of a felony of the fourth degree. If the value of the compensation is one hundred fifty thousand dollars or more, whoever violates section 1333.92 of the Revised Code is guilty of a felony of the third degree.

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

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

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

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

(D) If the value of the funds or securities involved in the offense or the loss to the victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, the offender is guilty of a felony of the second degree, and the court may impose upon the offender an

additional fine of not more than fifteen thousand dollars. 1171

(E) If the value of the funds or securities involved in the 1172
offense or the loss to the victim is one hundred fifty thousand 1173
dollars or more, the offender is guilty of a felony of the first 1174
degree, and the court may impose upon the offender an additional 1175
fine of not more than twenty thousand dollars. 1176

Sec. 1716.99. (A) Whoever violates any provision of sections 1177
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 1178
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 1179
of the first degree. 1180

Each occurrence of a solicitation of a contribution from any 1181
person in violation of any provision of sections 1716.02 to 1182
1716.17 of the Revised Code, other than division (A)(1) of section 1183
1716.14 of the Revised Code, is considered a separate offense. 1184

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 1185
the Revised Code is guilty of solicitation fraud and shall be 1186
punished as provided in divisions (B)(2) to (4) of this section. 1187

(2) Except as otherwise provided in division (B)(4) of this 1188
section, division (B)(3) of this section applies to solicitation 1189
fraud, and solicitation fraud is one of the following: 1190

(a) Except as otherwise provided in divisions (B)(2)(b) to 1191
(d) of this section, a misdemeanor of the first degree or, if the 1192
offender previously has been convicted of or pleaded guilty to a 1193
theft offense or a violation of division (A)(1) of section 1716.14 1194
of the Revised Code, a felony of the fifth degree. 1195

(b) If the value of the contribution or contributions made in 1196
the violation is ~~five hundred~~ one thousand dollars or more but 1197
less than ~~five~~ seven thousand five hundred dollars, a felony of 1198
the fifth degree or, if the offender previously has been convicted 1199
of or pleaded guilty to a theft offense or a violation of division 1200

(A)(1) of section 1716.14 of the Revised Code, a felony of the 1201
fourth degree. 1202

(c) If the value of the contribution or contributions made in 1203
the violation is ~~five~~ seven thousand five hundred dollars or more 1204
but less than one hundred fifty thousand dollars, a felony of the 1205
fourth degree or, if the offender previously has been convicted of 1206
or pleaded guilty to a theft offense or a violation of division 1207
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1208
third degree. 1209

(d) If the value of the contribution or contributions made in 1210
the violation is one hundred fifty thousand dollars or more, a 1211
felony of the third degree. 1212

(3) When an offender commits a series of offenses in 1213
violation of division (A)(1) of section 1716.14 of the Revised 1214
Code as part of a common scheme or plan to defraud multiple 1215
victims, all of the offenses may be tried as a single offense. If 1216
the offenses are tried as a single offense, the value of the 1217
contributions for purposes of determining the value as required by 1218
division (B)(2) of this section is the aggregate value of all 1219
contributions involved in all offenses in the common scheme or 1220
plan to defraud multiple victims. In prosecuting a single offense 1221
under this division, it is not necessary to separately allege and 1222
prove each offense in the series. Rather, it is sufficient to 1223
allege and prove that the offender, within a given span of time, 1224
committed one or more offenses as part of a common scheme or plan 1225
to defraud multiple victims as described in this division. 1226

(4) If the victim of the offense is an elderly person or 1227
disabled adult, division (B)(4) of this section and section 1228
2913.61 of the Revised Code apply to solicitation fraud, and 1229
solicitation fraud is one of the following: 1230

(a) Except as otherwise provided in divisions (B)(4)(b) to 1231

(d) of this section, a felony of the fifth degree; 1232

(b) If the value of the contributions made in the violation 1233
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 1234
seven thousand five hundred dollars, a felony of the fourth 1235
degree; 1236

(c) If the value of the contributions made in the violation 1237
is ~~five~~ seven thousand five hundred dollars or more and is less 1238
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a 1239
felony of the third degree; 1240

(d) If the value of the contributions made in the violation 1241
is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, 1242
a felony of the second degree. 1243

(C) Any person who is found guilty of any act or omission 1244
prohibited under this chapter shall forfeit the bond described in 1245
section 1716.05 or 1716.07 of the Revised Code to the state 1246
treasury to the credit of the charitable law fund established 1247
under section 109.32 of the Revised Code and shall be prohibited 1248
from registering with the attorney general or from serving as a 1249
fund-raising counsel or professional solicitor in this state for a 1250
period of five years after conviction. 1251

Sec. 2151.312. (A) A child alleged to be or adjudicated an 1252
unruly child may be held only in the following places: 1253

(1) A certified family foster home or a home approved by the 1254
court; 1255

(2) A facility operated by a certified child welfare agency; 1256

(3) Any other suitable place designated by the court. 1257

(B)(1) Except as provided under division (C)(1) of section 1258
2151.311 of the Revised Code, a child alleged to be or adjudicated 1259
a neglected child, an abused child, a dependent child, or an 1260
unruly child may not be held in any of the following facilities: 1261

(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of a crime, under arrest, or charged with a crime is held;

(b) A secure correctional facility.

(2) Except as provided under sections ~~2151.26~~ 2151.27 to ~~2151.61~~ 2151.59 of the Revised Code and division (B)(3) of this section and except when a case is transferred under section 2152.12 of the Revised Code, a child alleged to be or adjudicated an unruly child may not be held for more than twenty-four hours in a detention facility. A child alleged to be or adjudicated a neglected child, an abused child, or a dependent child shall not be held in a detention facility.

(3) A child who is alleged to be or adjudicated an unruly child and who is taken into custody on a Saturday, Sunday, or legal holiday, as listed in section 1.14 of the Revised Code, may be held in a detention facility until the next succeeding day that is not a Saturday, Sunday, or legal holiday.

Sec. 2151.351. Sections 2152.51 to 2152.59 of the Revised Code relating to a child's ability to understand the nature and objectives of a proceeding against the child and to assist in the child's defense apply in any proceeding under this chapter that is based on a complaint alleging that a child is an unruly child or a juvenile traffic offender.

Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:

(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;

(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described

in division (A)(4) of section 2152.19 of the Revised Code, 1292
provided that, if the court imposes a period of community service 1293
upon the child, the period of community service shall not exceed 1294
one hundred seventy-five hours; 1295

(3) Suspend the driver's license, probationary driver's 1296
license, or temporary instruction permit issued to the child for a 1297
period of time prescribed by the court and suspend the 1298
registration of all motor vehicles registered in the name of the 1299
child for a period of time prescribed by the court. A child whose 1300
license or permit is so suspended is ineligible for issuance of a 1301
license or permit during the period of suspension. At the end of 1302
the period of suspension, the child shall not be reissued a 1303
license or permit until the child has paid any applicable 1304
reinstatement fee and complied with all requirements governing 1305
license reinstatement. 1306

(4) Commit the child to the temporary or permanent custody of 1307
the court; 1308

(5) Make any further disposition the court finds proper that 1309
is consistent with sections 2151.312 and 2151.56 to ~~2151.61~~ 1310
2151.59 of the Revised Code; 1311

(6) If, after making a disposition under division (A)(1), 1312
(2), or (3) of this section, the court finds upon further hearing 1313
that the child is not amenable to treatment or rehabilitation 1314
under that disposition, make a disposition otherwise authorized 1315
under divisions (A)(1), (4), (5), and (8) of section 2152.19 of 1316
the Revised Code that is consistent with sections 2151.312 and 1317
2151.56 to ~~2151.61~~ 2151.59 of the Revised Code. 1318

(B) If a child is adjudicated an unruly child for committing 1319
any act that, if committed by an adult, would be a drug abuse 1320
offense, as defined in section 2925.01 of the Revised Code, or a 1321
violation of division (B) of section 2917.11 of the Revised Code, 1322

in addition to imposing, in its discretion, any other order of 1323
disposition authorized by this section, the court shall do both of 1324
the following: 1325

(1) Require the child to participate in a drug abuse or 1326
alcohol abuse counseling program; 1327

(2) Suspend the temporary instruction permit, probationary 1328
driver's license, or driver's license issued to the child for a 1329
period of time prescribed by the court. The court, in its 1330
discretion, may terminate the suspension if the child attends and 1331
satisfactorily completes a drug abuse or alcohol abuse education, 1332
intervention, or treatment program specified by the court. During 1333
the time the child is attending a program as described in this 1334
division, the court shall retain the child's temporary instruction 1335
permit, probationary driver's license, or driver's license, and 1336
the court shall return the permit or license if it terminates the 1337
suspension. 1338

(C)(1) If a child is adjudicated an unruly child for being an 1339
habitual truant, in addition to or in lieu of imposing any other 1340
order of disposition authorized by this section, the court may do 1341
any of the following: 1342

(a) Order the board of education of the child's school 1343
district or the governing board of the educational service center 1344
in the child's school district to require the child to attend an 1345
alternative school if an alternative school has been established 1346
pursuant to section 3313.533 of the Revised Code in the school 1347
district in which the child is entitled to attend school; 1348

(b) Require the child to participate in any academic program 1349
or community service program; 1350

(c) Require the child to participate in a drug abuse or 1351
alcohol abuse counseling program; 1352

(d) Require that the child receive appropriate medical or 1353

psychological treatment or counseling; 1354

(e) Make any other order that the court finds proper to 1355
address the child's habitual truancy, including an order requiring 1356
the child to not be absent without legitimate excuse from the 1357
public school the child is supposed to attend for five or more 1358
consecutive days, seven or more school days in one school month, 1359
or twelve or more school days in a school year and including an 1360
order requiring the child to participate in a truancy prevention 1361
mediation program. 1362

(2) If a child is adjudicated an unruly child for being an 1363
habitual truant and the court determines that the parent, 1364
guardian, or other person having care of the child has failed to 1365
cause the child's attendance at school in violation of section 1366
3321.38 of the Revised Code, in addition to any order of 1367
disposition authorized by this section, all of the following 1368
apply: 1369

(a) The court may require the parent, guardian, or other 1370
person having care of the child to participate in any community 1371
service program, preferably a community service program that 1372
requires the involvement of the parent, guardian, or other person 1373
having care of the child in the school attended by the child. 1374

(b) The court may require the parent, guardian, or other 1375
person having care of the child to participate in a truancy 1376
prevention mediation program. 1377

(c) The court shall warn the parent, guardian, or other 1378
person having care of the child that any subsequent adjudication 1379
of the child as an unruly or delinquent child for being an 1380
habitual or chronic truant may result in a criminal charge against 1381
the parent, guardian, or other person having care of the child for 1382
a violation of division (C) of section 2919.21 or section 2919.24 1383
of the Revised Code. 1384

Sec. 2151.56. The "interstate compact for juveniles" is 1385
hereby ratified, enacted into law, and entered into by the state 1386
of Ohio as a party to the compact with any other state that has 1387
legally joined in the compact as follows: 1388

INTERSTATE COMPACT FOR JUVENILES 1389

Article I -- Purpose 1390

The compacting states to this interstate compact for 1391
juveniles recognize that each state is responsible for the proper 1392
supervision or return of juveniles, delinquents, and status 1393
offenders who are on probation or parole and who have absconded, 1394
escaped, or run away from supervision and control and in so doing 1395
have endangered their own safety and the safety of others. The 1396
compacting states also recognize that each state is responsible 1397
for the safe return of juveniles who have run away from home and 1398
in doing so have left their state of residence. The compacting 1399
states also recognize that congress, by enacting the Crime Control 1400
Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged 1401
compacts for cooperative efforts and mutual assistance in the 1402
prevention of crime. 1403

It is the policy of the compacting states that the activities 1404
conducted by the interstate commission for juveniles created by 1405
this compact are the formation of public policies and therefore 1406
are public business. Furthermore, the compacting states shall 1407
cooperate and observe their individual and collective duties and 1408
responsibilities for the prompt return and acceptance of juveniles 1409
subject to the provisions of this compact. The provisions of this 1410
compact shall be reasonably and liberally construed to accomplish 1411
the purposes and policies of the compact. 1412

It is the purpose of this compact, through means of joint and 1413
cooperative action among the compacting states, to do all of the 1414
following: 1415

<u>(A) Ensure that the adjudicated juveniles and status</u>	1416
<u>offenders subject to this compact are provided adequate</u>	1417
<u>supervision and services in the receiving state as ordered by the</u>	1418
<u>adjudicating judge or parole authority in the sending state;</u>	1419
<u>(B) Ensure that the public safety interests of the citizens,</u>	1420
<u>including the victims of juvenile offenders, in both the sending</u>	1421
<u>and receiving states are adequately protected;</u>	1422
<u>(C) Return juveniles who have run away, absconded, or escaped</u>	1423
<u>from supervision or control or have been accused of an offense to</u>	1424
<u>the state requesting their return;</u>	1425
<u>(D) Make contracts for the cooperative institutionalization</u>	1426
<u>in public facilities in member states for delinquent youth needing</u>	1427
<u>special services;</u>	1428
<u>(E) Provide for the effective tracking and supervision of</u>	1429
<u>juveniles;</u>	1430
<u>(F) Equitably allocate the costs, benefits, and obligations</u>	1431
<u>of the compacting states;</u>	1432
<u>(G) Establish procedures to manage the movement between</u>	1433
<u>states of juvenile offenders released to the community under the</u>	1434
<u>jurisdiction of courts, juvenile departments, or any other</u>	1435
<u>criminal or juvenile justice agency that has jurisdiction over</u>	1436
<u>juvenile offenders;</u>	1437
<u>(H) Ensure immediate notice to jurisdictions where defined</u>	1438
<u>offenders are authorized to travel or to relocate across state</u>	1439
<u>lines;</u>	1440
<u>(I) Establish procedures to resolve pending charges, such as</u>	1441
<u>detainers, against juvenile offenders prior to transfer or release</u>	1442
<u>to the community under the terms of this compact;</u>	1443
<u>(J) Establish a system of uniform data collection on</u>	1444
<u>information pertaining to juveniles subject to this compact that</u>	1445

allows access by authorized juvenile justice and criminal justice officials and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile justice and criminal justice administrators; 1446
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1449

(K) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance; 1450
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1452

(L) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; 1453
1454
1455

(M) Coordinate the implementation and operation of this compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision, and other compacts affecting juveniles, particularly in those cases where concurrent or overlapping supervision issues arise. 1456
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1458
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Article II -- Definitions 1461

As used in this compact, unless the context clearly requires a different construction: 1462
1463

(A) "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling its actions or conduct. 1464
1465
1466

(B) "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact who is responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission under this compact, and policies adopted by the state council under this compact. 1467
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(C) "Compacting state" means any state that has enacted the enabling legislation for this compact. 1474
1475

(D) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact. 1476
1477
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(E) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children. 1479
1480

(F) "Interstate commission for juveniles" or "interstate commission" means the interstate commission for juveniles created by Article III of this compact. 1481
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1483

(G) "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including any of the following: 1484
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1486

(1) An "accused delinquent," which means a person charged with a violation of a law or municipal ordinance that, if committed by an adult, would be a criminal offense; 1487
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(2) An "adjudicated delinquent," which means a person found to have committed a violation of a law or municipal ordinance that, if committed by an adult, would be a criminal offense; 1490
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(3) An "accused status offender," which means a person charged with a violation of a law or municipal ordinance that would not be a criminal offense if committed by an adult; 1493
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(4) An "adjudicated status offender," which means a person found to have committed a violation of a law or municipal ordinance that would not be a criminal offense if committed by an adult; 1496
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(5) A "nonoffender," which means a person in need of supervision who is not an accused or adjudicated status offender or delinquent. 1500
1501
1502

(H) "Noncompacting state" means any state that has not enacted the enabling legislation for this compact. 1503
1504

(I) "Probation or parole" means any kind of supervision or 1505

conditional release of juveniles authorized under the laws of the 1506
compacting states. 1507

(J) "Rule" means a written statement by the interstate 1508
commission promulgated pursuant to Article VI of this compact that 1509
is of general applicability, that implements, interprets, or 1510
prescribes a policy or provision of the compact, or an 1511
organizational, procedural, or practice requirement of the 1512
interstate commission, and that has the force and effect of 1513
statutory law in a compacting state, and includes the amendment, 1514
repeal, or suspension of an existing rule. 1515

(K) "State" means a state of the United States, the District 1516
of Columbia or its designee, the Commonwealth of Puerto Rico, the 1517
U.S. Virgin Islands, Guam, American Samoa, and the Northern 1518
Marianas Islands. 1519

Article III -- Interstate Commission for Juveniles 1520

(A) The compacting states hereby create the "interstate 1521
commission for juveniles." The commission shall be a body 1522
corporate and joint agency of the compacting states. The 1523
commission shall have all the responsibilities, powers, and duties 1524
set forth in this compact, and any additional powers that may be 1525
conferred upon it by subsequent action of the respective 1526
legislatures of the compacting states in accordance with the terms 1527
of this compact. 1528

(B) The interstate commission shall consist of commissioners 1529
appointed by the appropriate appointing authority in each state 1530
pursuant to the rules and requirements of each compacting state 1531
and in consultation with the state council for interstate juvenile 1532
supervision created in the state in accordance with this compact. 1533
The commissioners are the voting representatives of each state. 1534
The commissioner for a state shall be the compact administrator or 1535
designee from that state who shall serve on the interstate 1536
commission in such capacity under or pursuant to the applicable 1537

law of the compacting state. 1538

(C) In addition to the commissioners, the interstate 1539
commission also shall include individuals who are not 1540
commissioners but who are members of interested organizations. The 1541
noncommissioner members shall include a member of the national 1542
organizations of governors, legislators, state chief justices, 1543
attorneys general, interstate compact for adult offender 1544
supervision, interstate compact for the placement of children, 1545
juvenile justice and juvenile corrections officials, and crime 1546
victims. All noncommissioner members of the interstate commission 1547
shall be ex officio, nonvoting members. The interstate commission 1548
may provide in its bylaws for such additional ex officio, 1549
nonvoting members, including members of other national 1550
organizations, in such numbers as shall be determined by the 1551
commission. 1552

(D) Each compacting state represented at any meeting of the 1553
interstate commission is entitled to one vote. A majority of the 1554
compacting states shall constitute a quorum for the transaction of 1555
business, unless a larger quorum is required by the bylaws of the 1556
interstate commission. 1557

(E) The interstate commission shall meet at least once each 1558
calendar year. The chairperson may call additional meetings and, 1559
upon the request of a simple majority of the compacting states, 1560
shall call additional meetings. Public notice shall be given of 1561
all meetings, and all meetings, shall be open to the public. 1562

(F) The interstate commission shall establish an executive 1563
committee, which shall include commission officers, members, and 1564
others as determined by the interstate commission's bylaws. The 1565
executive committee shall have the power to act on behalf of the 1566
interstate commission during periods when the interstate 1567
commission is not in session, with the exception of any rulemaking 1568
or amendment to the compact. The executive committee shall do all 1569

of the following: 1570

(1) Oversee the day-to-day activities of the administration 1571
of the compact, managed by an executive director and interstate 1572
commission staff; 1573

(2) Administer enforcement and compliance with the provisions 1574
of this compact and the interstate commission's bylaws and rules; 1575

(3) Perform any other duties as directed by the interstate 1576
commission or set forth in its bylaws. 1577

(G) Each member of the interstate commission shall have the 1578
right and power to cast a vote to which that compacting state is 1579
entitled and to participate in the business and affairs of the 1580
interstate commission. A member shall vote in person and shall not 1581
delegate a vote to another compacting state. However, a 1582
commissioner, in consultation with the state council for 1583
interstate juvenile supervision for the state, shall appoint 1584
another authorized representative, in the absence of the 1585
commissioner from that state, to cast a vote on behalf of the 1586
compacting state at a specified meeting. The interstate 1587
commission's bylaws may provide for members' participation in 1588
meetings by telephone or other means of telecommunication or 1589
electronic communication. 1590

(H) The interstate commission's bylaws shall establish 1591
conditions and procedures under which the interstate commission 1592
shall make its information and official records available to the 1593
public for inspection or copying. The interstate commission may 1594
exempt from disclosure any information or official records to the 1595
extent the information or official records would adversely affect 1596
personal privacy rights or proprietary interests. 1597

(I) Public notice shall be given of all meetings of the 1598
interstate commission, and all of its meetings shall be open to 1599
the public, except as set forth in the commission's rules or as 1600

otherwise provided in this compact. The interstate commission and 1601
any of its committees may close a meeting to the public when it 1602
determines by two-thirds vote that an open meeting would be likely 1603
to do any of the following: 1604

(1) Relate solely to the interstate commission's internal 1605
personnel practices and procedures; 1606

(2) Disclose matters specifically exempted from disclosure by 1607
statute; 1608

(3) Disclose trade secrets or commercial or financial 1609
information that is privileged or confidential; 1610

(4) Involve accusing any person of a crime or formally 1611
censuring any person; 1612

(5) Disclose information of a personal nature where 1613
disclosure would constitute a clearly unwarranted invasion of 1614
personal privacy; 1615

(6) Disclose investigative records compiled for law 1616
enforcement purposes; 1617

(7) Disclose information contained in or related to 1618
examination, operating, or condition reports prepared by, or on 1619
behalf of or for the use of, the interstate commission with 1620
respect to a regulated person or entity for the purpose of 1621
regulation or supervision of such person or entity; 1622

(8) Disclose information, the premature disclosure of which 1623
would significantly endanger the stability of a regulated person 1624
or entity; 1625

(9) Specifically relate to the interstate commission's 1626
issuance of a subpoena or its participation in a civil action or 1627
other legal proceeding. 1628

(J) For every meeting closed pursuant to division (I) of this 1629
Article of this compact, the interstate commission's legal counsel 1630

shall publicly certify that, in the legal counsel's opinion, the 1631
meeting may be closed to the public and shall reference each 1632
relevant exemptive provision. The interstate commission shall keep 1633
minutes that fully and clearly describe all matters discussed in 1634
any meeting and that provide a full and accurate summary of any 1635
actions taken, and the reasons for the actions, including a 1636
description of each of the views expressed on any item and the 1637
record of any roll call vote (reflected in the vote of each member 1638
on the question). All documents considered in connection with any 1639
action shall be identified in those minutes. 1640

(K) The interstate commission shall collect standardized data 1641
concerning the interstate movement of juveniles as directed 1642
through its rules, which shall specify the data to be collected, 1643
the means of collection and data exchange, and reporting 1644
requirements. Such methods of data collection, exchange, and 1645
reporting shall insofar as is reasonably possible conform to 1646
up-to-date technology and coordinate the interstate commission's 1647
information functions with the appropriate repository of records. 1648

Article IV -- Powers and Duties of the Interstate Commission 1649

The interstate commission shall maintain its corporate books 1650
and records in accordance with its bylaws. 1651

The interstate commission shall have all of the following 1652
powers and duties: 1653

(A) To provide for dispute resolution among compacting 1654
states; 1655

(B) To promulgate rules to affect the purposes and 1656
obligations as enumerated in this compact, which rules shall have 1657
the force and effect of statutory law and shall be binding in the 1658
compacting states to the extent and in the manner provided in this 1659
compact; 1660

(C) To oversee, supervise, and coordinate the interstate 1661

movement of juveniles, subject to the terms of this compact and 1662
any bylaws adopted and rules promulgated by the interstate 1663
commission; 1664

(D) To enforce compliance with the provisions of this 1665
compact, the rules promulgated by the interstate commission, and 1666
the interstate commission's bylaws, using all necessary and proper 1667
means, including but not limited to the use of judicial process; 1668

(E) To establish and maintain offices, which shall be located 1669
within one or more of the compacting states; 1670

(F) To purchase and maintain insurance and bonds; 1671

(G) To borrow, accept, hire, or contract for services of 1672
personnel; 1673

(H) To establish and appoint committees and hire staff that 1674
it considers necessary for the carrying out of its functions, 1675
including, but not limited to, an executive committee as required 1676
by Article III of this compact, which executive committee shall 1677
have the power to act on behalf of the interstate commission in 1678
carrying out its powers and duties under this compact; 1679

(I) To elect or appoint officers, attorneys, employees, 1680
agents, or consultants, to fix their compensation, define their 1681
duties, and determine their qualifications, and to establish the 1682
interstate commission's personnel policies and programs relating 1683
to, inter alia, conflicts of interest, rates of compensation, and 1684
qualifications of personnel; 1685

(J) To accept any and all donations and grants of money, 1686
equipment, supplies, materials, and services and to receive, 1687
utilize, and dispose of same; 1688

(K) To lease, purchase, accept contributions or donations of, 1689
or otherwise to own, hold, improve, or use any real property, 1690
personal property, or mixed real and personal property; 1691

<u>(L) To sell, convey, mortgage, pledge, lease, exchange,</u>	1692
<u>abandon, or otherwise dispose of any real property, personal</u>	1693
<u>property, or mixed real and personal property;</u>	1694
<u>(M) To establish a budget and make expenditures and levy dues</u>	1695
<u>as provided in Article VIII of this compact;</u>	1696
<u>(N) To sue and be sued;</u>	1697
<u>(O) To adopt a seal and bylaws governing the management and</u>	1698
<u>operation of the interstate commission;</u>	1699
<u>(P) To perform any functions that may be necessary or</u>	1700
<u>appropriate to achieve the purposes of this compact;</u>	1701
<u>(Q) To report annually to the legislatures, governors,</u>	1702
<u>judiciary, and state councils for interstate juvenile supervision</u>	1703
<u>of the compacting states concerning the activities of the</u>	1704
<u>interstate commission during the preceding year, and with the</u>	1705
<u>annual reports also including any recommendations that may have</u>	1706
<u>been adopted by the interstate commission.</u>	1707
<u>(R) To coordinate education, training, and public awareness</u>	1708
<u>regarding the interstate movement of juveniles for officials</u>	1709
<u>involved in such activity.</u>	1710
<u>(S) To establish uniform standards of the reporting,</u>	1711
<u>collecting and exchanging of data.</u>	1712
<u>Article V -- Organization and Operation of the Interstate</u>	1713
<u>Commission</u>	1714
<u>Section A. Bylaws</u>	1715
<u>The interstate commission, by a majority of the members</u>	1716
<u>present and voting and within twelve months after the first</u>	1717
<u>interstate commission meeting, shall adopt bylaws to govern its</u>	1718
<u>conduct as may be necessary or appropriate to carry out the</u>	1719
<u>purposes of this compact, including, but not limited to, bylaws</u>	1720
<u>that do all of the following:</u>	1721

<u>(1) Establish the fiscal year of the interstate commission;</u>	1722
<u>(2) Establish an executive committee and any other committees that may be necessary;</u>	1723 1724
<u>(3) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission;</u>	1725 1726 1727
<u>(4) Provide reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting;</u>	1728 1729 1730
<u>(5) Establish the titles and responsibilities of the officers of the interstate commission;</u>	1731 1732
<u>(6) Provide a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of this compact after the payment or reserving of all of its debts and obligations, or both;</u>	1733 1734 1735 1736
<u>(7) Provide start-up rules for initial administration of this compact;</u>	1737 1738
<u>(8) Establish standards and procedures for compliance and technical assistance in carrying out this compact.</u>	1739 1740
<u>Section B. Officers and Staff</u>	1741
<u>(1) The interstate commission, by a majority of the members, shall elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the interstate commission's bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs</u>	1742 1743 1744 1745 1746 1747 1748 1749 1750 1751

and expenses incurred by them in the performance of their duties 1752
and responsibilities as officers of the interstate commission. 1753

(2) The interstate commission, through its executive 1754
committee, shall appoint or retain an executive director for such 1755
period, upon such terms and conditions, and for such compensation 1756
as the interstate commission considers appropriate. The executive 1757
director shall serve as secretary to the interstate commission but 1758
shall not be a member of the interstate commission. The executive 1759
director shall hire and supervise such other staff as may be 1760
authorized by the interstate commission. 1761

Section C. Qualified Immunity, Defense, and Indemnification 1762

(1) Except as otherwise provided in this subsection, the 1763
interstate commission's executive director and each of its 1764
employees shall be immune from suit and liability, either 1765
personally or in the executive director's or employee's official 1766
capacity, for any claim for damage to or loss of property or 1767
personal injury or other civil liability caused or arising out of 1768
or relating to any actual or alleged act, error, or omission that 1769
occurred, or that the executive director or employee had a 1770
reasonable basis for believing occurred, within the scope of 1771
commission employment, duties, or responsibilities. The executive 1772
director or an employee shall not be protected from suit or 1773
liability for any damage, loss, injury, or liability caused by the 1774
executive director's or employee's willful and wanton misconduct 1775
of any such person. 1776

(2) The liability of any commissioner, or the employee or 1777
agent of a commissioner, acting within the scope of such person's 1778
employment or duties for acts, errors, or omissions occurring 1779
within such person's state may not exceed the limits of liability 1780
set forth under the constitution and laws of that state for state 1781
officials, employees, and agents. Nothing in this subsection shall 1782
be construed to protect any such person from suit or liability for 1783

any damage, loss, injury, or liability caused by the intentional 1784
or willful and wanton misconduct of any such person. 1785

(3) Except as otherwise provided in this subsection, the 1786
interstate commission shall defend the executive director or the 1787
employees or representatives of the interstate commission and, 1788
subject to the approval of the attorney general of the state 1789
represented by any commissioner of a compacting state, shall 1790
defend such commissioner or the commissioner's representatives or 1791
employees in any civil action seeking to impose liability arising 1792
out of any actual or alleged act, error, or omission that occurred 1793
within the scope of interstate commission employment, duties, or 1794
responsibilities, or that the defendant had a reasonable basis for 1795
believing occurred within the scope of interstate commission 1796
employment, duties, or responsibilities. The duty to defend 1797
described in this division does not apply if the actual or alleged 1798
act, error, or omission in question resulted from intentional or 1799
willful and wanton misconduct on the part of the executive 1800
director, employee, or representative of the interstate commission 1801
or the commissioner of a compacting state or the commissioner's 1802
representatives or employees. 1803

(4) Except as otherwise provided in this subsection, the 1804
interstate commission shall indemnify and hold the commissioner of 1805
a compacting state, or the commissioner's representatives or 1806
employees, or the interstate commission's representatives or 1807
employees, harmless in the amount of any settlement or judgment 1808
obtained against such persons arising out of any actual or alleged 1809
act, error, or omission that occurred within the scope of 1810
interstate commission employment, duties, or responsibilities, or 1811
that such persons had a reasonable basis for believing occurred 1812
within the scope of interstate commission employment, duties, or 1813
responsibilities. The duty to indemnify and hold harmless 1814
described in this division does not apply if the actual or alleged 1815

act, error, or omission in question resulted from intentional or 1816
willful and wanton misconduct on the part of the commissioner of a 1817
compacting state or the commissioner's representatives or 1818
employees or the interstate commission's representatives or 1819
employees. 1820

Article VI -- Rulemaking Functions of the Interstate Commission 1821

(A) The interstate commission shall promulgate and publish 1822
rules in order to effectively and efficiently achieve the purposes 1823
of this compact. 1824

(B) Rulemaking shall occur pursuant to the criteria set forth 1825
in this Article and the bylaws and rules adopted pursuant thereto. 1826
The rulemaking shall substantially conform to the principles of 1827
the "Model State Administrative Procedures Act," 1981 Act, Uniform 1828
Laws Annotated, Vol. 15, p. 1 (2000), or another administrative 1829
procedures act, as the interstate commission determines 1830
appropriate consistent with due process requirements under the 1831
United States Constitution as now or hereafter interpreted by the 1832
United States Supreme Court. All rules and amendments shall become 1833
binding as of the date specified, as published with the final 1834
version of the rule as approved by the interstate commission. 1835

(C) When promulgating a rule, the interstate commission, at a 1836
minimum, shall do all of the following: 1837

(1) Publish the proposed rule's entire text stating the 1838
reason or reasons for that proposed rule; 1839

(2) Allow and invite any and all persons to submit written 1840
data, facts, opinions, and arguments, which information shall be 1841
added to the record and be made publicly available; 1842

(3) Provide an opportunity for an informal hearing, if 1843
petitioned by ten or more persons; 1844

(4) Promulgate a final rule and its effective date, if 1845
appropriate, based on input from state or local officials, or 1846

interested parties. 1847

(D) When the interstate commission promulgates a rule, not 1848
later than sixty days after the rule is promulgated, any 1849
interested person may file a petition in the United States 1850
district court for the District of Columbia or in the federal 1851
district court where the interstate commission's principal office 1852
is located, for judicial review of the rule. If the court finds 1853
that the interstate commission's action is not supported by 1854
substantial evidence in the rulemaking record, the court shall 1855
hold the rule unlawful and set it aside. For purposes of this 1856
division, evidence is substantial if it would be considered 1857
substantial evidence under the "Model State Administrative 1858
Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 1859
(2000). 1860

(E) If a majority of the legislatures of the compacting 1861
states rejects a rule, those states, by enactment of a statute or 1862
resolution in the same manner used to adopt the compact, may cause 1863
that such rule shall have no further force and effect in any 1864
compacting state. 1865

(F) The existing rules governing the operation of the 1866
interstate compact on juveniles that is superseded by this compact 1867
shall be null and void twelve months after the first meeting of 1868
the interstate commission created under this compact. 1869

(G) Upon determination by the interstate commission that a 1870
state of emergency exists, it may promulgate an emergency rule. An 1871
emergency rule so promulgated shall become effective immediately 1872
upon adoption, provided that the usual rulemaking procedures 1873
specified in this Article shall be retroactively applied to the 1874
emergency rule as soon as reasonably possible, but not later than 1875
ninety days after the effective date of the emergency rule. 1876

Article VII -- Oversight, Enforcement, and Dispute Resolution by 1877

<u>the Interstate Commission</u>	1878
<u>A Oversight and Enforcement</u>	1879
<u>(1) The interstate commission shall oversee the</u>	1880
<u>administration and operations of the interstate movement of</u>	1881
<u>juveniles subject to this compact in the compacting states and</u>	1882
<u>shall monitor such activities being administered in noncompacting</u>	1883
<u>states that may significantly affect compacting states.</u>	1884
<u>(2) The courts and executive agencies in each compacting</u>	1885
<u>state shall enforce this compact and shall take all actions</u>	1886
<u>necessary and appropriate to effectuate this compact's purposes</u>	1887
<u>and intent. The provisions of this compact and the rules</u>	1888
<u>promulgated under it shall be received by all the judges, public</u>	1889
<u>officers, commissions, and departments of the state government as</u>	1890
<u>evidence of the authorized statute and administrative rules. All</u>	1891
<u>courts shall take judicial notice of the compact and the rules. In</u>	1892
<u>any judicial or administrative proceeding in a compacting state</u>	1893
<u>pertaining to the subject matter of this compact that may affect</u>	1894
<u>the powers, responsibilities, or actions of the interstate</u>	1895
<u>commission, the interstate commission shall be entitled to receive</u>	1896
<u>all service of process in the proceeding and shall have standing</u>	1897
<u>to intervene in the proceeding for all purposes.</u>	1898
<u>Section B. Dispute Resolution</u>	1899
<u>(1) The compacting states shall report to the interstate</u>	1900
<u>commission on all issues and activities necessary for the</u>	1901
<u>administration of this compact and on all issues and activities</u>	1902
<u>pertaining to compliance with the provisions of this compact and</u>	1903
<u>the interstate commission's bylaws and rules.</u>	1904
<u>(2) The interstate commission, upon the request of a</u>	1905
<u>compacting state, shall attempt to resolve any disputes or other</u>	1906
<u>issues that are subject to this compact and that may arise among</u>	1907
<u>compacting states and between compacting and non-compacting</u>	1908

states. The interstate commission shall promulgate a rule 1909
providing for both mediation and binding dispute resolution for 1910
disputes among the compacting states. 1911

(3) The interstate commission, in the reasonable exercise of 1912
its discretion, shall enforce the provisions and rules of this 1913
compact using any or all means set forth in Article XI of this 1914
compact. 1915

Article VIII -- Finance 1916

(A) The interstate commission shall pay or provide for the 1917
payment of the reasonable expenses of its establishment, 1918
organization, and ongoing activities. 1919

(B) The interstate commission shall levy on and collect an 1920
annual assessment from each compacting state to cover the cost of 1921
the internal operations and activities of the interstate 1922
commission and its staff. The annual assessment shall be in a 1923
total amount sufficient to cover the interstate commission's 1924
annual budget as approved each year. The aggregate annual 1925
assessment amount shall be allocated based upon a formula to be 1926
determined by the interstate commission, taking into consideration 1927
the population of each compacting state and the volume of 1928
interstate movement of juveniles in each compacting state. The 1929
interstate commission shall promulgate a rule binding upon all 1930
compacting states that governs the assessment. 1931

(C) The interstate commission shall not incur any obligations 1932
of any kind prior to securing the funds adequate to meet the 1933
obligations. The interstate commission shall not pledge the credit 1934
of any of the compacting states, except by and with the authority 1935
of the compacting state. 1936

(D) The interstate commission shall keep accurate accounts of 1937
all receipts and disbursements. The receipts and disbursements of 1938
the interstate commission shall be subject to the audit and 1939

accounting procedures established under its bylaws. However, all 1940
receipts and disbursements of funds handled by the interstate 1941
commission shall be audited yearly by a certified or licensed 1942
public accountant and the report of the audit shall be included in 1943
and become part of the annual report of the interstate commission. 1944

Article IX -- The State Council 1945

Each compacting state shall create a state council for 1946
interstate juvenile supervision. While each compacting state may 1947
determine the membership of its own state council, its membership 1948
must include at least one representative from the legislative, 1949
judicial, and executive branches of government, victims groups, 1950
and the compact administrator or designee. Each compacting state 1951
retains the right to determine the qualifications of the compact 1952
administrator for the state. Each state council shall advise and 1953
may exercise oversight and advocacy concerning that state's 1954
participation in interstate commission activities and other duties 1955
as may be determined by that state, including but not limited to, 1956
development of policy concerning operations and procedures of the 1957
compact within that state. 1958

Article X - Compacting States, Effective Date, and Amendment 1959

(A) Any state, as defined in Article II of this compact, is 1960
eligible to become a compacting state. 1961

(B) This compact shall become effective and binding upon 1962
legislative enactment of the compact into law by no less than 1963
thirty-five of the states. The initial effective date shall be the 1964
later of July 1, 2004, or upon enactment into law by the 1965
thirty-fifth jurisdiction. Thereafter, this compact shall become 1966
effective and binding as to any other compacting state upon 1967
enactment of this compact into law by that state. The governors of 1968
non-compacting states or their designees shall be invited to 1969
participate in the activities of the interstate commission on a 1970
non-voting basis prior to adoption of this compact by all states. 1971

(C) The interstate commission may propose amendments to this compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states. 1972
1973
1974
1975
1976

Article XI - Withdrawal, Default, Termination, and Judicial Enforcement 1977
1978

Section A. Withdrawal 1979

(1) Once effective, this compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from this compact by specifically repealing the statute that enacted this compact into law. 1980
1981
1982
1983

(2) The effective date of withdrawal of a compacting state is the effective date of the state's repeal of the statute that enacted this compact into law. 1984
1985
1986

(3) A compacting state that withdraws from this compact shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of the interstate commission's receipt of the notice from the withdrawing state. 1987
1988
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(4) A compacting state that withdraws from this compact is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. 1994
1995
1996
1997
1998

(5) If a compacting state withdraws from this compact, reinstatement of the withdrawing state following withdrawal shall occur upon the withdrawing state reenacting this compact or upon such later date as determined by the interstate commission. 1999
2000
2001
2002

<u>Section B. Technical Assistance, Fines, Suspension,</u>	2003
<u>Termination, and Default</u>	2004
<u>(1) If the interstate commission determines that any</u>	2005
<u>compacting state has at any time defaulted in the performance of</u>	2006
<u>any of its obligations or responsibilities under this compact, or</u>	2007
<u>under the interstate commission's bylaws or duly promulgated</u>	2008
<u>rules, the interstate commission may impose one or more of the</u>	2009
<u>following penalties:</u>	2010
<u>(a) Remedial training and technical assistance as directed by</u>	2011
<u>the interstate commission;</u>	2012
<u>(b) Alternative dispute resolution;</u>	2013
<u>(c) Fines, fees, and costs in such amounts as are deemed to</u>	2014
<u>be reasonable as fixed by the interstate commission;</u>	2015
<u>(d) Suspension or termination of membership in this compact,</u>	2016
<u>provided that suspension or termination of membership shall be</u>	2017
<u>imposed only after all other reasonable means of securing</u>	2018
<u>compliance under the bylaws and rules have been exhausted and the</u>	2019
<u>interstate commission has therefore determined that the offending</u>	2020
<u>state is in default. Immediate notice of suspension shall be given</u>	2021
<u>by the interstate commission to the governor of the defaulting</u>	2022
<u>state, its chief justice or the chief judicial officer, the</u>	2023
<u>majority and minority leaders of its state legislature, and the</u>	2024
<u>state council for interstate juvenile supervision. The grounds for</u>	2025
<u>default include, but are not limited to, failure of a compacting</u>	2026
<u>state to perform such obligations or responsibilities imposed upon</u>	2027
<u>it by this compact, by the interstate commission's bylaws, or by</u>	2028
<u>its duly promulgated rules, and any other grounds designated in</u>	2029
<u>commission bylaws and rules. The interstate commission shall</u>	2030
<u>immediately notify the defaulting state in writing of the penalty</u>	2031
<u>imposed by the interstate commission and of the default pending a</u>	2032
<u>cure of the default. The interstate commission shall stipulate the</u>	2033

conditions and the time period within which the defaulting state 2034
must cure its default. If the defaulting state fails to cure the 2035
default within the time period specified by the interstate 2036
commission, the defaulting state shall be terminated from this 2037
compact upon an affirmative vote of a majority of the compacting 2038
states and all rights, privileges, and benefits conferred by this 2039
compact shall be terminated from the effective date of 2040
termination. 2041

(2) Within sixty days of the effective date of termination of 2042
a defaulting compacting state, the interstate commission shall 2043
notify the defaulting state's governor, its chief justice or chief 2044
judicial officer, the majority and minority leaders of its state 2045
legislature, and the state council for interstate juvenile 2046
supervision of the termination. 2047

(3) A defaulting compacting state is responsible for all 2048
assessments, obligations, and liabilities incurred through the 2049
effective date of termination, including any obligations the 2050
performance of which extends beyond the effective date of 2051
termination. 2052

(4) The interstate commission shall not bear any costs 2053
relating to a defaulting compacting state unless otherwise 2054
mutually agreed upon in writing between the interstate commission 2055
and the defaulting state. 2056

(5) If a defaulting compacting state is terminated, 2057
reinstatement of the defaulting state following termination 2058
requires both a reenactment of the compact by the defaulting state 2059
and the approval of the interstate commission pursuant to its 2060
rules. 2061

Section C. Judicial Enforcement 2062

The interstate commission, by majority vote of the members, 2063
may initiate legal action against any compacting state to enforce 2064

compliance with the provisions of this compact, and the interstate 2065
commission's duly promulgated rules and bylaws. Any such action, 2066
if initiated, shall be initiated in the United States district 2067
court for the District of Columbia or, at the discretion of the 2068
interstate commission, in the federal district where the 2069
interstate commission has its offices. In the event judicial 2070
enforcement is necessary, the prevailing party shall be awarded 2071
all costs of the litigation including reasonable attorney's fees. 2072

D Dissolution of Compact 2073

(1) This compact dissolves effective upon the date of the 2074
withdrawal or default of the compacting state, which reduces 2075
membership in this compact to one compacting state. 2076

(2) Upon the dissolution of this compact, the compact becomes 2077
null and void and shall be of no further force or effect, the 2078
business and affairs of the interstate commission shall be 2079
concluded, and any surplus funds shall be distributed in 2080
accordance with the interstate commission's bylaws. 2081

Article XII - Severability and Construction 2082

(A) The provisions of this compact shall be severable, and if 2083
any phrase, clause, sentence, or provision is deemed 2084
unenforceable, the remaining provisions of the compact shall be 2085
enforceable. 2086

(B) The provisions of this compact shall be liberally 2087
construed to effectuate its purposes. 2088

Article XIII - Binding Effect of Compact and Other Laws 2089

Section A. Other Laws 2090

(1) Nothing in this compact prevents the enforcement of any 2091
other law of a compacting state that is not inconsistent with this 2092
compact. 2093

(2) All compacting states' laws, other than state 2094

constitutions and other interstate compacts, conflicting with this 2095
compact are superseded to the extent of the conflict. 2096

Section B. Binding Effect of the Compact 2097

(1) All lawful actions of the interstate commission, 2098
including all rules and bylaws promulgated by the interstate 2099
commission, are binding upon the compacting states. 2100

(2) All agreements between the interstate commission and the 2101
compacting states are binding in accordance with their terms. 2102

(3) Upon the request of a party to a conflict over the 2103
meaning or interpretation of interstate commission actions, and 2104
upon a majority vote of the compacting states, the interstate 2105
commission may issue advisory opinions regarding that meaning or 2106
interpretation. 2107

(4) In the event any provision of this compact exceeds the 2108
constitutional limits imposed on the legislature of any compacting 2109
state, the obligations, duties, powers, or jurisdiction sought to 2110
be conferred by that provision upon the interstate commission 2111
shall be ineffective and such obligations, duties, powers, or 2112
jurisdiction shall remain in the compacting state and shall be 2113
exercised by the agency of that state to which such obligations, 2114
duties, powers, or jurisdiction are delegated by law in effect at 2115
the time this compact becomes effective. 2116

Article XIV - Financial Reimbursement 2117

The state agency responsible for administering this compact 2118
shall have the legal authority to recoup fines, fees and costs 2119
imposed by the interstate commission as stated in Article XI, 2120
Section B, Subsection (1)(c) of this compact when the default in 2121
performance is the result of a decision made by an entity outside 2122
the jurisdiction of the agency administering this compact. 2123

Sec. 2151.57. (A) As used in sections 2151.57 to 2151.59 of 2124

<u>the Revised Code:</u>	2125
<u>(1) "Interstate compact for juveniles" means the interstate compact for juveniles ratified, enacted into law, and entered into by this state pursuant to section 2151.56 of the Revised Code.</u>	2126 2127 2128
<u>(2) "Bylaws," "commissioner," "compact administrator," and "interstate commission for juveniles" have the same meanings as in section 2151.56 of the Revised Code.</u>	2129 2130 2131
<u>(B) The state council for interstate juvenile supervision is hereby established within the department of youth services. The council shall consist of the following members:</u>	2132 2133 2134
<u>(1) One member who is the compact administrator or the designee of the compact administrator;</u>	2135 2136
<u>(2) One member of the house of representatives appointed by the speaker of the house of representatives;</u>	2137 2138
<u>(3) One member of the senate appointed by the president of the senate;</u>	2139 2140
<u>(4) One member who is a representative of the executive branch of state government, in addition to the member described in division (B)(1) of this section, appointed by the governor;</u>	2141 2142 2143
<u>(5) One member who is a representative of the judiciary, who shall be a juvenile court judge appointed by the chief justice of the supreme court;</u>	2144 2145 2146
<u>(6) One member who is a person who represents an organization that advocates for the rights of victims of crime or a delinquent act, appointed by the governor.</u>	2147 2148 2149
<u>(C) The state council for interstate juvenile supervision shall advise and may exercise oversight and advocacy concerning this state's participation in activities of the interstate commission for juveniles, shall develop policy for this state</u>	2150 2151 2152 2153

concerning operations and procedures of the interstate compact for 2154
juveniles within this state, and shall perform other duties 2155
assigned to state councils under that compact. 2156

Sec. 2151.58. (A) The governor shall appoint the director of 2157
youth services as the compact administrator for the interstate 2158
compact for juveniles. 2159

(B) The governor shall appoint the compact administrator or 2160
shall allow the compact administrator to appoint a designee to 2161
serve as the commissioner from this state on the interstate 2162
commission for juveniles. 2163

Sec. 2151.59. (A) The department of youth services is the 2164
state agency responsible for administering the interstate compact 2165
for juveniles in this state. 2166

(B) The department of youth services shall pay all of the 2167
following: 2168

(1) The annual assessment charged to this state for 2169
participating in the interstate compact for juveniles; 2170

(2) All fines, fees, or costs assessed against this state by 2171
the interstate commission for juveniles for any default in the 2172
performance of this state's obligations or responsibilities under 2173
the compact, the bylaws, or rules duly promulgated under the 2174
compact. 2175

Sec. 2152.02. As used in this chapter: 2176

(A) "Act charged" means the act that is identified in a 2177
complaint, indictment, or information alleging that a child is a 2178
delinquent child. 2179

(B) "Admitted to a department of youth services facility" 2180
includes admission to a facility operated, or contracted for, by 2181

the department and admission to a comparable facility outside this 2182
state by another state or the United States. 2183

(C)(1) "Child" means a person who is under eighteen years of 2184
age, except as otherwise provided in divisions (C)(2) to (7) of 2185
this section. 2186

(2) Subject to division (C)(3) of this section, any person 2187
who violates a federal or state law or a municipal ordinance prior 2188
to attaining eighteen years of age shall be deemed a "child" 2189
irrespective of that person's age at the time the complaint with 2190
respect to that violation is filed or the hearing on the complaint 2191
is held. 2192

(3) Any person who, while under eighteen years of age, 2193
commits an act that would be a felony if committed by an adult and 2194
who is not taken into custody or apprehended for that act until 2195
after the person attains twenty-one years of age is not a child in 2196
relation to that act. 2197

(4) Any person whose case is transferred for criminal 2198
prosecution pursuant to section 2152.12 of the Revised Code shall 2199
be deemed after the transfer not to be a child in the transferred 2200
case. 2201

(5) Any person whose case is transferred for criminal 2202
prosecution pursuant to section 2152.12 of the Revised Code and 2203
who subsequently is convicted of or pleads guilty to a felony in 2204
that case, and any person who is adjudicated a delinquent child 2205
for the commission of an act, who has a serious youthful offender 2206
dispositional sentence imposed for the act pursuant to section 2207
2152.13 of the Revised Code, and whose adult portion of the 2208
dispositional sentence is invoked pursuant to section 2152.14 of 2209
the Revised Code, shall be deemed after the transfer or invocation 2210
not to be a child in any case in which a complaint is filed 2211
against the person. 2212

(6) The juvenile court has jurisdiction over a person who is adjudicated a delinquent child or juvenile traffic offender prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, except as otherwise provided in this division, a person who is so adjudicated a delinquent child or juvenile traffic offender shall be deemed a "child" until the person attains twenty-one years of age. If a person is so adjudicated a delinquent child or juvenile traffic offender and the court makes a disposition of the person under this chapter, at any time after the person attains eighteen years of age, the places at which the person may be held under that disposition are not limited to places authorized under this chapter solely for confinement of children, and the person may be confined under that disposition, in accordance with division (F)(2) of section 2152.26 of the Revised Code, in places other than those authorized under this chapter solely for confinement of children.

(7) Any person who, while eighteen years of age, violates division (A)(1) or (2) of section 2919.27 of the Revised Code by violating a protection order issued or consent agreement approved under section 2151.34 or 3113.31 of the Revised Code shall be considered a child for the purposes of that violation of section 2919.27 of the Revised Code.

(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school month, or fifteen or more school days in a school year.

(E) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code.

(F) "Delinquent child" includes any of the following:

(1) Any child, except a juvenile traffic offender, who	2245
violates any law of this state or the United States, or any	2246
ordinance of a political subdivision of the state, that would be	2247
an offense if committed by an adult;	2248
(2) Any child who violates any lawful order of the court made	2249
under this chapter or under Chapter 2151. of the Revised Code	2250
other than an order issued under section 2151.87 of the Revised	2251
Code;	2252
(3) Any child who violates division (C) of section 2907.39,	2253
division (A) of section 2923.211, or division (C)(1) or (D) of	2254
section 2925.55 of the Revised Code;	2255
(4) Any child who is a habitual truant and who previously has	2256
been adjudicated an unruly child for being a habitual truant;	2257
(5) Any child who is a chronic truant.	2258
(G) "Discretionary serious youthful offender" means a person	2259
who is eligible for a discretionary SYO and who is not transferred	2260
to adult court under a mandatory or discretionary transfer.	2261
(H) "Discretionary SYO " <u>Serious youthful offender</u>	2262
<u>disposition</u> " means a case in which the juvenile court, in the	2263
juvenile court's discretion, may impose a serious youthful	2264
offender disposition <u>dispositional sentence</u> under section 2152.13	2265
of the Revised Code.	2266
(I) "Discretionary transfer" means that the juvenile court	2267
has discretion to transfer a case for criminal prosecution under	2268
division (B) of section 2152.12 of the Revised Code.	2269
(J) <u>(H)</u> "Drug abuse offense," "felony drug abuse offense," and	2270
"minor drug possession offense" have the same meanings as in	2271
section 2925.01 of the Revised Code.	2272
(K) <u>(I)</u> "Electronic monitoring" and "electronic monitoring	2273
device" have the same meanings as in section 2929.01 of the	2274

Revised Code.	2275
(I) (J) "Economic loss" means any economic detriment suffered	2276
by a victim of a delinquent act or juvenile traffic offense as a	2277
direct and proximate result of the delinquent act or juvenile	2278
traffic offense and includes any loss of income due to lost time	2279
at work because of any injury caused to the victim and any	2280
property loss, medical cost, or funeral expense incurred as a	2281
result of the delinquent act or juvenile traffic offense.	2282
"Economic loss" does not include non-economic loss or any punitive	2283
or exemplary damages.	2284
(M) (K) "Firearm" has the same meaning as in section 2923.11 of	2285
the Revised Code.	2286
(N) (L) "Juvenile traffic offender" means any child who	2287
violates any traffic law, traffic ordinance, or traffic regulation	2288
of this state, the United States, or any political subdivision of	2289
this state, other than a resolution, ordinance, or regulation of a	2290
political subdivision of this state the violation of which is	2291
required to be handled by a parking violations bureau or a joint	2292
parking violations bureau pursuant to Chapter 4521. of the Revised	2293
Code.	2294
(O) (M) A "legitimate excuse for absence from the public	2295
school the child is supposed to attend" has the same meaning as in	2296
section 2151.011 of the Revised Code.	2297
(P) "Mandatory serious youthful offender" means a person who	2298
is eligible for a mandatory SYO and who is not transferred to	2299
adult court under a mandatory or discretionary transfer.	2300
(Q) "Mandatory SYO" means a case in which the juvenile court	2301
is required to impose a mandatory serious youthful offender	2302
disposition under section 2152.13 of the Revised Code.	2303
(R) "Mandatory transfer" means that a case is required to be	2304
transferred for criminal prosecution under division (A) of section	2305

2152.12 of the Revised Code.	2306
(S) (N) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	2307 2308
(T) (O) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	2309 2310
(U) (P) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	2311 2312
(V) (Q) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	2313 2314
(W) (R) "Public record" has the same meaning as in section 149.43 of the Revised Code.	2315 2316
(X) (S) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO <u>serious youthful offender disposition</u> , but who is not transferred to adult court under a mandatory or discretionary transfer <u>section 2152.12 of the Revised Code</u> .	2317 2318 2319 2320 2321
(Y) (T) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	2322 2323 2324 2325 2326 2327 2328
(Z) (U) "Traditional juvenile <u>disposition</u> " means a ease that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and in a case that is not eligible for a disposition transferred to adult court <u>under section 2152.13 2152.12</u> of the Revised Code.	2329 2330 2331 2332 2333 2334 2335

~~(AA)(V)~~ "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense or the transfer for criminal prosecution of a case when the person charged with the offense is deemed not to be a child in the circumstances described in division (C)(5) of section 2152.02 of the Revised Code from the juvenile court to the appropriate court that has jurisdiction of the offense or the case. 2336
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~~(BB)~~ "Category one offense" means any of the following: 2346

~~(1) A violation of section 2903.01 or 2903.02 of the Revised Code;~~ 2347
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~~(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.~~ 2349
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~~(CC)~~ "Category two offense" means any of the following: 2351

~~(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;~~ 2352
2353

~~(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree;~~ 2354
2355

~~(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.~~ 2356
2357

~~(DD)(W)~~ "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss. 2358
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Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 2366
section, any person having knowledge of a child who appears to be 2367
a juvenile traffic offender or to be a delinquent child may file a 2368
sworn complaint with respect to that child in the juvenile court 2369
of the county in which the child has a residence or legal 2370
settlement or in which the traffic offense or delinquent act 2371
allegedly occurred. The sworn complaint may be upon information 2372
and belief, and, in addition to the allegation that the child is a 2373
delinquent child or a juvenile traffic offender, the complaint 2374
shall allege the particular facts upon which the allegation that 2375
the child is a delinquent child or a juvenile traffic offender is 2376
based. 2377

If a child appears to be a delinquent child who is eligible 2378
under section 2152.13 of the Revised Code for a serious youthful 2379
offender ~~dispositional sentence under section 2152.11 of the~~ 2380
~~Revised Code~~ disposition and if the prosecuting attorney desires 2381
to seek a serious youthful offender dispositional sentence under 2382
that ~~section 2152.13 of the Revised Code~~ in regard to the child, 2383
the prosecuting attorney of the county in which the alleged 2384
delinquency occurs may initiate a case in the juvenile court of 2385
the county by presenting the case to a grand jury for indictment, 2386
by charging the child in a bill of information as a serious 2387
youthful offender pursuant to section 2152.13 of the Revised Code, 2388
by requesting a serious youthful offender dispositional sentence 2389
in the original complaint alleging that the child is a delinquent 2390
child, or by filing with the juvenile court a written notice of 2391
intent to seek a serious youthful offender dispositional sentence. 2392

(2) Any person having knowledge of a child who appears to be 2393
a delinquent child for being an habitual or chronic truant may 2394
file a sworn complaint with respect to that child and the parent, 2395
guardian, or other person having care of the child in the juvenile 2396
court of the county in which the child has a residence or legal 2397

settlement or in which the child is supposed to attend public 2398
school. The sworn complaint may be upon information and belief and 2399
shall contain the following allegations: 2400

(a) That the child is a delinquent child for being a chronic 2401
truant or an habitual truant who previously has been adjudicated 2402
an unruly child for being a habitual truant and, in addition, the 2403
particular facts upon which that allegation is based; 2404

(b) That the parent, guardian, or other person having care of 2405
the child has failed to cause the child's attendance at school in 2406
violation of section 3321.38 of the Revised Code and, in addition, 2407
the particular facts upon which that allegation is based. 2408

(B) Any person with standing under applicable law may file a 2409
complaint for the determination of any other matter over which the 2410
juvenile court is given jurisdiction by section 2151.23 of the 2411
Revised Code. The complaint shall be filed in the county in which 2412
the child who is the subject of the complaint is found or was last 2413
known to be found. 2414

(C) Within ten days after the filing of a complaint or the 2415
issuance of an indictment, the court shall give written notice of 2416
the filing of the complaint or the issuance of an indictment and 2417
of the substance of the complaint or indictment to the 2418
superintendent of a city, local, exempted village, or joint 2419
vocational school district if the complaint or indictment alleges 2420
that a child committed an act that would be a criminal offense if 2421
committed by an adult, that the child was sixteen years of age or 2422
older at the time of the commission of the alleged act, and that 2423
the alleged act is any of the following: 2424

(1) A violation of section 2923.122 of the Revised Code that 2425
relates to property owned or controlled by, or to an activity held 2426
under the auspices of, the board of education of that school 2427
district; 2428

(2) A violation of section 2923.12 of the Revised Code, of a 2429
substantially similar municipal ordinance, or of section 2925.03 2430
of the Revised Code that was committed on property owned or 2431
controlled by, or at an activity held under the auspices of, the 2432
board of education of that school district; 2433

(3) A violation of section 2925.11 of the Revised Code that 2434
was committed on property owned or controlled by, or at an 2435
activity held under the auspices of, the board of education of 2436
that school district, other than a violation of that section that 2437
would be a minor drug possession offense if committed by an adult; 2438

(4) A violation of section 2903.01, 2903.02, 2903.03, 2439
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 2440
Code, or a violation of former section 2907.12 of the Revised 2441
Code, that was committed on property owned or controlled by, or at 2442
an activity held under the auspices of, the board of education of 2443
that school district, if the victim at the time of the commission 2444
of the alleged act was an employee of the board of education of 2445
that school district; 2446

(5) Complicity in any violation described in division (C)(1), 2447
(2), (3), or (4) of this section that was alleged to have been 2448
committed in the manner described in division (C)(1), (2), (3), or 2449
(4) of this section, regardless of whether the act of complicity 2450
was committed on property owned or controlled by, or at an 2451
activity held under the auspices of, the board of education of 2452
that school district. 2453

(D) A public children services agency, acting pursuant to a 2454
complaint or an action on a complaint filed under this section, is 2455
not subject to the requirements of section 3127.23 of the Revised 2456
Code. 2457

(E) For purposes of the record to be maintained by the clerk 2458
under division (B) of section 2152.71 of the Revised Code, when a 2459

complaint is filed that alleges that a child is a delinquent 2460
child, the court shall determine if the victim of the alleged 2461
delinquent act was sixty-five years of age or older or permanently 2462
and totally disabled at the time of the alleged commission of the 2463
act. 2464

Sec. 2152.10. (A) A child who is alleged to be a delinquent 2465
child ~~is eligible for mandatory transfer and shall be transferred~~ 2466
~~as provided in section 2152.12 of the Revised Code in any of the~~ 2467
~~following circumstances:~~ 2468

~~(1) The child is charged with a category one offense and~~ 2469
~~either of the following apply:~~ 2470

~~(a) The child was sixteen years of age or older at the time~~ 2471
~~of the act charged.~~ 2472

~~(b) The child was fourteen or fifteen years of age at the~~ 2473
~~time of the act charged and previously was adjudicated a~~ 2474
~~delinquent child for committing an act that is a category one or~~ 2475
~~category two offense and was committed to the legal custody of the~~ 2476
~~department of youth services upon the basis of that adjudication.~~ 2477

~~(2) The child is charged with a category two offense, other~~ 2478
~~than a violation of section 2905.01 of the Revised Code, the child~~ 2479
~~was sixteen years of age or older at the time of the commission of~~ 2480
~~the act charged, and either or both of the following apply:~~ 2481

~~(a) The child previously was adjudicated a delinquent child~~ 2482
~~for committing an act that is a category one or a category two~~ 2483
~~offense and was committed to the legal custody of the department~~ 2484
~~of youth services on the basis of that adjudication.~~ 2485

~~(b) The child is alleged to have had a firearm on or about~~ 2486
~~the child's person or under the child's control while committing~~ 2487
~~the act charged and to have displayed the firearm, brandished the~~ 2488
~~firearm, indicated possession of the firearm, or used the firearm~~ 2489

~~to facilitate the commission of the act charged.~~ 2490

~~(3) Division (A)(2) of section 2152.12 of the Revised Code
applies.~~ 2491
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~~(B) Unless the child is subject to mandatory transfer, if a
child is, who is fourteen years of age or older at the time of the
act charged, and if the child who is charged with an act that
would be a felony if committed by an adult, the child is eligible
for discretionary transfer to the appropriate court for criminal
prosecution. In determining whether to transfer the child for
criminal prosecution, the juvenile court shall follow the
procedures in section 2152.12 of the Revised Code. If the court
does not transfer the child and if the court adjudicates the child
to be a delinquent child for the act charged, the court shall
issue an order of disposition in accordance with ~~section 2152.11~~
of the Revised Code this chapter.~~ 2493
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(B) If a complaint is filed against a person who is deemed
not to be a child in the circumstances described in division
(C)(5) of section 2152.02 of the Revised Code, the person is
eligible for transfer, and the case shall be transferred to the
appropriate court for criminal prosecution. 2505
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Sec. 2152.11. (A) A child who is adjudicated a delinquent 2510
child for committing an act that would be a felony if committed by 2511
an adult is eligible for a particular type of disposition under 2512
this section if the child was not transferred under section 2513
2152.12 of the Revised Code. If the complaint, indictment, or 2514
information charging the act includes one or more of the following 2515
factors, the act is considered to be enhanced, and the child is 2516
eligible for a more restrictive disposition under this section; 2517

(1) The act charged against the child would be an offense of 2518
violence if committed by an adult. 2519

(2) During the commission of the act charged, the child used 2520
a firearm, displayed a firearm, brandished a firearm, or indicated 2521
that the child possessed a firearm and actually possessed a 2522
firearm. 2523

(3) The child previously was admitted to a department of 2524
youth services facility for the commission of an act that would 2525
have been aggravated murder, murder, a felony of the first or 2526
second degree if committed by an adult, or an act that would have 2527
been a felony of the third degree and an offense of violence if 2528
committed by an adult. 2529

(B) If a child is adjudicated a delinquent child for 2530
committing an act that would be aggravated murder or murder if 2531
committed by an adult, the child is eligible for whichever of the 2532
following is appropriate: 2533

(1) ~~Mandatory SYO~~ Serious youthful offender disposition, if 2534
the act allegedly was committed when the child was fourteen ~~or~~, 2535
fifteen, sixteen, or seventeen years of age; 2536

(2) ~~Discretionary SYO, if the act was committed when the~~ 2537
~~child was ten, eleven, twelve, or thirteen years of age;~~ 2538

~~(3) Traditional juvenile, if divisions~~ division (B)(1) ~~and~~ 2539
~~(2)~~ of this section ~~do~~ does not apply. 2540

(C) If a child is adjudicated a delinquent child for 2541
committing an act that would be attempted aggravated murder or 2542
attempted murder if committed by an adult, the child is eligible 2543
for whichever of the following is appropriate: 2544

(1) ~~Mandatory SYO~~ Serious youthful offender disposition, if 2545
the act allegedly was committed when the child was fourteen ~~or~~, 2546
fifteen, sixteen, or seventeen years of age; 2547

(2) ~~Discretionary SYO, if the act was committed when the~~ 2548
~~child was ten, eleven, twelve, or thirteen years of age;~~ 2549

~~(3)~~ Traditional juvenile, if ~~divisions~~ division (C)(1) and 2550
~~(2)~~ of this section ~~do~~ does not apply. 2551

(D) If a child is adjudicated a delinquent child for 2552
committing an act that would be a felony of the first degree if 2553
committed by an adult, the child is eligible for whichever of the 2554
following is appropriate: 2555

(1) ~~Mandatory SYO~~ Serious youthful offender disposition, if 2556
the act allegedly was committed when the child was sixteen or 2557
seventeen years of age, and the act is enhanced by the factors 2558
~~described in division (A)(1) and either division (A)(2) or (3) of~~ 2559
~~this section;~~ 2560

~~(2) Discretionary SYO, if any of the following applies:~~ 2561

~~(a) The act was committed when the child was sixteen or 2562
seventeen years of age, and division (D)(1) of this section does 2563
not apply.~~ 2564

~~(b) The act was committed when the child was fourteen or, 2565
fifteen, sixteen, or seventeen years of age.~~ 2566

~~(c) The act was committed when the child was twelve or 2567
thirteen years of age, and the act is enhanced by any factor 2568
described in division (A)(1), (2), or (3) of this section.~~ 2569

~~(d) The act was committed when the child was ten or eleven 2570
years of age, and the act is enhanced by the factors described in 2571
division (A)(1) and either division (A)(2) or (3) of this section.~~ 2572

~~(3)(2)~~ Traditional juvenile, if ~~divisions~~ division (D)(1) and 2573
~~(2)~~ of this section ~~do~~ does not apply. 2574

(E) If a child is adjudicated a delinquent child for 2575
committing an act that would be a felony of the second degree if 2576
committed by an adult, the child is eligible for whichever of the 2577
following is appropriate: 2578

(1) ~~Discretionary SYO~~ Serious youthful offender disposition, 2579

if the act was committed when the child was fourteen, fifteen, 2580
sixteen, or seventeen years of age; 2581

~~(2) Discretionary SYO, if the act was committed when the 2582
child was twelve or thirteen years of age, and the act is enhanced 2583
by any factor described in division (A)(1), (2), or (3) of this 2584
section; 2585~~

~~(3) Traditional juvenile, if ~~divisions~~ division (E)(1) and 2586
(2) of this section ~~do~~ does not apply. 2587~~

(F) If a child is adjudicated a delinquent child for 2588
committing an act that would be a felony of the third degree if 2589
committed by an adult, the child is eligible for whichever of the 2590
following is appropriate: 2591

(1) ~~Discretionary SYO,~~ Serious youthful offender disposition 2592
if either of the following applies: 2593

(a) The act was committed when the child was sixteen or 2594
seventeen years of age; 2595

~~(2) Discretionary SYO, if the~~ (b) The act was committed when 2596
the child was fourteen or fifteen years of age, and the act is 2597
enhanced by any factor described in division (A)(1), (2), or (3) 2598
of this section; 2599

~~(3)(2) Traditional juvenile, if ~~divisions~~ division (F)(1) and 2600
(2) of this section ~~do~~ does not apply. 2601~~

(G) If a child is adjudicated a delinquent child for 2602
committing an act that would be a felony of the fourth or fifth 2603
degree if committed by an adult, the child is eligible for 2604
whichever of the following dispositions is appropriate: 2605

(1) ~~Discretionary SYO~~ Serious youthful offender disposition, 2606
if the act was committed when the child was sixteen or seventeen 2607
years of age, and the act is enhanced by any factor described in 2608
division (A)(1), (2), or (3) of this section; 2609

(2) Traditional juvenile, if division (G)(1) of this section does not apply. 2610
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(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child: 2612
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OFFENSE CATEGORY	AGE	AGE	AGE	AGE	
(Enhancement factors)	16 & 17	14 & 15	12 & 13	10 & 11	2614
Murder/aggravated murder	N/A <u>SYO,</u> <u>TJ</u>	MSYO <u>SYO,</u> <u>TJ</u>	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	2616
Attempted murder/attempted aggravated murder	N/A <u>SYO,</u> <u>TJ</u>	MSYO <u>SYO,</u> <u>TJ</u>	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	2617
F1 (Enhanced by offense of violence factor and either disposition firearm factor or previous DYS admission factor)	MSYO <u>SYO,</u> <u>TJ</u>	DSYO <u>SYO,</u> <u>TJ</u>	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	2618
F1 (Enhanced by any single or other combination of enhancement factors)	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	TJ <u>TJ</u>	2619
F1 (Not enhanced)	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	TJ <u>TJ</u>	TJ <u>TJ</u>	2620
F2 (Enhanced by any enhancement factor)	DSYO <u>SYO,</u> <u>TJ</u>	DSYO <u>SYO,</u> <u>TJ</u>	DSYO, <u>TJ</u>	TJ <u>TJ</u>	2621
F2 (Not enhanced)	DSYO, <u>TJ</u>	DSYO, <u>TJ</u>	TJ <u>TJ</u>	TJ <u>TJ</u>	2622
F3 (Enhanced by any enhancement factor)	DSYO <u>SYO,</u> <u>TJ</u>	DSYO <u>SYO,</u> <u>TJ</u>	TJ <u>TJ</u>	TJ <u>TJ</u>	2623
F3 (Not enhanced)	DSYO <u>SYO,</u>	TJ <u>SYO,</u>	TJ <u>SYO,</u>	TJ <u>SYO,</u>	2624

	TJ				
F4 (Enhanced by any enhancement factor)	DSYO <u>SYO</u> ,	TJ	TJ	TJ	2625
	TJ				
F4 (Not enhanced)	TJ	TJ	TJ	TJ	2626
F5 (Enhanced by any enhancement factor)	DSYO <u>SYO</u> ,	TJ	TJ	TJ	2627
	TJ				
F5 (Not enhanced)	TJ	TJ	TJ	TJ	2628

(I) The table in division (H) of this section is for
illustrative purposes only. If the table conflicts with any
provision of divisions (A) to (G) of this section, divisions (A)
to (G) of this section shall control.

(J) Key for table in division (H) of this section: 2633

(1) "Any enhancement factor" applies when the criteria
described in division (A)(1), (2), or (3) of this section apply. 2634
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~~(2) The "disposition firearm factor" applies when the
criteria described in division (A)(2) of this section apply.~~ 2636
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~~(3) "DSYO" refers to discretionary serious youthful offender
disposition.~~ 2638
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~~(4) "F1" refers to an act that would be a felony of the first
degree if committed by an adult.~~ 2640
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~~(5)(3) "F2" refers to an act that would be a felony of the
second degree if committed by an adult.~~ 2642
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~~(6)(4) "F3" refers to an act that would be a felony of the
third degree if committed by an adult.~~ 2644
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~~(7)(5) "F4" refers to an act that would be a felony of the
fourth degree if committed by an adult.~~ 2646
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~~(8)(6) "F5" refers to an act that would be a felony of the
fifth degree if committed by an adult.~~ 2648
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~~(9) "MSYO" refers to mandatory serious youthful offender disposition.~~ 2650
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~~(10) The "offense of violence factor" applies when the criteria described in division (A)(1) of this section apply.~~ 2652
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~~(11) The "previous DYS admission factor" applies when the criteria described in division (A)(3) of this section apply.~~ 2654
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~~(12)(7) "SYO" refers to serious youthful offender disposition.~~ 2656
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~~(8) "TJ" refers to traditional juvenile.~~ 2658

Sec. 2152.12. ~~(A)(1)(a) After a complaint has been filed alleging that a child is a delinquent child for committing an act that would be aggravated murder, murder, attempted aggravated murder, or attempted murder if committed by an adult, the juvenile court at a hearing shall transfer the case if the child was sixteen or seventeen years of age at the time of the act charged and there is probable cause to believe that the child committed the act charged. The juvenile court also shall transfer the case at a hearing if the child was fourteen or fifteen years of age at the time of the act charged, if section 2152.10 of the Revised Code provides that the child is eligible for mandatory transfer, and if there is probable cause to believe that the child committed the act charged.~~ 2659
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~~(b) After a complaint has been filed alleging that a child is a delinquent child by reason of committing a category two offense, the juvenile court at a hearing shall transfer the case if section 2152.10 of the Revised Code requires the mandatory transfer of the case and there is probable cause to believe that the child committed the act charged.~~ 2672
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~~(2) The juvenile court also shall transfer a case in the circumstances described in division (C)(5) of section 2152.02 of~~ 2678
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~~the Revised Code or if either of the following applies:~~ 2680

~~(a) A complaint is filed against a child who is eligible for a discretionary transfer under section 2152.10 of the Revised Code and who previously was convicted of or pleaded guilty to a felony in a case that was transferred to a criminal court.~~ 2681
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~~(b) A complaint is filed against a child who is domiciled in another state alleging that the child is a delinquent child for committing an act that would be a felony if committed by an adult, and, if the act charged had been committed in that other state, the child would be subject to criminal prosecution as an adult under the law of that other state without the need for a transfer of jurisdiction from a juvenile, family, or similar noncriminal court to a criminal court.~~ 2685
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~~(B) Except as provided in division (A) of this section, after~~ 2693
After a complaint has been filed alleging that a child is a 2694
delinquent child for committing an act that would be a felony if 2695
committed by an adult, the juvenile court at a hearing may 2696
transfer the case if the court finds all of the following: 2697

~~(1)(a)~~ (a) The child was fourteen years of age or older at the 2698
time of the act charged. 2699

~~(2)(b)~~ (b) There is probable cause to believe that the child 2700
committed the act charged. 2701

~~(3)(c)~~ (c) The child is not amenable to care or rehabilitation 2702
within the juvenile system, and the safety of the community may 2703
require that the child be subject to adult sanctions. In making 2704
its decision under this division, the court shall consider whether 2705
the applicable factors under division ~~(D)~~(C) of this section 2706
indicating that the case should be transferred outweigh the 2707
applicable factors under division ~~(E)~~(D) of this section 2708
indicating that the case should not be transferred. The record 2709
shall indicate the specific factors that were applicable and that 2710

the court weighed. 2711

(2) Independent of the authority to transfer a case under 2712
division (A)(1) of this section, the juvenile court shall transfer 2713
a case when the person charged is deemed not to be a child in the 2714
circumstances described in division (C)(5) of section 2152.02 of 2715
the Revised Code. 2716

~~(C)~~(B) Before considering a transfer under division ~~(B)~~(A)(1) 2717
of this section, the juvenile court shall order an investigation, 2718
including a mental examination of the child by a public or private 2719
agency or a person qualified to make the examination. The child 2720
may waive the examination required by this division if the court 2721
finds that the waiver is competently and intelligently made. 2722
Refusal to submit to a mental examination by the child constitutes 2723
a waiver of the examination. 2724

~~(D)~~(C) In considering whether to transfer a child under 2725
division ~~(B)~~(A)(1) of this section, the juvenile court shall 2726
consider the following relevant factors, and any other relevant 2727
factors, in favor of a transfer under that division: 2728

(1) The victim of the act charged suffered physical or 2729
psychological harm, or serious economic harm, as a result of the 2730
alleged act. 2731

(2) The physical or psychological harm suffered by the victim 2732
due to the alleged act of the child was exacerbated because of the 2733
physical or psychological vulnerability or the age of the victim. 2734

(3) The child's relationship with the victim facilitated the 2735
act charged. 2736

(4) The child allegedly committed the act charged for hire or 2737
as a part of a gang or other organized criminal activity. 2738

(5) The child had a firearm on or about the child's person or 2739
under the child's control at the time of the act charged, the act 2740

charged is not a violation of section 2923.12 of the Revised Code, 2741
and the child, during the commission of the act charged, allegedly 2742
used or displayed the firearm, brandished the firearm, or 2743
indicated that the child possessed a firearm. 2744

(6) At the time of the act charged, the child was awaiting 2745
adjudication or disposition as a delinquent child, was under a 2746
community control sanction, or was on parole for a prior 2747
delinquent child adjudication or conviction. 2748

(7) The results of any previous juvenile sanctions and 2749
programs indicate that rehabilitation of the child will not occur 2750
in the juvenile system. 2751

(8) The child is emotionally, physically, or psychologically 2752
mature enough for the transfer. 2753

(9) There is not sufficient time to rehabilitate the child 2754
within the juvenile system. 2755

~~(E)~~(D) In considering whether to transfer a child under 2756
division ~~(B)~~(A)(1) of this section, the juvenile court shall 2757
consider the following relevant factors, and any other relevant 2758
factors, against a transfer under that division: 2759

(1) The victim induced or facilitated the act charged. 2760

(2) The child acted under provocation in allegedly committing 2761
the act charged. 2762

(3) The child was not the principal actor in the act charged, 2763
or, at the time of the act charged, the child was under the 2764
negative influence or coercion of another person. 2765

(4) The child did not cause physical harm to any person or 2766
property, or have reasonable cause to believe that harm of that 2767
nature would occur, in allegedly committing the act charged. 2768

(5) The child previously has not been adjudicated a 2769
delinquent child. 2770

(6) The child is not emotionally, physically, or psychologically mature enough for the transfer. 2771
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(7) The child has a mental illness or is a mentally retarded person. 2773
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(8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety. 2775
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~~(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred for, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:~~ 2778
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~~(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.~~ 2788
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~~(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division. After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with division (B) of this section, whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division. Notwithstanding division (B) of this section, prior to transferring a case pursuant to division (A) of this section, the~~ 2792
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~~court is not required to consider any factor specified in division (D) or (E) of this section or to conduct an investigation under division (C) of this section.~~ 2802
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~~(3) If the court determines that division (A) of this section does not require that the case or cases involving one or more of the acts charged be transferred, the court shall decide in accordance with division (B) of this section whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to that division.~~ 2805
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~~(G)~~(E) The court shall give notice in writing of the time, place, and purpose of any hearing held pursuant to division (A) ~~or~~ ~~(B)~~(1) of this section to the child's parents, guardian, or other custodian and to the child's counsel at least three days prior to the hearing. 2811
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~~(H)~~(F) No person, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense committed prior to becoming eighteen years of age, unless the person has been transferred as provided in division (A)(1) ~~or~~ ~~(B)~~ of this section or unless division ~~(J)~~(H) of this section applies. Any prosecution that is had in a criminal court on the mistaken belief that the person who is the subject of the case was eighteen years of age or older at the time of the commission of the offense shall be deemed a nullity, and the person shall not be considered to have been in jeopardy on the offense. 2816
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~~(I)~~(G) Upon the transfer of a case under division (A)(1) or ~~(B)~~(2) of this section, the juvenile court shall state the reasons for the transfer on the record, and shall order the child to enter into a recognizance with good and sufficient surety for the child's appearance before the appropriate court for any disposition that the court is authorized to make for a similar act committed by an adult. The transfer abates the jurisdiction of the juvenile court with respect to the delinquent acts alleged in the 2826
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complaint, and, upon the transfer, all further proceedings 2834
pertaining to the act charged shall be discontinued in the 2835
juvenile court, and the case then shall be within the jurisdiction 2836
of the court to which it is transferred as described in division 2837
(H) of section 2151.23 of the Revised Code. 2838

~~(J)~~(H) If a person under eighteen years of age allegedly 2839
commits an act that would be a felony if committed by an adult and 2840
if the person is not taken into custody or apprehended for that 2841
act until after the person attains twenty-one years of age, the 2842
juvenile court does not have jurisdiction to hear or determine any 2843
portion of the case charging the person with committing that act. 2844
In those circumstances, ~~divisions~~ division (A) and ~~(B)~~ of this 2845
section ~~do~~ does not apply regarding the act, and the case charging 2846
the person with committing the act shall be a criminal prosecution 2847
commenced and heard in the appropriate court having jurisdiction 2848
of the offense as if the person had been eighteen years of age or 2849
older when the person committed the act. All proceedings 2850
pertaining to the act shall be within the jurisdiction of the 2851
court having jurisdiction of the offense, and that court has all 2852
the authority and duties in the case as it has in other criminal 2853
cases in that court. 2854

Sec. 2152.13. (A)(1) A child is eligible for a serious 2855
youthful offender dispositional sentence under this section only 2856
if the following conditions apply: 2857

(a) The child is adjudicated a delinquent child for 2858
committing an act that would be a felony if committed by an adult. 2859

(b) The child was fourteen years of age or older when the act 2860
was committed. 2861

(c) The child is eligible for a serious youthful offender 2862
disposition under section 2152.11 of the Revised Code. 2863

(d) The child was not transferred under section 2152.12 of the Revised Code. 2864
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(2) A juvenile court may impose a serious youthful offender dispositional sentence on a child only if the prosecuting attorney of the county in which the delinquent act allegedly occurred initiates the process against the child in accordance with this division, and the child is an alleged delinquent child who is eligible under division (A)(1) of this section for ~~the a serious youthful offender~~ dispositional sentence. The prosecuting attorney may initiate the process in any of the following ways: 2866
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~~(1)(a)~~ (a) Obtaining an indictment of the child as a serious youthful offender; 2874
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~~(2) The (b)~~ (b) If the child waives the right to indictment, charging the child in a bill of information as a serious youthful offender; 2876
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~~(3)(c)~~ (c) Until an indictment or information is obtained, requesting a serious youthful offender dispositional sentence in the original complaint alleging that the child is a delinquent child; 2879
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~~(4)(d)~~ (d) Until an indictment or information is obtained, if the original complaint does not request a serious youthful offender dispositional sentence, filing with the juvenile court a written notice of intent to seek a serious youthful offender dispositional sentence within twenty days after the later of the following, unless the time is extended by the juvenile court for good cause shown: 2883
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~~(a)(i)~~ (i) The date of the child's first juvenile court hearing regarding the complaint; 2890
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~~(b)(ii)~~ (ii) The date the juvenile court determines not to transfer the case under section 2152.12 of the Revised Code. 2892
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After a written notice is filed under division (A)~~(4)~~(2)(d) 2894
of this section, the juvenile court shall serve a copy of the 2895
notice on the child and advise the child of the prosecuting 2896
attorney's intent to seek a serious youthful offender 2897
dispositional sentence in the case. 2898

(B) If an alleged delinquent child is not indicted or charged 2899
by information as described in division (A)~~(1)~~(2)(a) or ~~(2)~~(b) of 2900
this section and if a notice or complaint as described in division 2901
(A)~~(3)~~(2)(c) or ~~(4)~~(d) of this section indicates that the 2902
prosecuting attorney intends to pursue a serious youthful offender 2903
dispositional sentence in the case, the juvenile court shall hold 2904
a preliminary hearing to determine if there is probable cause that 2905
the child committed the act charged and is ~~by age~~ eligible under 2906
division (A)(1) of this section for, ~~or required to receive,~~ a 2907
serious youthful offender dispositional sentence. 2908

(C)(1) A child for whom a serious youthful offender 2909
dispositional sentence is sought has the right to a grand jury 2910
determination of probable cause that the child committed the act 2911
charged and that the child is eligible ~~by age~~ under division 2912
(A)(1) of this section for a serious youthful offender 2913
dispositional sentence. The grand jury may be impaneled by the 2914
court of common pleas or the juvenile court. 2915

Once a child is indicted, or charged by information or the 2916
juvenile court determines that the child is eligible under 2917
division (A)(1) of this section for a serious youthful offender 2918
dispositional sentence, the child is entitled to an open and 2919
speedy trial by jury in juvenile court and to be provided with a 2920
transcript of the proceedings. The time within which the trial is 2921
to be held under Title XXIX of the Revised Code commences on 2922
whichever of the following dates is applicable: 2923

(a) If the child is indicted or charged by information, on 2924
the date of the filing of the indictment or information. 2925

(b) If the child is charged by an original complaint that requests a serious youthful offender dispositional sentence, on the date of the filing of the complaint.

(c) If the child is not charged by an original complaint that requests a serious youthful offender dispositional sentence, on the date that the prosecuting attorney files the written notice of intent to seek a serious youthful offender dispositional sentence.

(2) If ~~the~~ a child for whom a serious youthful offender dispositional sentence is sought is detained awaiting adjudication, upon indictment or being charged by information, the child has the same right to bail as an adult charged with the offense the alleged delinquent act would be if committed by an adult. Except as provided in division (D) of section 2152.14 of the Revised Code, all provisions of Title XXIX of the Revised Code and the Criminal Rules shall apply in the case and to the child. The juvenile court shall afford the child all rights afforded a person who is prosecuted for committing a crime including the right to counsel and the right to raise the issue of competency. The child may not waive the right to counsel.

~~(D)(1) If a child is adjudicated a delinquent child for committing an act under circumstances that require the juvenile court to impose upon the child a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:~~

~~(a) The juvenile court shall impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.~~

~~(b) The juvenile court also shall impose upon the child one or more traditional juvenile dispositions under sections 2152.16,~~

~~2152.19, and 2152.20, and, if applicable, section 2152.17 of the Revised Code.~~ 2957
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~~(c) The juvenile court shall stay the adult portion of the serious youthful offender dispositional sentence pending the successful completion of the traditional juvenile dispositions imposed.~~ 2959
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~~(2)(a) If a child is adjudicated a delinquent child for committing an act and under circumstances that allow, but do not require, the juvenile court to impose on division (A)(1) of this section the child is eligible for a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:~~ 2963
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(i) If the juvenile court on the record makes a finding that, given the nature and circumstances of the violation and the history of the child, the length of time, level of security, and types of programming and resources available in the juvenile system alone are not adequate to provide the juvenile court with a reasonable expectation that the purposes set forth in section 2152.01 of the Revised Code will be met, the juvenile court may impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole. 2969
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(ii) If a sentence is imposed under division (D)~~(2)~~(1)(a)(i) of this section, the juvenile court also shall impose upon the child one or more traditional juvenile dispositions under sections 2152.16, 2152.19, and 2152.20 and, if applicable, section 2152.17 of the Revised Code. 2980
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(iii) The juvenile court shall stay the adult portion of the serious youthful offender dispositional sentence pending the successful completion of the traditional juvenile dispositions 2985
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imposed. 2988

(b) If the juvenile court does not find that a sentence 2989
should be imposed under division (D)~~(2)~~(1)(a)(i) of this section, 2990
the juvenile court may impose one or more traditional juvenile 2991
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 2992
applicable, section 2152.17 of the Revised Code. 2993

~~(3)~~(2) A child upon whom a serious youthful offender 2994
dispositional sentence is imposed under division (D)(1) ~~or (2)~~ of 2995
this section has a right to appeal under division (A)(1), (3), 2996
(4), (5), or (6) of section 2953.08 of the Revised Code the adult 2997
portion of the serious youthful offender dispositional sentence 2998
when any of those divisions apply. The child may appeal the adult 2999
portion, and the court shall consider the appeal as if the adult 3000
portion were not stayed. 3001

Sec. 2152.14. (A)(1) The director of youth services may 3002
request the prosecuting attorney of the county in which is located 3003
the juvenile court that imposed a serious youthful offender 3004
dispositional sentence upon a person under section 2152.13 of the 3005
Revised Code to file a motion with that juvenile court to invoke 3006
the adult portion of the dispositional sentence if all of the 3007
following apply to the person: 3008

(a) The person is at least fourteen years of age. 3009

(b) The person is in the institutional custody, or an escapee 3010
from the custody, of the department of youth services. 3011

(c) The person is serving the juvenile portion of the serious 3012
youthful offender dispositional sentence. 3013

(2) The motion shall state that there is reasonable cause to 3014
believe that either of the following misconduct has occurred and 3015
shall state that at least one incident of misconduct of that 3016
nature occurred after the person reached fourteen years of age: 3017

(a) The person committed an act that is a violation of the 3018
rules of the institution and that could be charged as any felony 3019
or as a first degree misdemeanor offense of violence if committed 3020
by an adult. 3021

(b) The person has engaged in conduct that creates a 3022
substantial risk to the safety or security of the institution, the 3023
community, or the victim. 3024

(B) If a person is at least fourteen years of age, is serving 3025
the juvenile portion of a serious youthful offender dispositional 3026
sentence imposed under section 2152.13 of the Revised Code, and is 3027
on parole or aftercare from a department of youth services 3028
facility, or on community control, the director of youth services, 3029
the juvenile court that imposed the serious youthful offender 3030
dispositional sentence on the person, or the probation department 3031
supervising the person may request the prosecuting attorney of the 3032
county in which is located the juvenile court to file a motion 3033
with the juvenile court to invoke the adult portion of the 3034
dispositional sentence. The prosecuting attorney may file a motion 3035
to invoke the adult portion of the dispositional sentence even if 3036
no request is made. The motion shall state that there is 3037
reasonable cause to believe that either of the following occurred 3038
and shall state that at least one incident of misconduct of that 3039
nature occurred after the person reached fourteen years of age: 3040

(1) The person committed an act that is a violation of the 3041
conditions of supervision and that could be charged as any felony 3042
or as a first degree misdemeanor offense of violence if committed 3043
by an adult. 3044

(2) The person has engaged in conduct that creates a 3045
substantial risk to the safety or security of the community or of 3046
the victim. 3047

(C) If the prosecuting attorney declines a request to file a 3048

motion that was made by the department of youth services or the 3049
supervising probation department under division (A) or (B) of this 3050
section or fails to act on a request made under either division by 3051
the department within a reasonable time, the department of youth 3052
services or the supervising probation department may file a motion 3053
of the type described in division (A) or (B) of this section with 3054
the juvenile court to invoke the adult portion of the serious 3055
youthful offender dispositional sentence. If the prosecuting 3056
attorney declines a request to file a motion that was made by the 3057
juvenile court under division (B) of this section or fails to act 3058
on a request from the court under that division within a 3059
reasonable time, the juvenile court may hold the hearing described 3060
in division (D) of this section on its own motion. 3061

(D) Upon the filing of a motion described in division (A), 3062
(B), or (C) of this section, the juvenile court may hold a hearing 3063
to determine whether to invoke the adult portion of a person's 3064
serious juvenile offender dispositional sentence. The juvenile 3065
court shall not invoke the adult portion of the dispositional 3066
sentence without a hearing. At the hearing the person who is the 3067
subject of the serious youthful offender disposition has the right 3068
to be present, to receive notice of the grounds upon which the 3069
adult sentence portion is sought to be invoked, to be represented 3070
by counsel including counsel appointed under Juvenile Rule 4(A), 3071
to be advised on the procedures and protections set forth in the 3072
Juvenile Rules, and to present evidence on the person's own 3073
behalf, including evidence that the person has a mental illness or 3074
is a mentally retarded person. The person may not waive the right 3075
to counsel. The hearing shall be open to the public. If the person 3076
presents evidence that the person has a mental illness or is a 3077
mentally retarded person, the juvenile court shall consider that 3078
evidence in determining whether to invoke the adult portion of the 3079
serious youthful offender dispositional sentence. 3080

(E)(1) The juvenile court may invoke the adult portion of a person's serious youthful offender dispositional sentence if the juvenile court finds all of the following on the record by clear and convincing evidence:

(a) The person is serving the juvenile portion of a serious youthful offender dispositional sentence.

(b) The person is at least fourteen years of age and has been admitted to a department of youth services facility, or criminal charges are pending against the person.

(c) The person engaged in the conduct or acts charged under division (A), (B), or (C) of this section, and the person's conduct demonstrates that the person is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.

(2) The court may modify the adult sentence the court invokes to consist of any lesser prison term that could be imposed for the offense and, in addition to the prison term or in lieu of the prison term if the prison term was not mandatory, any community control sanction that the offender was eligible to receive at sentencing.

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of rehabilitation and correction or place the person under another sanction imposed as part of the sentence. The juvenile court shall state in its order the total number of days that the person has been held in detention or in a facility operated by, or under contract with, the department of youth services under the juvenile portion of the dispositional sentence. The time the person must

serve on a prison term imposed under the adult portion of the 3112
dispositional sentence shall be reduced by the total number of 3113
days specified in the order plus any additional days the person is 3114
held in a juvenile facility or in detention after the order is 3115
issued and before the person is transferred to the custody of the 3116
department of rehabilitation and correction. In no case shall the 3117
total prison term as calculated under this division exceed the 3118
maximum prison term available for an adult who is convicted of 3119
violating the same sections of the Revised Code. 3120

Any community control imposed as part of the adult sentence 3121
or as a condition of a judicial release from prison shall be under 3122
the supervision of the entity that provides adult probation 3123
services in the county. Any post-release control imposed after the 3124
offender otherwise is released from prison shall be supervised by 3125
the adult parole authority. 3126

Sec. 2152.17. (A) Subject to division (D) of this section, if 3127
a child is adjudicated a delinquent child for committing an act, 3128
other than a violation of section 2923.12 of the Revised Code, 3129
that would be a felony if committed by an adult ~~and~~, if the court 3130
determines that, if the child was an adult, the child would be 3131
guilty of a specification of the type set forth in section 3132
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, or 3133
2941.1415 of the Revised Code, and if the court commits the child 3134
to the department of youth services for the underlying delinquent 3135
act under sections 2152.12 to 2152.16 of the Revised Code, in 3136
addition to ~~any~~ that commitment ~~or~~ and any other disposition the 3137
court imposes for the underlying delinquent act, all of the 3138
following apply: 3139

(1) If the court determines that the child would be guilty of 3140
a specification of the type set forth in section 2941.141 of the 3141
Revised Code, the court may commit the child to the department of 3142

youth services for the specification for a definite period of up 3143
to one year. 3144

(2) If the court determines that the child would be guilty of 3145
a specification of the type set forth in section 2941.145 of the 3146
Revised Code ~~or if~~ as a result of the fact that the child had a 3147
firearm on or about the child's person or under the child's 3148
control while committing the offense and displayed the firearm or 3149
indicated that the child possessed the firearm, the court may 3150
commit the child to the department of youth services for the 3151
specification for a definite period of not more than three years. 3152

(3) If the court determines that the child would be guilty of 3153
a specification of the type set forth in section 2941.145 of the 3154
Revised Code as a result of the fact that the child had a firearm 3155
on or about the child's person or under the child's control while 3156
committing the offense and brandished the firearm or used it to 3157
facilitate the offense, the court shall commit the child to the 3158
department of youth services for the specification for a definite 3159
period of not more than three years. 3160

(4) If the delinquent act is a violation of division (A)(1) 3161
or (2) of section 2903.06 of the Revised Code and the court 3162
determines that the child would be guilty of a specification of 3163
the type set forth in section 2941.1415 of the Revised Code, the 3164
court shall commit the child to the department of youth services 3165
for the specification for a definite period of ~~not less than one~~ 3166
~~and~~ not more than three years, ~~and the court also shall commit the~~ 3167
~~child to the department for the underlying delinquent act under~~ 3168
~~sections 2152.11 to 2152.16 of the Revised Code.~~ 3169

~~(3)~~(5) If the court determines that the child would be guilty 3170
of a specification of the type set forth in section 2941.144~~7~~ of 3171
the Revised Code, the court may commit the child to the department 3172
of youth services for the specification for a definite period of 3173
not more than five years. 3174

(6) If the court determines that the child would be guilty of 3175
a specification of the type set forth in section 2941.146, or 3176
2941.1412 of the Revised Code or if the delinquent act is a 3177
violation of division (A)(1) or (2) of section 2903.06 of the 3178
Revised Code and the court determines that the child would be 3179
guilty of a specification of the type set forth in section 3180
2941.1414 of the Revised Code, the court shall commit the child to 3181
the department of youth services for the specification for a 3182
definite period of ~~not less than one and~~ not more than five years, 3183
~~and the court also shall commit the child to the department for~~ 3184
~~the underlying delinquent act under sections 2152.11 to 2152.16 of~~ 3185
~~the Revised Code.~~ 3186

~~(B) Division (A) of this section also applies to a child who~~ 3187
~~is an accomplice to the same extent the firearm specifications~~ 3188
~~would apply to an adult accomplice in a criminal proceeding~~ If a 3189
child is adjudicated a delinquent child for committing an act, 3190
other than a violation of section 2923.12 of the Revised Code, 3191
that would be a felony if committed by an adult, if the court 3192
determines that the child is complicit in another person's conduct 3193
that is of such a nature that, if the other person was an adult, 3194
the other person would be guilty of a specification of a type 3195
described in division (A)(1), (2), or (3) of this section, if the 3196
other person's conduct relates to the child's underlying 3197
delinquent act, and if the court commits the child to the 3198
department of youth services for the underlying delinquent act 3199
under sections 2152.12 to 2152.16 of the Revised Code, in addition 3200
to that commitment and any other disposition the court imposes for 3201
the underlying delinquent act, the court may commit the child to 3202
the department of youth services for the specification for a 3203
definite period of not more than one year, subject to division 3204
(D)(2) of this section. 3205

(C) If a child is adjudicated a delinquent child for 3206

committing an act that would be aggravated murder, murder, or a 3207
first, second, or third degree felony offense of violence if 3208
committed by an adult and if the court determines that, if the 3209
child was an adult, the child would be guilty of a specification 3210
of the type set forth in section 2941.142 of the Revised Code in 3211
relation to the act for which the child was adjudicated a 3212
delinquent child, the court shall commit the child for the 3213
specification to the legal custody of the department of youth 3214
services for institutionalization in a secure facility for a 3215
definite period of ~~not less than one and~~ not more than three 3216
years, subject to division (D)(2) of this section, ~~and the court~~ 3217
~~also shall commit the child to the department for the underlying~~ 3218
~~delinquent act.~~ 3219

(D)(1) If the child is adjudicated a delinquent child for 3220
committing an act that would be an offense of violence that is a 3221
felony if committed by an adult and is committed to the legal 3222
custody of the department of youth services pursuant to division 3223
(A)(1) of section 2152.16 of the Revised Code and if the court 3224
determines that the child, if the child was an adult, would be 3225
guilty of a specification of the type set forth in section 3226
2941.1411 of the Revised Code in relation to the act for which the 3227
child was adjudicated a delinquent child, the court may commit the 3228
child to the custody of the department of youth services for 3229
institutionalization in a secure facility for up to two years, 3230
subject to division (D)(2) of this section. 3231

(2) A court that imposes a period of commitment under 3232
division (A) or (B) of this section is not precluded from imposing 3233
an additional period of commitment under division (C) or (D)(1) of 3234
this section, a court that imposes a period of commitment under 3235
division (C) of this section is not precluded from imposing an 3236
additional period of commitment under division (A), (B), or (D)(1) 3237
of this section, and a court that imposes a period of commitment 3238

under division (D)(1) of this section is not precluded from 3239
imposing an additional period of commitment under division (A), 3240
(B), or (C) of this section. 3241

(E) The court shall not commit a child to the legal custody 3242
of the department of youth services for a specification pursuant 3243
to this section for a period that exceeds five years for any one 3244
delinquent act. Any commitment imposed pursuant to division (A), 3245
(B), (C), or (D)(1) of this section shall be in addition to, and 3246
shall be served consecutively with and prior to, a period of 3247
commitment ordered under this chapter for the underlying 3248
delinquent act, and ~~each~~ the child shall be eligible for judicial 3249
release during the commitments in accordance with section 2152.22 3250
of the Revised Code. Each commitment imposed pursuant to division 3251
(A), (B), (C), or (D)(1) of this section shall be in addition to, 3252
and shall be served consecutively with, any other period of 3253
commitment imposed under any of those divisions, and the child 3254
shall be eligible for judicial release during the commitments in 3255
accordance with section 2152.22 of the Revised Code. If a 3256
commitment is imposed under division (A) or (B) of this section 3257
and a commitment also is imposed under division (C) of this 3258
section, the period imposed under division (A) or (B) of this 3259
section shall be served prior to the period imposed under division 3260
(C) of this section, and the child shall be eligible for judicial 3261
release during the commitments in accordance with section 2152.22 3262
of the Revised Code. 3263

In each case in which a court makes a disposition under this 3264
section, the court retains control over the commitment for the 3265
entire period of the commitment. 3266

The total of all the periods of commitment imposed for any 3267
specification under this section and for the underlying offense 3268
shall not exceed the child's attainment of twenty-one years of 3269
age. 3270

(F) If a child is adjudicated a delinquent child for 3271
committing two or more acts that would be felonies if committed by 3272
an adult and if the court entering the delinquent child 3273
adjudication orders the commitment of the child for two or more of 3274
those acts to the legal custody of the department of youth 3275
services for institutionalization in a secure facility pursuant to 3276
section 2152.13 or 2152.16 of the Revised Code, the court may 3277
order that all of the periods of commitment imposed under those 3278
sections for those acts be served consecutively in the legal 3279
custody of the department of youth services, provided that those 3280
periods of commitment shall be in addition to and commence 3281
immediately following the expiration of a period of commitment 3282
that the court imposes pursuant to division (A), (B), (C), or 3283
(D)(1) of this section. A court shall not commit a delinquent 3284
child to the legal custody of the department of youth services 3285
under this division for a period that exceeds the child's 3286
attainment of twenty-one years of age. 3287

Sec. 2152.22. (A) When a child is committed to the legal 3288
custody of the department of youth services under this chapter, 3289
the juvenile court relinquishes control with respect to the child 3290
so committed, except as provided in divisions (B), (C), and (G) of 3291
this section or in sections 2152.82 to 2152.86 of the Revised 3292
Code. Subject to divisions (B) and (C) of this section, sections 3293
2151.353 and 2151.412 to 2151.421 of the Revised Code, sections 3294
2152.82 to 2152.86 of the Revised Code, and any other provision of 3295
law that specifies a different duration for a dispositional order, 3296
all other dispositional orders made by the court under this 3297
chapter shall be temporary and shall continue for a period that is 3298
designated by the court in its order, until terminated or modified 3299
by the court or until the child attains twenty-one years of age. 3300

The department shall not release the child from a department 3301
facility and as a result shall not discharge the child or order 3302

the child's release on supervised release prior to the expiration 3303
of the minimum period specified by the court in division (A)(1) of 3304
section 2152.16 of the Revised Code ~~and, prior to the expiration~~ 3305
of any term of commitment imposed under section 2152.17 of the 3306
Revised Code, or prior to the child's attainment of twenty-one 3307
years of age, except upon the order of a court pursuant to 3308
division (B) or (C) of this section or in accordance with section 3309
5139.54 of the Revised Code. 3310

(B)(1) The court that commits a delinquent child to the 3311
department may grant judicial release of the child to court 3312
supervision under this division for any of the following periods 3313
of time: 3314

(a) Except as otherwise provided in division (B)(1)(c) of 3315
this section, if the child was committed to the department for a 3316
prescribed minimum period and a maximum period not to exceed the 3317
child's attainment of twenty-one years of age, the court may grant 3318
judicial release of the child to court supervision during the 3319
first half of ~~the that~~ prescribed minimum ~~term for which the child~~ 3320
~~was committed to the department or, if~~ period of commitment. 3321

(b) Except as otherwise provided in division (B)(1)(d) of 3322
this section, if the child was committed to the department until 3323
the child attains twenty-one years of age, the court may grant 3324
judicial release of the child to court supervision during the 3325
first half of the prescribed period of commitment that begins on 3326
the first day of that commitment and ends on the child's 3327
twenty-first birthday, ~~provided any commitment imposed under~~ 3328
~~division (A), (B), (C), or (D) of section 2152.17 of the Revised~~ 3329
~~Code has ended.~~ 3330

(c) If the child was committed to the department for both one 3331
or more definite periods under division (A), (B), (C), or (D) of 3332
section 2152.17 of the Revised Code and a period of the type 3333
described in division (B)(1)(a) of this section, all of the 3334

prescribed definite periods of commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and the prescribed minimum period of commitment of the type described in division (B)(1)(a) of this section shall be aggregated for purposes of this division and the court may grant judicial release of the child to court supervision during the first half of that aggregate minimum period of commitment. 3335
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(d) If the child was committed to the department for both one or more definite periods under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and a period of the type described in division (B)(1)(b) of this section, the court may grant judicial release of the child to court supervision during the first half of the prescribed minimum period of commitment that begins on the first day of the first prescribed definite period of commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and ends on the child's twenty-first birthday. 3342
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(2) If the department of youth services desires to release a child during a period specified in division (B)(1) of this section, it shall request the court that committed the child to grant a judicial release of the child to court supervision. During whichever of those periods is applicable, the child or the parents of the child also may request that court to grant a judicial release of the child to court supervision. Upon receipt of a request for a judicial release to court supervision from the department, the child, or the child's parent, or upon its own motion, the court that committed the child shall do one of the following: approve the release by journal entry; schedule within thirty days after the request is received a time for a hearing on whether the child is to be released; or reject the request by journal entry without conducting a hearing. 3352
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If the court rejects an initial request for a release under 3366

this division by the child or the child's parent, the child or the 3367
child's parent may make one additional request for a judicial 3368
release to court supervision within the applicable period. The 3369
additional request may be made no earlier than thirty days after 3370
the filing of the prior request for a judicial release to court 3371
supervision. Upon the filing of a second request for a judicial 3372
release to court supervision, the court shall either approve or 3373
disapprove the release by journal entry or schedule within thirty 3374
days after the request is received a time for a hearing on whether 3375
the child is to be released. 3376

(3) If a court schedules a hearing under division (B)(2) of 3377
this section, it may order the department to deliver the child to 3378
the court on the date set for the hearing and may order the 3379
department to present to the court a report on the child's 3380
progress in the institution to which the child was committed and 3381
recommendations for conditions of supervision of the child by the 3382
court after release. The court may conduct the hearing without the 3383
child being present. The court shall determine at the hearing 3384
whether the child should be granted a judicial release to court 3385
supervision. 3386

If the court approves the release, it shall order its staff 3387
to prepare a written treatment and rehabilitation plan for the 3388
child that may include any conditions of the child's release that 3389
were recommended by the department and approved by the court. The 3390
committing court shall send the juvenile court of the county in 3391
which the child is placed a copy of the recommended plan. The 3392
court of the county in which the child is placed may adopt the 3393
recommended conditions set by the committing court as an order of 3394
the court and may add any additional consistent conditions it 3395
considers appropriate. If a child is granted a judicial release to 3396
court supervision, the release discharges the child from the 3397
custody of the department of youth services. 3398

(C)(1) The court that commits a delinquent child to the department may grant judicial release of the child to department of youth services supervision under this division ~~during the second~~ for any of the following periods of time:

(a) Except as otherwise provided in division (C)(1)(c) of this section, if the child was committed to the department for a prescribed minimum period and a maximum period not to exceed the child's attainment of twenty-one years of age, the court may grant judicial release of the child to department of youth services supervision at any time after the expiration of the first half of the that prescribed minimum term for which the child was committed to the department or, if period of commitment.

(b) Except as otherwise provided in division (C)(1)(d) of this section, if the child was committed to the department until the child attains twenty-one years of age, the court may grant judicial release of the child to department of youth services supervision during the second half of the prescribed period of commitment that begins on the first day of that commitment and ends on the child's twenty-first birthday, provided any commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code has ended;

(c) If the child was committed to the department for both one or more definite periods under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and a period of the type described in division (C)(1)(a) of this section, all of the prescribed definite periods of commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code and the prescribed minimum period of commitment of the type described in division (C)(1)(a) of this section shall be aggregated for purposes of this division, and the court may grant judicial release of the child to department of youth services supervision at any time after the expiration of the first half of that

aggregate minimum period of commitment. 3431

(d) If the child was committed to the department for both one 3432
or more definite periods under division (A), (B), (C), or (D) of 3433
section 2152.17 of the Revised Code and a period of the type 3434
described in division (C)(1)(b) of this section, the court may 3435
grant judicial release of the child to department of youth 3436
services supervision during the second half of the prescribed 3437
minimum period of commitment that begins on the first day of the 3438
first prescribed definite period of commitment imposed under 3439
division (A), (B), (C), or (D) of section 2152.17 of the Revised 3440
Code and ends on the child's twenty-first birthday. 3441

(2) If the department of youth services desires to release a 3442
child during a period specified in division (C)(1) of this 3443
section, it shall request the court that committed the child to 3444
grant a judicial release to department of youth services 3445
supervision. During whichever of those periods is applicable, the 3446
child or the child's parent also may request the court that 3447
committed the child to grant a judicial release to department of 3448
youth services supervision. Upon receipt of a request for judicial 3449
release to department of youth services supervision, the child, or 3450
the child's parent, or upon its own motion at any time during that 3451
period, the court shall do one of the following: approve the 3452
release by journal entry; schedule a time within thirty days after 3453
receipt of the request for a hearing on whether the child is to be 3454
released; or reject the request by journal entry without 3455
conducting a hearing. 3456

If the court rejects an initial request for release under 3457
this division by the child or the child's parent, the child or the 3458
child's parent may make one or more subsequent requests for a 3459
release within the applicable period, but may make no more than 3460
one request during each period of ninety days that the child is in 3461
a secure department facility after the filing of a prior request 3462

for early release. Upon the filing of a request for release under 3463
this division subsequent to an initial request, the court shall 3464
either approve or disapprove the release by journal entry or 3465
schedule a time within thirty days after receipt of the request 3466
for a hearing on whether the child is to be released. 3467

(3) If a court schedules a hearing under division (C)(2) of 3468
this section, it may order the department to deliver the child to 3469
the court on the date set for the hearing and shall order the 3470
department to present to the court at that time a treatment plan 3471
for the child's post-institutional care. The court may conduct the 3472
hearing without the child being present. The court shall determine 3473
at the hearing whether the child should be granted a judicial 3474
release to department of youth services supervision. 3475

If the court approves the judicial release to department of 3476
youth services supervision, the department shall prepare a written 3477
treatment and rehabilitation plan for the child pursuant to 3478
division (E) of this section that shall include the conditions of 3479
the child's release. It shall send the committing court and the 3480
juvenile court of the county in which the child is placed a copy 3481
of the plan. The court of the county in which the child is placed 3482
may adopt the conditions set by the department as an order of the 3483
court and may add any additional consistent conditions it 3484
considers appropriate, provided that the court may not add any 3485
condition that decreases the level or degree of supervision 3486
specified by the department in its plan, that substantially 3487
increases the financial burden of supervision that will be 3488
experienced by the department, or that alters the placement 3489
specified by the department in its plan. If the court of the 3490
county in which the child is placed adds to the department's plan 3491
any additional conditions, it shall enter those additional 3492
conditions in its journal and shall send to the department a copy 3493
of the journal entry of the additional conditions. 3494

If the court approves the judicial release to department of youth services supervision, the actual date on which the department shall release the child is contingent upon the department finding a suitable placement for the child. If the child is to be returned to the child's home, the department shall return the child on the date that the court schedules for the child's release or shall bear the expense of any additional time that the child remains in a department facility. If the child is unable to return to the child's home, the department shall exercise reasonable diligence in finding a suitable placement for the child, and the child shall remain in a department facility while the department finds the suitable placement.

(D) If a child is released under division (B) or (C) of this section and the court of the county in which the child is placed has reason to believe that the child's department is not in accordance with the conditions of the child's judicial release, the court of the county in which the child is placed shall schedule a time for a hearing to determine whether the child violated any of the post-release conditions, and, if the child was released under division (C) of this section, divisions (A) to (E) of section 5139.52 of the Revised Code apply regarding the child.

If that court determines at the hearing that the child violated any of the post-release conditions, the court, if it determines that the violation was a serious violation, may order the child to be returned to the department for institutionalization, consistent with the original order of commitment of the child, or in any case may make any other disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was held in a secure department facility prior to the child's judicial release

shall be considered as time served in fulfilling the prescribed 3527
period of institutionalization that is applicable to the child 3528
under the child's original order of commitment. If the court 3529
orders the child returned to a department institution, the child 3530
shall remain in institutional care for a minimum of three months 3531
or until the child successfully completes a revocation program of 3532
a duration of not less than thirty days operated either by the 3533
department or by an entity with which the department has 3534
contracted to provide a revocation program. 3535

(E) The department of youth services, prior to the release of 3536
a child pursuant to division (C) of this section, shall do all of 3537
the following: 3538

(1) After reviewing the child's rehabilitative progress 3539
history and medical and educational records, prepare a written 3540
treatment and rehabilitation plan for the child that includes 3541
conditions of the release; 3542

(2) Completely discuss the conditions of the plan prepared 3543
pursuant to division (E)(1) of this section and the possible 3544
penalties for violation of the plan with the child and the child's 3545
parents, guardian, or legal custodian; 3546

(3) Have the plan prepared pursuant to division (E)(1) of 3547
this section signed by the child, the child's parents, legal 3548
guardian, or custodian, and any authority or person that is to 3549
supervise, control, and provide supportive assistance to the child 3550
at the time of the child's release pursuant to division (C) of 3551
this section; 3552

(4) Prior to the child's release, file a copy of the 3553
treatment plan prepared pursuant to division (E)(1) of this 3554
section with the committing court and the juvenile court of the 3555
county in which the child is to be placed. 3556

(F) The department of youth services shall file a written 3557

progress report with the committing court regarding each child 3558
released pursuant to division (C) of this section at least once 3559
every thirty days unless specifically directed otherwise by the 3560
court. The report shall indicate the treatment and rehabilitative 3561
progress of the child and the child's family, if applicable, and 3562
shall include any suggestions for altering the program, custody, 3563
living arrangements, or treatment. The department shall retain 3564
legal custody of a child so released until it discharges the child 3565
or until the custody is terminated as otherwise provided by law. 3566

(G) When a child is committed to the legal custody of the 3567
department of youth services, the court retains jurisdiction to 3568
perform the functions specified in section 5139.51 of the Revised 3569
Code with respect to the granting of supervised release by the 3570
release authority and to perform the functions specified in 3571
section 5139.52 of the Revised Code with respect to violations of 3572
the conditions of supervised release granted by the release 3573
authority and to the revocation of supervised release granted by 3574
the release authority. 3575

Sec. 2152.26. (A) Except as provided in divisions (B) and (F) 3576
of this section, a child alleged to be or adjudicated a delinquent 3577
child or a juvenile traffic offender may be held only in the 3578
following places: 3579

- (1) A certified foster home or a home approved by the court; 3580
- (2) A facility operated by a certified child welfare agency; 3581
- (3) Any other suitable place designated by the court. 3582

(B) In addition to the places listed in division (A) of this 3583
section, a child alleged to be or adjudicated a delinquent child 3584
may be held in a detention facility for delinquent children that 3585
is under the direction or supervision of the court or other public 3586
authority or of a private agency and approved by the court and a 3587

child adjudicated a delinquent child may be held in accordance 3588
with division (F)(2) of this section in a facility of a type 3589
specified in that division. Division (B) of this section does not 3590
apply to a child alleged to be or adjudicated a delinquent child 3591
for chronic truancy, unless the child violated a lawful court 3592
order made pursuant to division (A)(6) of section 2152.19 of the 3593
Revised Code. Division (B) of this section also does not apply to 3594
a child alleged to be or adjudicated a delinquent child for being 3595
an habitual truant who previously has been adjudicated an unruly 3596
child for being an habitual truant, unless the child violated a 3597
lawful court order made pursuant to division (C)(1)(e) of section 3598
2151.354 of the Revised Code. 3599

(C)(1) Except as provided under division (C)(1) of section 3600
2151.311 of the Revised Code or division (A)(5) of section 2152.21 3601
of the Revised Code, a child alleged to be or adjudicated a 3602
juvenile traffic offender may not be held in any of the following 3603
facilities: 3604

(a) A state correctional institution, county, multicounty, or 3605
municipal jail or workhouse, or other place in which an adult 3606
convicted of crime, under arrest, or charged with a crime is held. 3607

(b) A secure correctional facility. 3608

(2) Except as provided under this section, sections 2151.56 3609
to ~~2151.61~~ 2151.59, and divisions (A)(5) and (6) of section 3610
2152.21 of the Revised Code, a child alleged to be or adjudicated 3611
a juvenile traffic offender may not be held for more than 3612
twenty-four hours in a detention facility. 3613

(D) Except as provided in division (F) of this section or in 3614
division (C) of section 2151.311, in division (C)(2) of section 3615
5139.06 and section 5120.162, or in division (B) of section 3616
5120.16 of the Revised Code, a child who is alleged to be or is 3617
adjudicated a delinquent child may not be held in a state 3618

correctional institution, county, multicounty, or municipal jail 3619
or workhouse, or other place where an adult convicted of crime, 3620
under arrest, or charged with crime is held. 3621

(E) Unless the detention is pursuant to division (F) of this 3622
section or division (C) of section 2151.311, division (C)(2) of 3623
section 5139.06 and section 5120.162, or division (B) of section 3624
5120.16 of the Revised Code, the official in charge of the 3625
institution, jail, workhouse, or other facility shall inform the 3626
court immediately when a child, who is or appears to be under the 3627
age of eighteen years, is received at the facility, and shall 3628
deliver the child to the court upon request or transfer the child 3629
to a detention facility designated by the court. 3630

(F)(1) If a case is transferred to another court for criminal 3631
prosecution pursuant to section 2152.12 of the Revised Code, the 3632
child may be transferred for detention pending the criminal 3633
prosecution in a jail or other facility in accordance with the law 3634
governing the detention of persons charged with crime. Any child 3635
so held shall be confined in a manner that keeps the child beyond 3636
the range of touch of all adult detainees. The child shall be 3637
supervised at all times during the detention. 3638

(2) If a person is adjudicated a delinquent child or juvenile 3639
traffic offender and the court makes a disposition of the person 3640
under this chapter, at any time after the person attains eighteen 3641
years of age, the person may be held under that disposition in 3642
places other than those specified in division (A) of this section, 3643
including, but not limited to, a county, multicounty, or municipal 3644
jail or workhouse, or other place where an adult convicted of 3645
crime, under arrest, or charged with crime is held. 3646

(3)(a) A person alleged to be a delinquent child may be held 3647
in places other than those specified in division (A) of this 3648
section, including, but not limited to, a county, multicounty, or 3649
municipal jail, if the delinquent act that the child allegedly 3650

committed would be a felony if committed by an adult, and if
either of the following applies:

(i) The person attains eighteen years of age before the
person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act
before the person attains eighteen years of age, but the person
attains eighteen years of age before the court orders a
disposition in the case.

(b) If, pursuant to division (F)(3)(a) of this section, a
person is held in a place other than a place specified in division
(A) of this section, the person has the same rights to bail as an
adult charged with the same offense who is confined in a jail
pending trial.

Sec. 2152.51. (A) As used in sections 2152.51 to 2152.59 of
the Revised Code:

(1) "Competent" and "competency" refer to a child's ability
to understand the nature and objectives of a proceeding against
the child and to assist in the child's defense. A child is
incompetent if, due to mental illness, mental retardation,
developmental disability, or lack of developmental capacity, the
child is presently incapable of understanding the nature and
objective of proceedings against the child or of assisting in the
child's defense.

(2) "Delinquent child proceeding" means any proceeding under
this chapter.

(3) "A person who is at least moderately mentally retarded"
has the same meaning as in section 5123.01 of the Revised Code.

(B) Each juvenile court shall adopt rules to expedite
proceedings under sections 2152.51 to 2152.59 of the Revised Code.
The rules shall include provisions for giving notice of any

hearings held under those sections and for staying any proceedings 3681
on the underlying complaint pending the determinations under those 3682
sections. 3683

(C) At a competency-related hearing held under section 3684
2152.53 or 2152.58 of the Revised Code, the child shall be 3685
represented by an attorney. If the child is indigent and cannot 3686
obtain counsel, the court shall appoint an attorney under Chapter 3687
120. of the Revised Code or the Rules of Juvenile Procedure. 3688

Sec. 2152.52. (A) In a proceeding in which a party seeks an 3689
adjudication that a child is a delinquent child, any party or the 3690
court may move for a determination regarding the child's 3691
competency to participate in the proceeding. 3692

(B) The court may find a child incompetent to proceed without 3693
ordering an evaluation of the child's competency or holding a 3694
hearing to determine the child's competency if either of the 3695
following applies: 3696

(1) The prosecuting attorney, the child's attorney, and at 3697
least one of the child's parents, guardians, or custodians agree 3698
to the determination. 3699

(2) The court relies on a prior court determination that the 3700
child was incompetent and could not attain competency even if the 3701
child were to participate in competency attainment services. 3702

Sec. 2152.53. (A)(1) Within five business days after a motion 3703
is made under section 2152.52 of the Revised Code, the court shall 3704
do one of the following: 3705

(a) Make a determination of incompetency under division (B) 3706
of section 2152.52 of the Revised Code; 3707

(b) Determine, without holding a hearing, whether there is a 3708
reasonable basis to conduct a competency evaluation; 3709

(c) Hold a hearing to determine whether there is a reasonable basis to conduct a competency evaluation. 3710
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(2) If the court holds a hearing, it shall make its determination within three business days after the conclusion of the hearing. If the court determines that there is a reasonable basis for a competency evaluation or if the prosecuting attorney and the child's attorney agree to an evaluation, the court shall order a competency evaluation and appoint an evaluator. 3712
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(B) If the court orders a competency evaluation, the court shall inform the child and the child's attorney that the child may obtain an additional evaluation at the child's cost, that the evaluation must be completed within the time allowed for completion of the evaluation ordered by the court under division (A) of this section, and that the evaluation must meet all the criteria that apply to the court-ordered evaluation. 3718
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(C) A court shall not order a child into detention solely for the purpose of obtaining a competency evaluation. If a child who has already been committed to detention for other reasons is ordered to receive a competency evaluation, a court may not extend the time to complete the evaluation beyond the period for which the child has been detained. 3725
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Sec. 2152.54. (A) An evaluation of a child who does not appear to the court to be a person who is at least moderately mentally retarded shall be made by an evaluator who is one of the following: 3731
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(1) A professional employed by a psychiatric facility or center certified by the department of mental health to provide forensic services and appointed by the director of the facility or center to conduct the evaluation; 3735
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(2) A psychiatrist or a licensed clinical psychologist who 3739

satisfies the criteria of division (I)(1) of section 5122.01 of 3740
the Revised Code and has specialized education, training, or 3741
experience in forensic evaluations of children or adolescents. 3742

(B) An evaluation of a child who appears to the court to be a 3743
person who is at least moderately mentally retarded shall be made 3744
by a psychiatrist or licensed clinical psychologist who satisfies 3745
the criteria of division (I)(1) of section 5122.01 of the Revised 3746
Code and has specialized education, training, or experience in 3747
forensic evaluations of children or adolescents who have mental 3748
retardation. 3749

(C) If an evaluation is conducted by an evaluator of the type 3750
described in division (A)(1) or (2) of this section and the 3751
evaluator concludes that the child is a person who is at least 3752
moderately mentally retarded, the evaluator shall discontinue the 3753
evaluation and notify the court within one business day after 3754
reaching the conclusion. Within two business days after receiving 3755
notification, the court shall order the child to undergo an 3756
evaluation by an evaluator of the type described in division (B) 3757
of this section. Within two business days after the appointment of 3758
the new evaluator, the original evaluator shall deliver to the new 3759
evaluator all information relating to the child obtained during 3760
the original evaluation. 3761

Sec. 2152.55. (A) If a court orders a child to receive an 3762
evaluation under section 2152.53 of the Revised Code, the child 3763
and the child's parents, guardians, or custodians shall be 3764
available at the times and places established by the evaluator who 3765
conducts the evaluation. The evaluation shall be performed in the 3766
least restrictive setting available that will both facilitate an 3767
evaluation and maintain the safety of the child and community. If 3768
the child has been released on temporary or interim orders and 3769
refuses or fails to submit to the evaluation, the court may amend 3770

the conditions of the orders in whatever manner necessary to 3771
facilitate an evaluation. 3772

(B) The court shall provide in its evaluation order that the 3773
evaluator shall have access to all relevant private and public 3774
records related to the child, including competency evaluations and 3775
reports conducted in prior delinquent child proceedings. The court 3776
may include an order for all relevant private and public records 3777
related to the child in the journal entry ordering the evaluation. 3778

(C) By the end of the next business day after the court 3779
appoints an evaluator, the prosecuting attorney shall deliver to 3780
the evaluator copies of relevant police reports and other 3781
background information that pertain to the child and that are in 3782
the prosecuting attorney's possession, except for any information 3783
that the prosecuting attorney determines would, if released, 3784
interfere with the effective prosecution of any person or create a 3785
substantial risk of harm to any person. If a law enforcement 3786
agency filed charges against the child directly with the court, 3787
the clerk of courts shall deliver the information that a 3788
prosecuting attorney otherwise would have delivered. 3789

(D) By the end of the next business day after the court 3790
appoints an evaluator, the child's attorney shall deliver to the 3791
evaluator copies of relevant police reports and other background 3792
information that pertain to the child and that are in the 3793
attorney's possession and that is not protected by attorney-client 3794
privilege. 3795

Sec. 2152.56. (A) Upon completing an evaluation ordered 3796
pursuant to section 2152.53 of the Revised Code, an evaluator 3797
shall submit to the court a written competency assessment report. 3798
The report shall include the evaluator's opinion as to whether the 3799
child, due to mental illness, mental retardation, developmental 3800

disability, or lack of developmental capacity, is presently 3801
incapable of understanding the nature and objective of the 3802
proceedings against the child or of assisting in the child's 3803
defense. The report shall not include any opinion as to the 3804
child's sanity at the time of the alleged offense, details of the 3805
alleged offense as reported by the child, or an opinion as to 3806
whether the child actually committed the offense or could have 3807
been culpable for committing the offense. 3808

(B) A competency assessment report shall address the child's 3809
capacity to do all of the following: 3810

(1) Comprehend and appreciate the charges or allegations 3811
against the child; 3812

(2) Communicate effectively with counsel; 3813

(3) Understand the adversarial nature of the proceedings, 3814
including the role of the judge, defense counsel, prosecuting 3815
attorney, guardian ad litem or court-appointed special assistant, 3816
and witnesses; 3817

(4) Manifest appropriate courtroom behavior; 3818

(5) Comprehend legal advice and consider defense options; 3819

(6) Participate in the proceeding and testify relevantly; 3820

(7) Comprehend and appreciate the range and nature of 3821
potential consequences that may be imposed or result from the 3822
proceedings. 3823

(C) A competency assessment report shall include the 3824
evaluator's opinion regarding the extent to which the child's 3825
competency may be impaired by the child's failure to meet one or 3826
more of the criteria listed in division (B) of this section. If 3827
the evaluator concludes that the child's competency is impaired 3828
but that the child may be enabled to understand the nature and 3829
objectives of the proceeding against the child and to assist in 3830

the child's defense with reasonable accommodations, the report 3831
shall include recommendations for those reasonable accommodations 3832
that the court might make. If the evaluator concludes that the 3833
child's competency is so impaired that the child would not be able 3834
to understand the nature and objectives of the proceeding against 3835
the child and to assist in the child's defense, the report shall 3836
include an opinion as to the likelihood that the child could 3837
attain competency within the periods set forth in division (D)(2) 3838
of section 2152.59 of the Revised Code. 3839

(D) If the evaluator concludes that the child could likely 3840
attain competency within the periods set forth in division (D)(2) 3841
of section 2152.59 of the Revised Code, the competency assessment 3842
report shall include both of the following: 3843

(1) A recommendation as to the least restrictive setting for 3844
child competency attainment services that is consistent with the 3845
child's ability to attain competency and the safety of both the 3846
child and the community; 3847

(2) A list of the providers of child competency attainment 3848
services known to the evaluator that are located most closely to 3849
the child's current residence. 3850

(E) If the evaluator is unable, within the maximum allowable 3851
time for submission of a competency assessment report under 3852
division (A) of section 2152.57 of the Revised Code, to form an 3853
opinion regarding the extent to which the child's competency may 3854
be impaired by the child's failure to meet one or more of the 3855
criteria listed in division (B) of this section, the evaluator 3856
shall so state in the report. The evaluator shall also include 3857
recommendations for services to support the safety of the child or 3858
the community. 3859

Sec. 2152.57. (A) An evaluator appointed by the court under 3860
section 2152.53 of the Revised Code shall submit a competency 3861

assessment report to the court as soon as possible but not more 3862
than thirty calendar days after the order appointing the evaluator 3863
is issued. The court may grant one extension for a reasonable 3864
length of time if doing so would aid the evaluator in completing 3865
the evaluation. 3866

(B) No competency assessment report obtained independently by 3867
the child may be admitted into evidence unless it is submitted to 3868
the court within the time allowed for submission of a report by a 3869
court-appointed evaluator under division (A) of this section and 3870
meets all the criteria that apply to a court-ordered report. 3871

(C) The court shall provide a copy of each competency 3872
assessment report it receives to the prosecuting attorney, the 3873
child's attorney, and the child's parents, guardian, or custodian. 3874
Counsel shall not disseminate the report except as necessary to 3875
receive clarification of the contents of the report. 3876

(D) The expenses of obtaining an evaluation ordered by the 3877
court may not be recovered from the child or the child's parents 3878
or guardians. However, expenses associated with missed 3879
appointments may be assessed to the child's parents or guardians. 3880

(E)(1) Before a hearing is held under section 2152.58 of the 3881
Revised Code, any party may object to the contents of a competency 3882
assessment report and by motion request an additional evaluation. 3883
The court may grant the motion if the moving party shows a 3884
reasonable probability that the findings in an additional 3885
evaluation would aid the court's determination to such a degree 3886
that denial of the request would result in an unfair 3887
determination. An evaluator shall complete an additional 3888
evaluation as soon as possible but not more than thirty calendar 3889
days after the order allowing the additional evaluation is issued. 3890
An additional evaluation shall meet all the criteria that apply to 3891
a court-ordered evaluation. 3892

(2) An additional evaluation allowed under division (E)(1) of this section shall be made at the moving party's expense unless the child is indigent. If the child is indigent, the county shall pay the costs of the additional evaluation. However, the county shall not be required to pay costs exceeding that which the county would normally pay for a competency evaluation conducted by a provider with which the court or county has contracted to conduct competency evaluations. 3893
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Sec. 2152.58. (A) Not less than five nor more than ten business days after receiving an evaluation under division (A) of section 2152.57 of the Revised Code or not less than five nor more than ten business days after receiving an additional evaluation under division (E) of that section, the court shall hold a hearing to determine the child's competency to participate in the proceeding. 3901
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(B) At a hearing held under this section, a competency assessment report may be admitted into evidence by stipulation. If a report is admitted into evidence by stipulation, the court may contact the evaluator ex parte to obtain clarification of the report contents. If the court contacts an evaluator for that purpose, the court shall promptly inform all parties about the substance of its communication with the evaluator and shall allow each party a reasonable opportunity to respond. 3908
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(C) In determining the competency of the child to participate in the proceeding, the court shall consider the content of all competency assessment reports admitted as evidence. The court may consider additional evidence, including the court's own observations of the child's conduct and demeanor in the courtroom. 3916
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(D)(1) The court shall make a written determination as to the child's competency or incompetency based on a preponderance of the evidence within five business days after completion of the 3921
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hearing. 3924

(2) The court shall not find a child incompetent to proceed 3925
solely because the child is receiving or has received treatment as 3926
a voluntary or involuntary mentally ill patient under Chapter 3927
5122. of the Revised Code, is or has been institutionalized under 3928
Chapter 5123. of the Revised Code, or is receiving or has received 3929
psychotropic or other medication, even if the child might become 3930
incompetent to proceed without that medication. 3931

Sec. 2152.59. (A) If after a hearing held pursuant to section 3932
2152.58 of the Revised Code the court determines that a child is 3933
competent, the court shall proceed with the delinquent child's 3934
proceeding as provided by law. No statement that a child makes 3935
during an evaluation or hearing conducted under sections 2152.51 3936
through 2152.59 of the Revised Code shall be used against the 3937
child on the issue of responsibility or guilt in any child or 3938
adult proceeding. 3939

(B) If after a hearing held pursuant to section 2152.58 of 3940
the Revised Code the court determines that the child is not 3941
competent and cannot attain competency within the period of time 3942
applicable under division (D)(2) of this section, the court shall 3943
dismiss the charges without prejudice, except that the court may 3944
delay dismissal for up to forty-five calendar days and do either 3945
of the following: 3946

(1) Refer the matter to a public children services agency and 3947
request that agency determine whether to file an action in 3948
accordance with section 2151.27 of the Revised Code alleging that 3949
the child is a dependent, neglected, or abused child; 3950

(2) Assign court staff to refer the child or the child's 3951
family to the local family and children first council or an agency 3952
funded by the department of mental health or department of 3953
developmental disabilities or otherwise secure services to reduce 3954

the potential that the child would engage in behavior that could 3955
result in delinquent child or other criminal charges. 3956

(C) If after a hearing held pursuant to section 2152.58 of 3957
the Revised Code the court determines that a child is not 3958
competent but could likely attain competency by participating in 3959
services specifically designed to help the child develop 3960
competency, the court may order the child to participate in 3961
services specifically designed to help the child develop 3962
competency at county expense. The court shall name a reliable 3963
provider to deliver the competency attainment services and shall 3964
order the child's parent, guardian, or custodian to contact that 3965
provider by a specified date to arrange for services. 3966

(D) The competency attainment services provided to a child 3967
shall be based on a competency attainment plan described in 3968
division (E)(2) of this section and approved by the court. 3969
Services are subject to the following conditions and time periods 3970
measured from the date the court approves the plan: 3971

(1) Services shall be provided in the least restrictive 3972
setting that is consistent with the child's ability to attain 3973
competency and the safety of both the child and the community. If 3974
the child has been released on temporary or interim orders and 3975
refuses or fails to cooperate with the service provider, the court 3976
may reassess the orders and amend them to require a more 3977
appropriate setting. 3978

(2) No child shall be required to participate in competency 3979
attainment services for longer than is required for the child to 3980
attain competency. The following maximum periods of participation 3981
apply: 3982

(a) If a child is ordered to participate in competency 3983
attainment services that are provided outside of a residential 3984
setting, the child shall not participate in those services for a 3985

period exceeding three months if the child is charged with an act 3986
that would be a misdemeanor if committed by an adult, six months 3987
if the child is charged with an act that would be a felony of the 3988
third, fourth, or fifth degree if committed by an adult, or one 3989
year if the child is charged with an act that would be a felony of 3990
the first or second degree, aggravated murder or murder if 3991
committed by an adult. 3992

(b) If a child is ordered to receive competency attainment 3993
services that are provided in a residential setting that is 3994
operated solely or in part for the purpose of providing competency 3995
attainment services, the child shall not participate in those 3996
services for a period exceeding forty-five calendar days if the 3997
child is charged with an act that would be a misdemeanor if 3998
committed by an adult, three months if the child is charged with 3999
an act that would be a felony of the third, fourth, or fifth 4000
degree if committed by an adult, six months if the child is 4001
charged with an act that would be a felony of the first or second 4002
degree if committed by an adult, or one year if the child is 4003
charged with an act that would be aggravated murder or murder if 4004
committed by an adult. 4005

(c) If a child is ordered into a residential, detention, or 4006
other secured setting for reasons other than to participate in 4007
competency attainment services and is also ordered to participate 4008
in competency attainment services concurrently, the child shall 4009
participate in the competency attainment services for not longer 4010
than the relevant period set forth in division (D)(2)(a) of this 4011
section. 4012

(d) If a child is ordered to participate in competency 4013
attainment services that require the child to live for some but 4014
not all of the duration of the services in a residential setting 4015
that is operated solely or in part for the purpose of providing 4016
competency attainment services, the child shall participate in the 4017

competency attainment services for not longer than the relevant 4018
period set forth in division (D)(2)(b) of this section. For the 4019
purpose of calculating a time period under division (D)(2)(d) of 4020
this section, two days of participation in a nonresidential 4021
setting shall equal one day of participation in a residential 4022
setting. 4023

(3) A child who receives competency attainment services in a 4024
residential setting that is operated solely or partly for the 4025
purpose of providing competency attainment services is in 4026
detention for purposes of section 2921.34 and division (B) of 4027
section 2152.18 of the Revised Code during the time that the child 4028
resides in the residential setting. 4029

(E)(1) By the end of the next business day after the court 4030
names the provider responsible for the child's competency 4031
attainment services under division (D) of this section, the court 4032
shall deliver to that provider a copy of each competency 4033
assessment report it has received for review. The provider shall 4034
return the copies of the reports to the court upon the termination 4035
of the services. 4036

(2) Not later than twenty-one calendar days after the child 4037
contacts the competency attainment services provider under 4038
division (C) of this section, the provider shall submit to the 4039
court a plan for the child to attain competency. The court shall 4040
promptly provide copies of the plan to the prosecuting attorney, 4041
the child's attorney, the child's guardian ad litem, if any, and 4042
the child's parents, guardian, or custodian. 4043

(F) The provider that provides the child's competency 4044
attainment services pursuant to the competency attainment plan 4045
shall submit reports to the court on the following schedule: 4046

(1) A report on the child's progress every thirty calendar 4047
days and on the termination of services; 4048

(2) If the provider determines that the child is not cooperating to a degree that would allow the services to be effective to help the child attain competency, a report informing the court of the determination within two business days after making the determination; 4049
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(3) If the provider determines that the current setting is no longer the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community, a report informing the court of the determination within two business days after making the determination; 4054
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(4) If the provider determines that the child has achieved the goals of the plan and would be able to understand the nature and objectives of the proceeding against the child and to assist in the child's defense, with or without reasonable accommodations to meet the criteria set forth in division (B) of section 2152.56 of the Revised Code, a report informing the court of that determination within two business days after making the determination. If the provider believes that accommodations would be necessary or desirable, the report shall include recommendations for accommodations. 4060
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(5) If the provider determines that the child will not achieve the goals of the plan within the applicable period of time under division (D)(2) of this section, a report informing the court of the determination within two business days after making the determination. The report shall include recommendations for services for the child that would support the safety of the child or the community. 4070
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(G) The court shall provide copies of any report made under division (F) of this section to the prosecuting attorney, the child's attorney, and the child's guardian ad litem, if any. The court shall provide copies of any report made under division (F) 4077
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of this section to the child's parents, guardian, or custodian 4081
unless the court finds that doing so is not in the best interest 4082
of the child. 4083

(H)(1) Within seven business days after receiving a report 4084
under division (F) of this section, the court may hold a hearing 4085
to determine if a new order is necessary. To assist in making a 4086
determination under division (H) of this section, the court may 4087
order a new competency evaluation in accordance with section 4088
2152.53 of the Revised Code. Until a new order is issued or the 4089
required period of participation expires, the child shall continue 4090
to participate in competency attainment services. 4091

(2) If after a hearing held under division (H)(1) of this 4092
section the court determines that the child is not making progress 4093
toward competency or is so uncooperative that attainment services 4094
cannot be effective, the court may order a change in setting or 4095
services that would help the child attain competency within the 4096
relevant period of time under division (D)(2) of this section. 4097

(3) If after a hearing held under division (H)(1) of this 4098
section the court determines that the child has not or will not 4099
attain competency within the relevant period of time under 4100
division (D)(2) of this section, the court shall dismiss the 4101
delinquency complaint, except that the court may delay dismissal 4102
for up to forty-five calendar days and do either of the following: 4103

(a) Refer the matter to a public children services agency and 4104
request that agency determine whether to file an action in 4105
accordance with section 2151.27 of the Revised Code alleging that 4106
the child is a dependent, neglected, or abused child; 4107

(b) Assign court staff to refer the child or the child's 4108
family to the local family and children first council or an agency 4109
funded by the department of mental health or department of 4110
developmental disabilities or otherwise secure services to reduce 4111

the potential that the child would engage in behavior that could 4112
result in delinquency or other criminal charges. 4113

(4) A dismissal under division (H)(3) of this section does 4114
not preclude a future delinquent child proceeding or criminal 4115
prosecution as provided under section 2151.23 of the Revised Code 4116
if the child eventually attains competency. 4117

(5) If after a hearing held under division (H)(1) of this 4118
section the court determines that the child has attained 4119
competency, the court shall proceed with the delinquent child's 4120
proceeding in accordance with division (A) of this section. 4121

(6) A dismissal under this section does not bar a civil 4122
action based on the acts or omissions that formed the basis of the 4123
complaint. 4124

Sec. 2301.27. (A)(1)(a) The court of common pleas may 4125
establish a county department of probation. The establishment of 4126
the department shall be entered upon the journal of the court, and 4127
the clerk of the court of common pleas shall certify a copy of the 4128
journal entry establishing the department to each elective officer 4129
and board of the county. The department shall consist of a chief 4130
probation officer and the number of other probation officers and 4131
employees, clerks, and stenographers that is fixed from time to 4132
time by the court. The court shall appoint those individuals, fix 4133
their salaries, and supervise their work. ~~The~~ 4134

(b) When appointing a chief probation officer, the court 4135
shall do all of the following: 4136

(i) Publicly advertise the position on the court's web site, 4137
including, but not limited to, the job description, qualifications 4138
for the position, and the application requirements; 4139

(ii) Conduct a competitive hiring process that adheres to 4140
state and federal equal employment opportunity laws; 4141

(iii) Review applicants who meet the posted qualifications 4142
and comply with the application requirements. 4143

(c) The court shall not appoint as a probation officer any 4144
person who does not possess the training, experience, and other 4145
qualifications prescribed by the adult parole authority created by 4146
section 5149.02 of the Revised Code. Probation officers have all 4147
the powers of regular police officers and shall perform any duties 4148
that are designated by the judge or judges of the court. All 4149
positions within the department of probation shall be in the 4150
classified service of the civil service of the county. 4151

(2) If two or more counties desire to jointly establish a 4152
probation department for those counties, the judges of the courts 4153
of common pleas of those counties may establish a probation 4154
department for those counties. If a probation department is 4155
established pursuant to division (A)(2) of this section to serve 4156
more than one county, the judges of the courts of common pleas 4157
that established the department shall designate the county 4158
treasurer of one of the counties served by the department as the 4159
treasurer to whom probation fees paid under section 2951.021 of 4160
the Revised Code are to be appropriated and transferred under 4161
division (A)(2) of section 321.44 of the Revised Code for deposit 4162
into the multicounty probation services fund established under 4163
division (B) of section 321.44 of the Revised Code. 4164

The cost of the administration and operation of a probation 4165
department established for two or more counties shall be prorated 4166
to the respective counties on the basis of population. 4167

(3) Probation officers shall receive, in addition to their 4168
respective salaries, their necessary and reasonable travel and 4169
other expenses incurred in the performance of their duties. Their 4170
salaries and expenses shall be paid monthly from the county 4171
treasury in the manner provided for the payment of the 4172
compensation of other appointees of the court. 4173

(4) Probation officers shall be trained in accordance with a 4174
set of minimum standards that are established by the adult parole 4175
authority of the department of rehabilitation and correction. 4176

(B)(1) In lieu of establishing a county department of 4177
probation under division (A) of this section and in lieu of 4178
entering into an agreement with the adult parole authority as 4179
described in division (B) of section 2301.32 of the Revised Code, 4180
the court of common pleas may request the board of county 4181
commissioners to contract with, and upon that request the board 4182
may contract with, any nonprofit, public or private agency, 4183
association, or organization for the provision of probation 4184
services and supervisory services for persons placed under 4185
community control sanctions. The contract shall specify that each 4186
individual providing the probation services and supervisory 4187
services shall possess the training, experience, and other 4188
qualifications prescribed by the adult parole authority. The 4189
individuals who provide the probation services and supervisory 4190
services shall not be included in the classified or unclassified 4191
civil service of the county. 4192

(2) In lieu of establishing a county department of probation 4193
under division (A) of this section and in lieu of entering into an 4194
agreement with the adult parole authority as described in division 4195
(B) of section 2301.32 of the Revised Code, the courts of common 4196
pleas of two or more adjoining counties jointly may request the 4197
boards of county commissioners of those counties to contract with, 4198
and upon that request the boards of county commissioners of two or 4199
more adjoining counties jointly may contract with, any nonprofit, 4200
public or private agency, association, or organization for the 4201
provision of probation services and supervisory services for 4202
persons placed under community control sanctions for those 4203
counties. The contract shall specify that each individual 4204
providing the probation services and supervisory services shall 4205

possess the training, experience, and other qualifications 4206
prescribed by the adult parole authority. The individuals who 4207
provide the probation services and supervisory services shall not 4208
be included in the classified or unclassified civil service of any 4209
of those counties. 4210

(C) The chief probation officer may grant permission to a 4211
probation officer to carry firearms when required in the discharge 4212
of official duties if the probation officer has successfully 4213
completed a basic firearm training program that is approved by the 4214
executive director of the Ohio peace officer training commission. 4215
A probation officer who has been granted permission to carry a 4216
firearm in the discharge of official duties, annually shall 4217
successfully complete a firearms requalification program in 4218
accordance with section 109.801 of the Revised Code. 4219

(D) As used in this section and sections 2301.28 to 2301.32 4220
of the Revised Code, "community control sanction" has the same 4221
meaning as in section 2929.01 of the Revised Code. 4222

Sec. 2301.271. (A) The adult parole authority of the 4223
department of rehabilitation and correction, shall develop minimum 4224
standards for the training of probation officers as provided by 4225
section 2301.27 of the Revised Code. 4226

(B) Within six months after the effective date of this 4227
section, the department of rehabilitation and correction shall 4228
make available a copy of the minimum standards to the following 4229
entities: 4230

(1) Every municipal court, county court, and court of common 4231
pleas; 4232

(2) Every probation department. 4233

Sec. 2301.30. The court of common pleas of a county in which 4234
a county department of probation is established under division (A) 4235

of section 2301.27 of the Revised Code shall require the 4236
department, in the rules through which the supervision of the 4237
department is exercised or otherwise, to do all of the following: 4238

(A) Furnish to each person under a community control sanction 4239
or post-release control sanction or on parole under its 4240
supervision or in its custody, a written statement of the 4241
conditions of the community control sanction, post-release control 4242
sanction, or parole and instruct the person regarding the 4243
conditions; 4244

(B) Keep informed concerning the conduct and condition of 4245
each person in its custody or under its supervision by visiting, 4246
the requiring of reports, and otherwise; 4247

(C) Use all suitable methods, not inconsistent with the 4248
conditions of the community control sanction, post-release control 4249
sanction, or parole, to aid and encourage the persons under its 4250
supervision or in its custody and to bring about improvement in 4251
their conduct and condition; 4252

(D) Publish policies regarding the supervision of 4253
probationers that shall include, but not be limited to, all of the 4254
following: 4255

(1) The minimum number of supervision contacts required for 4256
probationers, based on each probationer's risk to reoffend as 4257
determined by the single validated risk assessment tool selected 4258
by the department of rehabilitation and correction under section 4259
5120.114 of the Revised Code, under which higher risk probationers 4260
receive the greatest amount of supervision; 4261

(2) A graduated response policy to govern which types of 4262
violations a probation officer may respond to administratively and 4263
which type require a violation hearing by the court. 4264

(E) Keep detailed records of the work of the department, keep 4265

accurate and complete accounts of all moneys collected from 4266
persons under its supervision or in its custody, and keep or give 4267
receipts for those moneys; 4268

~~(E)~~(F) Make reports to the adult parole authority created by 4269
section 5149.02 of the Revised Code that it requires; 4270

(G) Provide the department of rehabilitation and correction 4271
with a monthly report that includes statistical data needed to 4272
support budget requests and satisfy requests for information 4273
relating to the operation of probation departments under the 4274
jurisdiction of courts of common pleas and municipal courts and 4275
that shall include all of the following: 4276

(1) A count of the number of individuals placed on probation; 4277

(2) A count of the number of individuals terminated from 4278
probation listed by type of termination, including revocation; 4279

(3) The total number of individuals under supervision at the 4280
end of the month; 4281

(4) Any other elements, as determined necessary by the 4282
department, that allow for better measurement of the types of 4283
individuals placed on probation and their outcomes at termination. 4284

Sec. 2903.01. (A) No person shall purposely, and with prior 4285
calculation and design, cause the death of another or the unlawful 4286
termination of another's pregnancy. 4287

(B) No person shall purposely cause the death of another or 4288
the unlawful termination of another's pregnancy while committing 4289
or attempting to commit, or while fleeing immediately after 4290
committing or attempting to commit, kidnapping, rape, aggravated 4291
arson, arson, aggravated robbery, robbery, aggravated burglary, 4292
burglary, trespass in a habitation when a person is present or 4293
likely to be present, terrorism, or escape. 4294

(C) No person shall purposely cause the death of another who 4295

is under thirteen years of age at the time of the commission of 4296
the offense. 4297

(D) No person who is under detention as a result of having 4298
been found guilty of or having pleaded guilty to a felony or who 4299
breaks that detention shall purposely cause the death of another. 4300

(E) No person shall purposely cause the death of a law 4301
enforcement officer whom the offender knows or has reasonable 4302
cause to know is a law enforcement officer when either of the 4303
following applies: 4304

(1) The victim, at the time of the commission of the offense, 4305
is engaged in the victim's duties. 4306

(2) It is the offender's specific purpose to kill a law 4307
enforcement officer. 4308

(F) Whoever violates this section is guilty of aggravated 4309
murder, and shall be punished as provided in section 2929.02 of 4310
the Revised Code. 4311

(G) As used in this section: 4312

(1) "Detention" has the same meaning as in section 2921.01 of 4313
the Revised Code. 4314

(2) "Law enforcement officer" has the same meaning as in 4315
section 2911.01 of the Revised Code. 4316

Sec. 2909.03. (A) No person, by means of fire or explosion, 4317
shall knowingly do any of the following: 4318

(1) Cause, or create a substantial risk of, physical harm to 4319
any property of another without the other person's consent; 4320

(2) Cause, or create a substantial risk of, physical harm to 4321
any property of the offender or another, with purpose to defraud; 4322

(3) Cause, or create a substantial risk of, physical harm to 4323
the statehouse or a courthouse, school building, or other building 4324

or structure that is owned or controlled by the state, any 4325
political subdivision, or any department, agency, or 4326
instrumentality of the state or a political subdivision, and that 4327
is used for public purposes; 4328

(4) Cause, or create a substantial risk of, physical harm, 4329
through the offer or the acceptance of an agreement for hire or 4330
other consideration, to any property of another without the other 4331
person's consent or to any property of the offender or another 4332
with purpose to defraud; 4333

(5) Cause, or create a substantial risk of, physical harm to 4334
any park, preserve, wildlands, brush-covered land, cut-over land, 4335
forest, timberland, greenlands, woods, or similar real property 4336
that is owned or controlled by another person, the state, or a 4337
political subdivision without the consent of the other person, the 4338
state, or the political subdivision; 4339

(6) With purpose to defraud, cause, or create a substantial 4340
risk of, physical harm to any park, preserve, wildlands, 4341
brush-covered land, cut-over land, forest, timberland, greenlands, 4342
woods, or similar real property that is owned or controlled by the 4343
offender, another person, the state, or a political subdivision. 4344

(B)(1) Whoever violates this section is guilty of arson. 4345

(2) A violation of division (A)(1) of this section is one of 4346
the following: 4347

(a) Except as otherwise provided in division (B)(2)(b) of 4348
this section, a misdemeanor of the first degree; 4349

(b) If the value of the property or the amount of the 4350
physical harm involved is ~~five hundred~~ one thousand dollars or 4351
more, a felony of the fourth degree. 4352

(3) A violation of division (A)(2), (3), (5), or (6) of this 4353
section is a felony of the fourth degree. 4354

(4) A violation of division (A)(4) of this section is a 4355
felony of the third degree. 4356

Sec. 2909.05. (A) No person shall knowingly cause serious 4357
physical harm to an occupied structure or any of its contents. 4358

(B)(1) No person shall knowingly cause physical harm to 4359
property that is owned or possessed by another, when either of the 4360
following applies: 4361

(a) The property is used by its owner or possessor in the 4362
owner's or possessor's profession, business, trade, or occupation, 4363
and the value of the property or the amount of physical harm 4364
involved is ~~five hundred~~ one thousand dollars or more; 4365

(b) Regardless of the value of the property or the amount of 4366
damage done, the property or its equivalent is necessary in order 4367
for its owner or possessor to engage in the owner's or possessor's 4368
profession, business, trade, or occupation. 4369

(2) No person shall knowingly cause serious physical harm to 4370
property that is owned, leased, or controlled by a governmental 4371
entity. A governmental entity includes, but is not limited to, the 4372
state or a political subdivision of the state, a school district, 4373
the board of trustees of a public library or public university, or 4374
any other body corporate and politic responsible for governmental 4375
activities only in geographical areas smaller than that of the 4376
state. 4377

(C) No person, without privilege to do so, shall knowingly 4378
cause serious physical harm to any tomb, monument, gravestone, or 4379
other similar structure that is used as a memorial for the dead; 4380
to any fence, railing, curb, or other property that is used to 4381
protect, enclose, or ornament any cemetery; or to a cemetery. 4382

(D) No person, without privilege to do so, shall knowingly 4383
cause physical harm to a place of burial by breaking and entering 4384

into a tomb, crypt, casket, or other structure that is used as a 4385
memorial for the dead or as an enclosure for the dead. 4386

(E) Whoever violates this section is guilty of vandalism. 4387
Except as otherwise provided in this division, vandalism is a 4388
felony of the fifth degree that is punishable by a fine of up to 4389
two thousand five hundred dollars in addition to the penalties 4390
specified for a felony of the fifth degree in sections 2929.11 to 4391
2929.18 of the Revised Code. If the value of the property or the 4392
amount of physical harm involved is ~~five~~ seven thousand ~~five~~ 4393
hundred dollars or more but less than one hundred fifty thousand 4394
dollars, vandalism is a felony of the fourth degree. If the value 4395
of the property or the amount of physical harm involved is one 4396
hundred fifty thousand dollars or more, vandalism is a felony of 4397
the third degree. 4398

(F) For purposes of this section: 4399

(1) "Cemetery" means any place of burial and includes burial 4400
sites that contain American Indian burial objects placed with or 4401
containing American Indian human remains. 4402

(2) "Serious physical harm" means physical harm to property 4403
that results in loss to the value of the property of ~~five hundred~~ 4404
one thousand dollars or more. 4405

Sec. 2909.11. (A) When a person is charged with a violation 4406
of division (A)(1) of section 2909.03 of the Revised Code 4407
involving property value or an amount of physical harm of ~~five~~ 4408
~~hundred~~ one thousand dollars or more or with a violation of 4409
section 2909.05 of the Revised Code involving property value or an 4410
amount of physical harm of ~~five hundred~~ one thousand dollars or 4411
more, the jury or court trying the accused shall determine the 4412
value of the property or amount of physical harm and, if a guilty 4413
verdict is returned, shall return the finding as part of the 4414
verdict. In any such case, it is unnecessary to find or return the 4415

exact value or amount of physical harm, section 2945.75 of the Revised Code applies, and it is sufficient if either of the following applies, as appropriate, relative to the finding and return of the value or amount of physical harm:

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

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

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

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

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

(B) The following criteria shall be used in determining the value of property or amount of physical harm involved in a

violation of division (A)(1) of section 2909.03 or section 2909.05 4447
of the Revised Code: 4448

(1) If the property is an heirloom, memento, collector's 4449
item, antique, museum piece, manuscript, document, record, or 4450
other thing that is either irreplaceable or is replaceable only on 4451
the expenditure of substantial time, effort, or money, the value 4452
of the property or the amount of physical harm involved is the 4453
amount that would compensate the owner for its loss. 4454

(2) If the property is not covered under division (B)(1) of 4455
this section and the physical harm is such that the property can 4456
be restored substantially to its former condition, the amount of 4457
physical harm involved is the reasonable cost of restoring the 4458
property. 4459

(3) If the property is not covered under division (B)(1) of 4460
this section and the physical harm is such that the property 4461
cannot be restored substantially to its former condition, the 4462
value of the property, in the case of personal property, is the 4463
cost of replacing the property with new property of like kind and 4464
quality, and, in the case of real property or real property 4465
fixtures, is the difference in the fair market value of the 4466
property immediately before and immediately after the offense. 4467

(C) As used in this section, "fair market value" has the same 4468
meaning as in section 2913.61 of the Revised Code. 4469

(D) Prima-facie evidence of the value of property, as 4470
provided in division (E) of section 2913.61 of the Revised Code, 4471
may be used to establish the value of property pursuant to this 4472
section. 4473

Sec. 2911.12. (A) No person, by force, stealth, or deception, 4474
shall do any of the following: 4475

(1) Trespass in an occupied structure or in a separately 4476

secured or separately occupied portion of an occupied structure, 4477
when another person other than an accomplice of the offender is 4478
present, with purpose to commit in the structure or in the 4479
separately secured or separately occupied portion of the structure 4480
any criminal offense; 4481

(2) Trespass in an occupied structure or in a separately 4482
secured or separately occupied portion of an occupied structure 4483
that is a permanent or temporary habitation of any person when any 4484
person other than an accomplice of the offender is present or 4485
likely to be present, with purpose to commit in the habitation any 4486
criminal offense; 4487

(3) Trespass in an occupied structure or in a separately 4488
secured or separately occupied portion of an occupied structure, 4489
with purpose to commit in the structure or separately secured or 4490
separately occupied portion of the structure any criminal 4491
offense; 4492

~~(4) Trespass (B) No person, by force, stealth, or deception,~~ 4493
~~shall trespass~~ in a permanent or temporary habitation of any 4494
person when any person other than an accomplice of the offender is 4495
present or likely to be present. 4496

~~(B)(C)~~ As used in this section, "occupied structure" has the 4497
same meaning as in section 2909.01 of the Revised Code. 4498

~~(C)(D)~~ Whoever violates division (A) of this section is 4499
guilty of burglary. A violation of division (A)(1) or (2) of this 4500
section is a felony of the second degree. A violation of division 4501
(A)(3) of this section is a felony of the third degree. ~~A~~ 4502
~~violation of division (A)(4) of this section is a felony of the~~ 4503
~~fourth degree.~~ 4504

(E) Whoever violates division (B) of this section is guilty 4505
of trespass in a habitation when a person is present or likely to 4506
be present, a felony of the fourth degree. 4507

Sec. 2913.01. As used in this chapter, unless the context 4508
requires that a term be given a different meaning: 4509

(A) "Deception" means knowingly deceiving another or causing 4510
another to be deceived by any false or misleading representation, 4511
by withholding information, by preventing another from acquiring 4512
information, or by any other conduct, act, or omission that 4513
creates, confirms, or perpetuates a false impression in another, 4514
including a false impression as to law, value, state of mind, or 4515
other objective or subjective fact. 4516

(B) "Defraud" means to knowingly obtain, by deception, some 4517
benefit for oneself or another, or to knowingly cause, by 4518
deception, some detriment to another. 4519

(C) "Deprive" means to do any of the following: 4520

(1) Withhold property of another permanently, or for a period 4521
that appropriates a substantial portion of its value or use, or 4522
with purpose to restore it only upon payment of a reward or other 4523
consideration; 4524

(2) Dispose of property so as to make it unlikely that the 4525
owner will recover it; 4526

(3) Accept, use, or appropriate money, property, or services, 4527
with purpose not to give proper consideration in return for the 4528
money, property, or services, and without reasonable justification 4529
or excuse for not giving proper consideration. 4530

(D) "Owner" means, unless the context requires a different 4531
meaning, any person, other than the actor, who is the owner of, 4532
who has possession or control of, or who has any license or 4533
interest in property or services, even though the ownership, 4534
possession, control, license, or interest is unlawful. 4535

(E) "Services" include labor, personal services, professional 4536
services, rental services, public utility services including 4537

wireless service as defined in division (F)(1) of section 4931.40 4538
of the Revised Code, common carrier services, and food, drink, 4539
transportation, entertainment, and cable television services and, 4540
for purposes of section 2913.04 of the Revised Code, include cable 4541
services as defined in that section. 4542

(F) "Writing" means any computer software, document, letter, 4543
memorandum, note, paper, plate, data, film, or other thing having 4544
in or upon it any written, typewritten, or printed matter, and any 4545
token, stamp, seal, credit card, badge, trademark, label, or other 4546
symbol of value, right, privilege, license, or identification. 4547

(G) "Forge" means to fabricate or create, in whole or in part 4548
and by any means, any spurious writing, or to make, execute, 4549
alter, complete, reproduce, or otherwise purport to authenticate 4550
any writing, when the writing in fact is not authenticated by that 4551
conduct. 4552

(H) "Utter" means to issue, publish, transfer, use, put or 4553
send into circulation, deliver, or display. 4554

(I) "Coin machine" means any mechanical or electronic device 4555
designed to do both of the following: 4556

(1) Receive a coin, bill, or token made for that purpose; 4557

(2) In return for the insertion or deposit of a coin, bill, 4558
or token, automatically dispense property, provide a service, or 4559
grant a license. 4560

(J) "Slug" means an object that, by virtue of its size, 4561
shape, composition, or other quality, is capable of being inserted 4562
or deposited in a coin machine as an improper substitute for a 4563
genuine coin, bill, or token made for that purpose. 4564

(K) "Theft offense" means any of the following: 4565

(1) A violation of section 2911.01, 2911.02, 2911.11, 4566
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 4567

2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 4568
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 4569
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 4570
2913.51, 2915.05, or 2921.41 of the Revised Code; 4571

(2) A violation of an existing or former municipal ordinance 4572
or law of this or any other state, or of the United States, 4573
substantially equivalent to any section listed in division (K)(1) 4574
of this section or a violation of section 2913.41, 2913.81, or 4575
2915.06 of the Revised Code as it existed prior to July 1, 1996; 4576

(3) An offense under an existing or former municipal 4577
ordinance or law of this or any other state, or of the United 4578
States, involving robbery, burglary, breaking and entering, theft, 4579
embezzlement, wrongful conversion, forgery, counterfeiting, 4580
deceit, or fraud; 4581

(4) A conspiracy or attempt to commit, or complicity in 4582
committing, any offense under division (K)(1), (2), or (3) of this 4583
section. 4584

(L) "Computer services" includes, but is not limited to, the 4585
use of a computer system, computer network, computer program, data 4586
that is prepared for computer use, or data that is contained 4587
within a computer system or computer network. 4588

(M) "Computer" means an electronic device that performs 4589
logical, arithmetic, and memory functions by the manipulation of 4590
electronic or magnetic impulses. "Computer" includes, but is not 4591
limited to, all input, output, processing, storage, computer 4592
program, or communication facilities that are connected, or 4593
related, in a computer system or network to an electronic device 4594
of that nature. 4595

(N) "Computer system" means a computer and related devices, 4596
whether connected or unconnected, including, but not limited to, 4597
data input, output, and storage devices, data communications 4598

links, and computer programs and data that make the system capable 4599
of performing specified special purpose data processing tasks. 4600

(O) "Computer network" means a set of related and remotely 4601
connected computers and communication facilities that includes 4602
more than one computer system that has the capability to transmit 4603
among the connected computers and communication facilities through 4604
the use of computer facilities. 4605

(P) "Computer program" means an ordered set of data 4606
representing coded instructions or statements that, when executed 4607
by a computer, cause the computer to process data. 4608

(Q) "Computer software" means computer programs, procedures, 4609
and other documentation associated with the operation of a 4610
computer system. 4611

(R) "Data" means a representation of information, knowledge, 4612
facts, concepts, or instructions that are being or have been 4613
prepared in a formalized manner and that are intended for use in a 4614
computer, computer system, or computer network. For purposes of 4615
section 2913.47 of the Revised Code, "data" has the additional 4616
meaning set forth in division (A) of that section. 4617

(S) "Cable television service" means any services provided by 4618
or through the facilities of any cable television system or other 4619
similar closed circuit coaxial cable communications system, or any 4620
microwave or similar transmission service used in connection with 4621
any cable television system or other similar closed circuit 4622
coaxial cable communications system. 4623

(T) "Gain access" means to approach, instruct, communicate 4624
with, store data in, retrieve data from, or otherwise make use of 4625
any resources of a computer, computer system, or computer network, 4626
or any cable service or cable system both as defined in section 4627
2913.04 of the Revised Code. 4628

(U) "Credit card" includes, but is not limited to, a card, 4629

code, device, or other means of access to a customer's account for 4630
the purpose of obtaining money, property, labor, or services on 4631
credit, or for initiating an electronic fund transfer at a 4632
point-of-sale terminal, an automated teller machine, or a cash 4633
dispensing machine. It also includes a county procurement card 4634
issued under section 301.29 of the Revised Code. 4635

(V) "Electronic fund transfer" has the same meaning as in 92 4636
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 4637

(W) "Rented property" means personal property in which the 4638
right of possession and use of the property is for a short and 4639
possibly indeterminate term in return for consideration; the 4640
rentee generally controls the duration of possession of the 4641
property, within any applicable minimum or maximum term; and the 4642
amount of consideration generally is determined by the duration of 4643
possession of the property. 4644

(X) "Telecommunication" means the origination, emission, 4645
dissemination, transmission, or reception of data, images, 4646
signals, sounds, or other intelligence or equivalence of 4647
intelligence of any nature over any communications system by any 4648
method, including, but not limited to, a fiber optic, electronic, 4649
magnetic, optical, digital, or analog method. 4650

(Y) "Telecommunications device" means any instrument, 4651
equipment, machine, or other device that facilitates 4652
telecommunication, including, but not limited to, a computer, 4653
computer network, computer chip, computer circuit, scanner, 4654
telephone, cellular telephone, pager, personal communications 4655
device, transponder, receiver, radio, modem, or device that 4656
enables the use of a modem. 4657

(Z) "Telecommunications service" means the providing, 4658
allowing, facilitating, or generating of any form of 4659
telecommunication through the use of a telecommunications device 4660

over a telecommunications system. 4661

(AA) "Counterfeit telecommunications device" means a 4662
telecommunications device that, alone or with another 4663
telecommunications device, has been altered, constructed, 4664
manufactured, or programmed to acquire, intercept, receive, or 4665
otherwise facilitate the use of a telecommunications service or 4666
information service without the authority or consent of the 4667
provider of the telecommunications service or information service. 4668
"Counterfeit telecommunications device" includes, but is not 4669
limited to, a clone telephone, clone microchip, tumbler telephone, 4670
or tumbler microchip; a wireless scanning device capable of 4671
acquiring, intercepting, receiving, or otherwise facilitating the 4672
use of telecommunications service or information service without 4673
immediate detection; or a device, equipment, hardware, or software 4674
designed for, or capable of, altering or changing the electronic 4675
serial number in a wireless telephone. 4676

(BB)(1) "Information service" means, subject to division 4677
(BB)(2) of this section, the offering of a capability for 4678
generating, acquiring, storing, transforming, processing, 4679
retrieving, utilizing, or making available information via 4680
telecommunications, including, but not limited to, electronic 4681
publishing. 4682

(2) "Information service" does not include any use of a 4683
capability of a type described in division (BB)(1) of this section 4684
for the management, control, or operation of a telecommunications 4685
system or the management of a telecommunications service. 4686

(CC) "Elderly person" means a person who is sixty-five years 4687
of age or older. 4688

(DD) "Disabled adult" means a person who is eighteen years of 4689
age or older and has some impairment of body or mind that makes 4690
the person unable to work at any substantially remunerative 4691

employment that the person otherwise would be able to perform and 4692
that will, with reasonable probability, continue for a period of 4693
at least twelve months without any present indication of recovery 4694
from the impairment, or who is eighteen years of age or older and 4695
has been certified as permanently and totally disabled by an 4696
agency of this state or the United States that has the function of 4697
so classifying persons. 4698

(EE) "Firearm" and "dangerous ordnance" have the same 4699
meanings as in section 2923.11 of the Revised Code. 4700

(FF) "Motor vehicle" has the same meaning as in section 4701
4501.01 of the Revised Code. 4702

(GG) "Dangerous drug" has the same meaning as in section 4703
4729.01 of the Revised Code. 4704

(HH) "Drug abuse offense" has the same meaning as in section 4705
2925.01 of the Revised Code. 4706

(II)(1) "Computer hacking" means any of the following: 4707

(a) Gaining access or attempting to gain access to all or 4708
part of a computer, computer system, or a computer network without 4709
express or implied authorization with the intent to defraud or 4710
with intent to commit a crime; 4711

(b) Misusing computer or network services including, but not 4712
limited to, mail transfer programs, file transfer programs, proxy 4713
servers, and web servers by performing functions not authorized by 4714
the owner of the computer, computer system, or computer network or 4715
other person authorized to give consent. As used in this division, 4716
"misuse of computer and network services" includes, but is not 4717
limited to, the unauthorized use of any of the following: 4718

(i) Mail transfer programs to send mail to persons other than 4719
the authorized users of that computer or computer network; 4720

(ii) File transfer program proxy services or proxy servers to 4721

access other computers, computer systems, or computer networks; 4722

(iii) Web servers to redirect users to other web pages or web 4723
servers. 4724

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 4725
using a group of computer programs commonly known as "port 4726
scanners" or "probes" to intentionally access any computer, 4727
computer system, or computer network without the permission of the 4728
owner of the computer, computer system, or computer network or 4729
other person authorized to give consent. The group of computer 4730
programs referred to in this division includes, but is not limited 4731
to, those computer programs that use a computer network to access 4732
a computer, computer system, or another computer network to 4733
determine any of the following: the presence or types of computers 4734
or computer systems on a network; the computer network's 4735
facilities and capabilities; the availability of computer or 4736
network services; the presence or versions of computer software 4737
including, but not limited to, operating systems, computer 4738
services, or computer contaminants; the presence of a known 4739
computer software deficiency that can be used to gain unauthorized 4740
access to a computer, computer system, or computer network; or any 4741
other information about a computer, computer system, or computer 4742
network not necessary for the normal and lawful operation of the 4743
computer initiating the access. 4744

(ii) The group of computer programs referred to in division 4745
(II)(1)(c)(i) of this section does not include standard computer 4746
software used for the normal operation, administration, 4747
management, and test of a computer, computer system, or computer 4748
network including, but not limited to, domain name services, mail 4749
transfer services, and other operating system services, computer 4750
programs commonly called "ping," "tcpdump," and "traceroute" and 4751
other network monitoring and management computer software, and 4752
computer programs commonly known as "nslookup" and "whois" and 4753

other systems administration computer software. 4754

(d) The intentional use of a computer, computer system, or a 4755
computer network in a manner that exceeds any right or permission 4756
granted by the owner of the computer, computer system, or computer 4757
network or other person authorized to give consent. 4758

(2) "Computer hacking" does not include the introduction of a 4759
computer contaminant, as defined in section ~~2909.02~~ 2909.01 of the 4760
Revised Code, into a computer, computer system, computer program, 4761
or computer network. 4762

(JJ) "Police dog or horse" has the same meaning as in section 4763
2921.321 of the Revised Code. 4764

(KK) "Anhydrous ammonia" is a compound formed by the 4765
combination of two gaseous elements, nitrogen and hydrogen, in the 4766
manner described in this division. Anhydrous ammonia is one part 4767
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 4768
weight is fourteen parts nitrogen to three parts hydrogen, which 4769
is approximately eighty-two per cent nitrogen to eighteen per cent 4770
hydrogen. 4771

(LL) "Assistance dog" has the same meaning as in section 4772
955.011 of the Revised Code. 4773

(MM) "Federally licensed firearms dealer" has the same 4774
meaning as in section 5502.63 of the Revised Code. 4775

Sec. 2913.02. (A) No person, with purpose to deprive the 4776
owner of property or services, shall knowingly obtain or exert 4777
control over either the property or services in any of the 4778
following ways: 4779

(1) Without the consent of the owner or person authorized to 4780
give consent; 4781

(2) Beyond the scope of the express or implied consent of the 4782
owner or person authorized to give consent; 4783

(3) By deception; 4784

(4) By threat; 4785

(5) By intimidation. 4786

(B)(1) Whoever violates this section is guilty of theft. 4787

(2) Except as otherwise provided in this division or division 4788
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 4789
this section is petty theft, a misdemeanor of the first degree. If 4790
the value of the property or services stolen is ~~five hundred~~ one 4791
thousand dollars or more and is less than ~~five~~ seven thousand five 4792
hundred dollars or if the property stolen is any of the property 4793
listed in section 2913.71 of the Revised Code, a violation of this 4794
section is theft, a felony of the fifth degree. If the value of 4795
the property or services stolen is ~~five~~ seven thousand five 4796
hundred dollars or more and is less than one hundred fifty 4797
thousand dollars, a violation of this section is grand theft, a 4798
felony of the fourth degree. If the value of the property or 4799
services stolen is one hundred fifty thousand dollars or more and 4800
is less than ~~five~~ seven hundred fifty thousand dollars, a 4801
violation of this section is aggravated theft, a felony of the 4802
third degree. If the value of the property or services is ~~five~~ 4803
seven hundred fifty thousand dollars or more and is less than one 4804
million five hundred thousand dollars, a violation of this section 4805
is aggravated theft, a felony of the second degree. If the value 4806
of the property or services stolen is one million five hundred 4807
thousand dollars or more, a violation of this section is 4808
aggravated theft of one million five hundred thousand dollars or 4809
more, a felony of the first degree. 4810

(3) Except as otherwise provided in division (B)(4), (5), 4811
(6), (7), or (8) of this section, if the victim of the offense is 4812
an elderly person or disabled adult, a violation of this section 4813
is theft from an elderly person or disabled adult, and division 4814

(B)(3) of this section applies. Except as otherwise provided in 4815
this division, theft from an elderly person or disabled adult is a 4816
felony of the fifth degree. If the value of the property or 4817
services stolen is ~~five hundred~~ one thousand dollars or more and 4818
is less than ~~five~~ seven thousand ~~five hundred~~ dollars, theft from 4819
an elderly person or disabled adult is a felony of the fourth 4820
degree. If the value of the property or services stolen is ~~five~~ 4821
seven thousand ~~five hundred~~ dollars or more and is less than 4822
~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars, theft from 4823
an elderly person or disabled adult is a felony of the third 4824
degree. If the value of the property or services stolen is 4825
~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars or more and 4826
is less than one hundred fifty thousand dollars, theft from an 4827
elderly person or disabled adult is a felony of the second degree. 4828
If the value of the property or services stolen is one hundred 4829
fifty thousand dollars or more, theft from an elderly person or 4830
disabled adult is a felony of the first degree. 4831

(4) If the property stolen is a firearm or dangerous 4832
ordnance, a violation of this section is grand theft. Except as 4833
otherwise provided in this division, grand theft when the property 4834
stolen is a firearm or dangerous ordnance is a felony of the third 4835
degree, and there is a presumption in favor of the court imposing 4836
a prison term for the offense. If the firearm or dangerous 4837
ordnance was stolen from a federally licensed firearms dealer, 4838
grand theft when the property stolen is a firearm or dangerous 4839
ordnance is a felony of the first degree. The offender shall serve 4840
a prison term imposed for grand theft when the property stolen is 4841
a firearm or dangerous ordnance consecutively to any other prison 4842
term or mandatory prison term previously or subsequently imposed 4843
upon the offender. 4844

(5) If the property stolen is a motor vehicle, a violation of 4845
this section is grand theft of a motor vehicle, a felony of the 4846

fourth degree. 4847

(6) If the property stolen is any dangerous drug, a violation 4848
of this section is theft of drugs, a felony of the fourth degree, 4849
or, if the offender previously has been convicted of a felony drug 4850
abuse offense, a felony of the third degree. 4851

(7) If the property stolen is a police dog or horse or an 4852
assistance dog and the offender knows or should know that the 4853
property stolen is a police dog or horse or an assistance dog, a 4854
violation of this section is theft of a police dog or horse or an 4855
assistance dog, a felony of the third degree. 4856

(8) If the property stolen is anhydrous ammonia, a violation 4857
of this section is theft of anhydrous ammonia, a felony of the 4858
third degree. 4859

(9) In addition to the penalties described in division (B)(2) 4860
of this section, if the offender committed the violation by 4861
causing a motor vehicle to leave the premises of an establishment 4862
at which gasoline is offered for retail sale without the offender 4863
making full payment for gasoline that was dispensed into the fuel 4864
tank of the motor vehicle or into another container, the court may 4865
do one of the following: 4866

(a) Unless division (B)(9)(b) of this section applies, 4867
suspend for not more than six months the offender's driver's 4868
license, probationary driver's license, commercial driver's 4869
license, temporary instruction permit, or nonresident operating 4870
privilege; 4871

(b) If the offender's driver's license, probationary driver's 4872
license, commercial driver's license, temporary instruction 4873
permit, or nonresident operating privilege has previously been 4874
suspended pursuant to division (B)(9)(a) of this section, impose a 4875
class seven suspension of the offender's license, permit, or 4876
privilege from the range specified in division (A)(7) of section 4877

4510.02 of the Revised Code, provided that the suspension shall be 4878
for at least six months. 4879

(10) In addition to the penalties described in division 4880
(B)(2) of this section, if the offender committed the violation by 4881
stealing rented property or rental services, the court may order 4882
that the offender make restitution pursuant to section 2929.18 or 4883
2929.28 of the Revised Code. Restitution may include, but is not 4884
limited to, the cost of repairing or replacing the stolen 4885
property, or the cost of repairing the stolen property and any 4886
loss of revenue resulting from deprivation of the property due to 4887
theft of rental services that is less than or equal to the actual 4888
value of the property at the time it was rented. Evidence of 4889
intent to commit theft of rented property or rental services shall 4890
be determined pursuant to the provisions of section 2913.72 of the 4891
Revised Code. 4892

(C) The sentencing court that suspends an offender's license, 4893
permit, or nonresident operating privilege under division (B)(9) 4894
of this section may grant the offender limited driving privileges 4895
during the period of the suspension in accordance with Chapter 4896
4510. of the Revised Code. 4897

Sec. 2913.03. (A) No person shall knowingly use or operate an 4898
aircraft, motor vehicle, motorcycle, motorboat, or other 4899
motor-propelled vehicle without the consent of the owner or person 4900
authorized to give consent. 4901

(B) No person shall knowingly use or operate an aircraft, 4902
motor vehicle, motorboat, or other motor-propelled vehicle without 4903
the consent of the owner or person authorized to give consent, and 4904
either remove it from this state or keep possession of it for more 4905
than forty-eight hours. 4906

(C) The following are affirmative defenses to a charge under 4907
this section: 4908

(1) At the time of the alleged offense, the actor, though 4909
mistaken, reasonably believed that the actor was authorized to use 4910
or operate the property. 4911

(2) At the time of the alleged offense, the actor reasonably 4912
believed that the owner or person empowered to give consent would 4913
authorize the actor to use or operate the property. 4914

(D)(1) Whoever violates this section is guilty of 4915
unauthorized use of a vehicle. 4916

(2) Except as otherwise provided in division (D)(4) of this 4917
section, a violation of division (A) of this section is a 4918
misdemeanor of the first degree. 4919

(3) Except as otherwise provided in division (D)(4) of this 4920
section, a violation of division (B) of this section is a felony 4921
of the fifth degree. 4922

(4) If the victim of the offense is an elderly person or 4923
disabled adult and if the victim incurs a loss as a result of the 4924
violation, a violation of division (A) or (B) of this section is 4925
whichever of the following is applicable: 4926

(a) Except as otherwise provided in division (D)(4)(b), (c), 4927
or (d), ~~or (e)~~ of this section, a felony of the fifth degree; 4928

(b) If the loss to the victim is ~~five hundred~~ one thousand 4929
dollars or more and is less than ~~five~~ seven thousand five hundred 4930
dollars, a felony of the fourth degree; 4931

(c) If the loss to the victim is ~~five~~ seven thousand five 4932
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 4933
thousand five hundred dollars, a felony of the third degree; 4934

(d) If the loss to the victim is ~~twenty-five~~ thirty-seven 4935
thousand five hundred dollars or more, a felony of the second 4936
degree. 4937

Sec. 2913.04. (A) No person shall knowingly use or operate 4938
the property of another without the consent of the owner or person 4939
authorized to give consent. 4940

(B) No person, in any manner and by any means, including, but 4941
not limited to, computer hacking, shall knowingly gain access to, 4942
attempt to gain access to, or cause access to be gained to any 4943
computer, computer system, computer network, cable service, cable 4944
system, telecommunications device, telecommunications service, or 4945
information service without the consent of, or beyond the scope of 4946
the express or implied consent of, the owner of the computer, 4947
computer system, computer network, cable service, cable system, 4948
telecommunications device, telecommunications service, or 4949
information service or other person authorized to give consent. 4950

(C) No person shall knowingly gain access to, attempt to gain 4951
access to, cause access to be granted to, or disseminate 4952
information gained from access to the law enforcement automated 4953
database system created pursuant to section 5503.10 of the Revised 4954
Code without the consent of, or beyond the scope of the express or 4955
implied consent of, the chair of the law enforcement automated 4956
data system steering committee. 4957

(D) No person shall knowingly gain access to, attempt to gain 4958
access to, cause access to be granted to, or disseminate 4959
information gained from access to the Ohio law enforcement gateway 4960
established and operated pursuant to division (C)(1) of section 4961
109.57 of the Revised Code without the consent of, or beyond the 4962
scope of the express or implied consent of, the superintendent of 4963
the bureau of criminal identification and investigation. 4964

(E) The affirmative defenses contained in division (C) of 4965
section 2913.03 of the Revised Code are affirmative defenses to a 4966
charge under this section. 4967

(F)(1) Whoever violates division (A) of this section is 4968

guilty of unauthorized use of property. 4969

(2) Except as otherwise provided in division (F)(3) or (4) of 4970
this section, unauthorized use of property is a misdemeanor of the 4971
fourth degree. 4972

(3) Except as otherwise provided in division (F)(4) of this 4973
section, if unauthorized use of property is committed for the 4974
purpose of devising or executing a scheme to defraud or to obtain 4975
property or services, unauthorized use of property is whichever of 4976
the following is applicable: 4977

(a) Except as otherwise provided in division (F)(3)(b), (c), 4978
or (d) of this section, a misdemeanor of the first degree. 4979

(b) If the value of the property or services or the loss to 4980
the victim is ~~five hundred~~ one thousand dollars or more and is 4981
less than ~~five~~ seven thousand five hundred dollars, a felony of 4982
the fifth degree. 4983

(c) If the value of the property or services or the loss to 4984
the victim is ~~five~~ seven thousand five hundred dollars or more and 4985
is less than one hundred fifty thousand dollars, a felony of the 4986
fourth degree. 4987

(d) If the value of the property or services or the loss to 4988
the victim is one hundred fifty thousand dollars or more, a felony 4989
of the third degree. 4990

(4) If the victim of the offense is an elderly person or 4991
disabled adult, unauthorized use of property is whichever of the 4992
following is applicable: 4993

(a) Except as otherwise provided in division (F)(4)(b), (c), 4994
or (d) of this section, a felony of the fifth degree; 4995

(b) If the value of the property or services or loss to the 4996
victim is ~~five hundred~~ one thousand dollars or more and is less 4997
than ~~five~~ seven thousand five hundred dollars, a felony of the 4998

fourth degree; 4999

(c) If the value of the property or services or loss to the 5000
victim is ~~five~~ seven thousand ~~five~~ hundred dollars or more and is 5001
less than ~~twenty-five~~ thirty-seven thousand ~~five~~ hundred dollars, 5002
a felony of the third degree; 5003

(d) If the value of the property or services or loss to the 5004
victim is ~~twenty-five~~ thirty-seven thousand ~~five~~ hundred dollars 5005
or more, a felony of the second degree. 5006

(G)(1) Whoever violates division (B) of this section is 5007
guilty of unauthorized use of computer, cable, or 5008
telecommunication property, and shall be punished as provided in 5009
division (G)(2), (3), or (4) of this section. 5010

(2) Except as otherwise provided in division (G)(3) or (4) of 5011
this section, unauthorized use of computer, cable, or 5012
telecommunication property is a felony of the fifth degree. 5013

(3) Except as otherwise provided in division (G)(4) of this 5014
section, if unauthorized use of computer, cable, or 5015
telecommunication property is committed for the purpose of 5016
devising or executing a scheme to defraud or to obtain property or 5017
services, for obtaining money, property, or services by false or 5018
fraudulent pretenses, or for committing any other criminal 5019
offense, unauthorized use of computer, cable, or telecommunication 5020
property is whichever of the following is applicable: 5021

(a) Except as otherwise provided in division (G)(3)(b) of 5022
this section, if the value of the property or services involved or 5023
the loss to the victim is ~~five~~ seven thousand ~~five~~ hundred dollars 5024
or more and less than one hundred fifty thousand dollars, a felony 5025
of the fourth degree; 5026

(b) If the value of the property or services involved or the 5027
loss to the victim is one hundred fifty thousand dollars or more, 5028
a felony of the third degree. 5029

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

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

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

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

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

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

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

(J) As used in this section:

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

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

(b) Otherwise controls or is responsible for, through any

arrangement, the management and operation of a cable system. 5060

(2) "Cable service" means any of the following: 5061

(a) The one-way transmission to subscribers of video 5062
programming or of information that a cable operator makes 5063
available to all subscribers generally; 5064

(b) Subscriber interaction, if any, that is required for the 5065
selection or use of video programming or of information that a 5066
cable operator makes available to all subscribers generally, both 5067
as described in division (J)(2)(a) of this section; 5068

(c) Any cable television service. 5069

(3) "Cable system" means any facility, consisting of a set of 5070
closed transmission paths and associated signal generation, 5071
reception, and control equipment that is designed to provide cable 5072
service that includes video programming and that is provided to 5073
multiple subscribers within a community. "Cable system" does not 5074
include any of the following: 5075

(a) Any facility that serves only to retransmit the 5076
television signals of one or more television broadcast stations; 5077

(b) Any facility that serves subscribers without using any 5078
public right-of-way; 5079

(c) Any facility of a common carrier that, under 47 U.S.C.A. 5080
522(7)(c), is excluded from the term "cable system" as defined in 5081
47 U.S.C.A. 522(7); 5082

(d) Any open video system that complies with 47 U.S.C.A. 573; 5083

(e) Any facility of any electric utility used solely for 5084
operating its electric utility system. 5085

Sec. 2913.11. (A) As used in this section: 5086

(1) "Check" includes any form of debit from a demand deposit 5087
account, including, but not limited to any of the following: 5088

(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;	5089 5090
(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.	5091 5092 5093
(2) "Issue a check" means causing any form of debit from a demand deposit account.	5094 5095
(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.	5096 5097 5098 5099 5100
(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:	5101 5102 5103
(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;	5104 5105
(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.	5106 5107 5108 5109 5110 5111
(D) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with section 1349.16 of the Revised Code by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:	5112 5113 5114 5115 5116 5117
(1) Falsely stating that the drawer has not been issued a	5118

valid driver's or commercial driver's license or identification 5119
card issued under section 4507.50 of the Revised Code; 5120

(2) Furnishing such license or card, or another 5121
identification document that contains false information; 5122

(3) Making a false statement with respect to the drawer's 5123
current address or any additional relevant information reasonably 5124
required by the financial institution. 5125

(E) In determining the value of the payment for purposes of 5126
division (F) of this section, the court may aggregate all checks 5127
and other negotiable instruments that the offender issued or 5128
transferred or caused to be issued or transferred in violation of 5129
division (A) of this section within a period of one hundred eighty 5130
consecutive days. 5131

(F) Whoever violates this section is guilty of passing bad 5132
checks. Except as otherwise provided in this division, passing bad 5133
checks is a misdemeanor of the first degree. If the check or 5134
checks or other negotiable instrument or instruments are issued or 5135
transferred to a single vendor or single other person for the 5136
payment of ~~five hundred~~ one thousand dollars or more but less than 5137
~~five~~ seven thousand ~~five hundred~~ dollars or if the check or checks 5138
or other negotiable instrument or instruments are issued or 5139
transferred to multiple vendors or persons for the payment of one 5140
thousand ~~five hundred~~ dollars or more but less than ~~five~~ seven 5141
thousand ~~five hundred~~ dollars, passing bad checks is a felony of 5142
the fifth degree. If the check or checks or other negotiable 5143
instrument or instruments are for the payment of ~~five~~ seven 5144
thousand ~~five hundred~~ dollars or more but less than one hundred 5145
~~fifty~~ thousand dollars, passing bad checks is a felony of the 5146
fourth degree. If the check or checks or other negotiable 5147
instrument or instruments are for the payment of one hundred ~~fifty~~ 5148
thousand dollars or more, passing bad checks is a felony of the 5149
third degree. 5150

Sec. 2913.21. (A) No person shall do any of the following:	5151
(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;	5152 5153 5154
(2) Knowingly buy or sell a credit card from or to a person other than the issuer.	5155 5156
(B) No person, with purpose to defraud, shall do any of the following:	5157 5158
(1) Obtain control over a credit card as security for a debt;	5159
(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;	5160 5161 5162 5163
(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;	5164 5165 5166
(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.	5167 5168 5169
(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.	5170 5171
(D)(1) Whoever violates this section is guilty of misuse of credit cards.	5172 5173
(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.	5174 5175 5176
(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	5177 5178 5179

cumulative retail value of the property and services involved in 5180
one or more violations of division (B)(2), (3), or (4) of this 5181
section, which violations involve one or more credit card accounts 5182
and occur within a period of ninety consecutive days commencing on 5183
the date of the first violation, is ~~five hundred~~ one thousand 5184
dollars or more and is less than ~~five~~ seven thousand five hundred 5185
dollars, misuse of credit cards in violation of any of those 5186
divisions is a felony of the fifth degree. If the cumulative 5187
retail value of the property and services involved in one or more 5188
violations of division (B)(2), (3), or (4) of this section, which 5189
violations involve one or more credit card accounts and occur 5190
within a period of ninety consecutive days commencing on the date 5191
of the first violation, is ~~five~~ seven thousand five hundred 5192
dollars or more and is less than one hundred fifty thousand 5193
dollars, misuse of credit cards in violation of any of those 5194
divisions is a felony of the fourth degree. If the cumulative 5195
retail value of the property and services involved in one or more 5196
violations of division (B)(2), (3), or (4) of this section, which 5197
violations involve one or more credit card accounts and occur 5198
within a period of ninety consecutive days commencing on the date 5199
of the first violation, is one hundred fifty thousand dollars or 5200
more, misuse of credit cards in violation of any of those 5201
divisions is a felony of the third degree. 5202

(4) If the victim of the offense is an elderly person or 5203
disabled adult, and if the offense involves a violation of 5204
division (B)(1) or (2) of this section, division (D)(4) of this 5205
section applies. Except as otherwise provided in division (D)(4) 5206
of this section, a violation of division (B)(1) or (2) of this 5207
section is a felony of the fifth degree. If the debt for which the 5208
card is held as security or the cumulative retail value of the 5209
property or services involved in the violation is ~~five hundred~~ one 5210
thousand dollars or more and is less than ~~five~~ seven thousand five 5211
hundred dollars, a violation of either of those divisions is a 5212

felony of the fourth degree. If the debt for which the card is 5213
held as security or the cumulative retail value of the property or 5214
services involved in the violation is ~~five~~ seven thousand ~~five~~ 5215
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 5216
thousand five hundred dollars, a violation of either of those 5217
divisions is a felony of the third degree. If the debt for which 5218
the card is held as security or the cumulative retail value of the 5219
property or services involved in the violation is ~~twenty-five~~ 5220
thirty-seven thousand five hundred dollars or more, a violation of 5221
either of those divisions is a felony of the second degree. 5222

Sec. 2913.31. (A) No person, with purpose to defraud, or 5223
knowing that the person is facilitating a fraud, shall do any of 5224
the following: 5225

(1) Forge any writing of another without the other person's 5226
authority; 5227

(2) Forge any writing so that it purports to be genuine when 5228
it actually is spurious, or to be the act of another who did not 5229
authorize that act, or to have been executed at a time or place or 5230
with terms different from what in fact was the case, or to be a 5231
copy of an original when no such original existed; 5232

(3) Utter, or possess with purpose to utter, any writing that 5233
the person knows to have been forged. 5234

(B) No person shall knowingly do either of the following: 5235

(1) Forge an identification card; 5236

(2) Sell or otherwise distribute a card that purports to be 5237
an identification card, knowing it to have been forged. 5238

As used in this division, "identification card" means a card 5239
that includes personal information or characteristics of an 5240
individual, a purpose of which is to establish the identity of the 5241
bearer described on the card, whether the words "identity," 5242

"identification," "identification card," or other similar words 5243
appear on the card. 5244

(C)(1)(a) Whoever violates division (A) of this section is 5245
guilty of forgery. 5246

(b) Except as otherwise provided in this division or division 5247
(C)(1)(c) of this section, forgery is a felony of the fifth 5248
degree. If property or services are involved in the offense or the 5249
victim suffers a loss, forgery is one of the following: 5250

(i) If the value of the property or services or the loss to 5251
the victim is ~~five~~ seven thousand five hundred dollars or more and 5252
is less than one hundred fifty thousand dollars, a felony of the 5253
fourth degree; 5254

(ii) If the value of the property or services or the loss to 5255
the victim is one hundred fifty thousand dollars or more, a felony 5256
of the third degree. 5257

(c) If the victim of the offense is an elderly person or 5258
disabled adult, division (C)(1)(c) of this section applies to the 5259
forgery. Except as otherwise provided in division (C)(1)(c) of 5260
this section, forgery is a felony of the fifth degree. If property 5261
or services are involved in the offense or if the victim suffers a 5262
loss, forgery is one of the following: 5263

(i) If the value of the property or services or the loss to 5264
the victim is ~~five hundred~~ one thousand dollars or more and is 5265
less than ~~five~~ seven thousand five hundred dollars, a felony of 5266
the fourth degree; 5267

(ii) If the value of the property or services or the loss to 5268
the victim is ~~five~~ seven thousand five hundred dollars or more and 5269
is less than ~~twenty-five~~ thirty-seven thousand five hundred 5270
dollars, a felony of the third degree; 5271

(iii) If the value of the property or services or the loss to 5272

the victim is ~~twenty-five~~ thirty-seven thousand five hundred 5273
dollars or more, a felony of the second degree. 5274

(2) Whoever violates division (B) of this section is guilty 5275
of forging identification cards or selling or distributing forged 5276
identification cards. Except as otherwise provided in this 5277
division, forging identification cards or selling or distributing 5278
forged identification cards is a misdemeanor of the first degree. 5279
If the offender previously has been convicted of a violation of 5280
division (B) of this section, forging identification cards or 5281
selling or distributing forged identification cards is a 5282
misdemeanor of the first degree and, in addition, the court shall 5283
impose upon the offender a fine of not less than two hundred fifty 5284
dollars. 5285

Sec. 2913.32. (A) No person, with purpose to defraud, or 5286
knowing that the person is facilitating a fraud, shall do any of 5287
the following: 5288

(1) Make or alter any object so that it appears to have value 5289
because of antiquity, rarity, curiosity, source, or authorship, 5290
which it does not in fact possess; 5291

(2) Practice deception in making, retouching, editing, or 5292
reproducing any photograph, movie film, video tape, phonograph 5293
record, or recording tape; 5294

(3) Falsely or fraudulently make, simulate, forge, alter, or 5295
counterfeit any wrapper, label, stamp, cork, or cap prescribed by 5296
the liquor control commission under Chapters 4301. and 4303. of 5297
the Revised Code, falsely or fraudulently cause to be made, 5298
simulated, forged, altered, or counterfeited any wrapper, label, 5299
stamp, cork, or cap prescribed by the liquor control commission 5300
under Chapters 4301. and 4303. of the Revised Code, or use more 5301
than once any wrapper, label, stamp, cork, or cap prescribed by 5302
the liquor control commission under Chapters 4301. and 4303. of 5303

the Revised Code. 5304

(4) Utter, or possess with purpose to utter, any object that 5305
the person knows to have been simulated as provided in division 5306
(A)(1), (2), or (3) of this section. 5307

(B) Whoever violates this section is guilty of criminal 5308
simulation. Except as otherwise provided in this division, 5309
criminal simulation is a misdemeanor of the first degree. If the 5310
loss to the victim is ~~five hundred~~ one thousand dollars or more 5311
and is less than ~~five~~ seven thousand five hundred dollars, 5312
criminal simulation is a felony of the fifth degree. If the loss 5313
to the victim is ~~five~~ seven thousand five hundred dollars or more 5314
and is less than one hundred fifty thousand dollars, criminal 5315
simulation is a felony of the fourth degree. If the loss to the 5316
victim is one hundred fifty thousand dollars or more, criminal 5317
simulation is a felony of the third degree. 5318

Sec. 2913.34. (A) No person shall knowingly do any of the 5319
following: 5320

(1) Attach, affix, or otherwise use a counterfeit mark in 5321
connection with the manufacture of goods or services, whether or 5322
not the goods or services are intended for sale or resale; 5323

(2) Possess, sell, or offer for sale tools, machines, 5324
instruments, materials, articles, or other items of personal 5325
property with the knowledge that they are designed for the 5326
production or reproduction of counterfeit marks; 5327

(3) Purchase or otherwise acquire goods, and keep or 5328
otherwise have the goods in the person's possession, with the 5329
knowledge that a counterfeit mark is attached to, affixed to, or 5330
otherwise used in connection with the goods and with the intent to 5331
sell or otherwise dispose of the goods; 5332

(4) Sell, offer for sale, or otherwise dispose of goods with 5333

the knowledge that a counterfeit mark is attached to, affixed to, 5334
or otherwise used in connection with the goods; 5335

(5) Sell, offer for sale, or otherwise provide services with 5336
the knowledge that a counterfeit mark is used in connection with 5337
that sale, offer for sale, or other provision of the services. 5338

(B)(1) Whoever violates this section is guilty of trademark 5339
counterfeiting. 5340

(2) Except as otherwise provided in this division, a 5341
violation of division (A)(1) of this section is a felony of the 5342
fifth degree. Except as otherwise provided in this division, if 5343
the cumulative sales price of the goods or services to which or in 5344
connection with which the counterfeit mark is attached, affixed, 5345
or otherwise used in the offense is five thousand dollars or more 5346
but less than one hundred thousand dollars or if the number of 5347
units of goods to which or in connection with which the 5348
counterfeit mark is attached, affixed, or otherwise used in the 5349
offense is more than one hundred units but less than one thousand 5350
units, a violation of division (A)(1) of this section is a felony 5351
of the fourth degree. If the cumulative sales price of the goods 5352
or services to which or in connection with which the counterfeit 5353
mark is attached, affixed, or otherwise used in the offense is one 5354
hundred thousand dollars or more or if the number of units of 5355
goods to which or in connection with which the counterfeit mark is 5356
attached, affixed, or otherwise used in the offense is one 5357
thousand units or more, a violation of division (A)(1) of this 5358
section is a felony of the third degree. 5359

(3) Except as otherwise provided in this division, a 5360
violation of division (A)(2) of this section is a misdemeanor of 5361
the first degree. If the circumstances of the violation indicate 5362
that the tools, machines, instruments, materials, articles, or 5363
other items of personal property involved in the violation were 5364
intended for use in the commission of a felony, a violation of 5365

division (A)(2) of this section is a felony of the fifth degree. 5366

(4) Except as otherwise provided in this division, a 5367
violation of division (A)(3), (4), or (5) of this section is a 5368
misdemeanor of the first degree. Except as otherwise provided in 5369
this division, if the cumulative sales price of the goods or 5370
services to which or in connection with which the counterfeit mark 5371
is attached, affixed, or otherwise used in the offense is ~~five~~ 5372
~~hundred~~ one thousand dollars or more but less than ~~five~~ seven 5373
thousand five hundred dollars, a violation of division (A)(3), 5374
(4), or (5) of this section is a felony of the fifth degree. 5375
Except as otherwise provided in this division, if the cumulative 5376
sales price of the goods or services to which or in connection 5377
with which the counterfeit mark is attached, affixed, or otherwise 5378
used in the offense is ~~five~~ seven thousand five hundred dollars or 5379
more but less than one hundred fifty thousand dollars or if the 5380
number of units of goods to which or in connection with which the 5381
counterfeit mark is attached, affixed, or otherwise used in the 5382
offense is more than one hundred units but less than one thousand 5383
units, a violation of division (A)(3), (4), or (5) of this section 5384
is a felony of the fourth degree. If the cumulative sales price of 5385
the goods or services to which or in connection with which the 5386
counterfeit mark is attached, affixed, or otherwise used in the 5387
offense is one hundred fifty thousand dollars or more or if the 5388
number of units of goods to which or in connection with which the 5389
counterfeit mark is attached, affixed, or otherwise used in the 5390
offense is one thousand units or more, a violation of division 5391
(A)(3), (4), or (5) of this section is a felony of the third 5392
degree. 5393

(C) A defendant may assert as an affirmative defense to a 5394
charge of a violation of this section defenses, affirmative 5395
defenses, and limitations on remedies that would be available in a 5396
civil, criminal, or administrative action or proceeding under the 5397

"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as 5398
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 5399
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section 5400
of the Revised Code, or common law. 5401

(D)(1) Law enforcement officers may seize pursuant to 5402
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code 5403
either of the following: 5404

(a) Goods to which or in connection with which a person 5405
attached, affixed, otherwise used, or intended to attach, affix, 5406
or otherwise use a counterfeit mark in violation of this section; 5407

(b) Tools, machines, instruments, materials, articles, 5408
vehicles, or other items of personal property that are possessed, 5409
sold, offered for sale, or used in a violation of this section or 5410
in an attempt to commit or complicity in the commission of a 5411
violation of this section. 5412

(2) Notwithstanding any contrary provision of Chapter 2981. 5413
of the Revised Code, if a person is convicted of or pleads guilty 5414
to a violation of this section, an attempt to violate this 5415
section, or complicity in a violation of this section, the court 5416
involved shall declare that the goods described in division 5417
(D)(1)(a) of this section and the personal property described in 5418
division (D)(1)(b) of this section are contraband and are 5419
forfeited. Prior to the court's entry of judgment under Criminal 5420
Rule 32, the owner of a registered trademark or service mark that 5421
is the subject of the counterfeit mark may recommend a manner in 5422
which the forfeited goods and forfeited personal property should 5423
be disposed of. If that owner makes a timely recommendation of a 5424
manner of disposition, the court is not bound by the 5425
recommendation. If that owner makes a timely recommendation of a 5426
manner of disposition, the court may include in its entry of 5427
judgment an order that requires appropriate persons to dispose of 5428
the forfeited goods and forfeited personal property in the 5429

recommended manner. If that owner fails to make a timely 5430
recommendation of a manner of disposition or if that owner makes a 5431
timely recommendation of the manner of disposition but the court 5432
determines to not follow the recommendation, the court shall 5433
include in its entry of judgment an order that requires the law 5434
enforcement agency that employs the law enforcement officer who 5435
seized the forfeited goods or the forfeited personal property to 5436
destroy them or cause their destruction. 5437

(E) This section does not affect the rights of an owner of a 5438
trademark or a service mark, or the enforcement in a civil action 5439
or in administrative proceedings of the rights of an owner of a 5440
trademark or a service mark, under the "Lanham Act," 60 Stat. 5441
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 5442
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 5443
amended, Chapter 1329. or another section of the Revised Code, or 5444
common law. 5445

(F) As used in this section: 5446

(1)(a) Except as provided in division (F)(1)(b) of this 5447
section, "counterfeit mark" means a spurious trademark or a 5448
spurious service mark that satisfies both of the following: 5449

(i) It is identical with or substantially indistinguishable 5450
from a mark that is registered on the principal register in the 5451
United States patent and trademark office for the same goods or 5452
services as the goods or services to which or in connection with 5453
which the spurious trademark or spurious service mark is attached, 5454
affixed, or otherwise used or from a mark that is registered with 5455
the secretary of state pursuant to sections 1329.54 to 1329.67 of 5456
the Revised Code for the same goods or services as the goods or 5457
services to which or in connection with which the spurious 5458
trademark or spurious service mark is attached, affixed, or 5459
otherwise used, and the owner of the registration uses the 5460
registered mark, whether or not the offender knows that the mark 5461

is registered in a manner described in division (F)(1)(a)(i) of 5462
this section. 5463

(ii) Its use is likely to cause confusion or mistake or to 5464
deceive other persons. 5465

(b) "Counterfeit mark" does not include a mark or other 5466
designation that is attached to, affixed to, or otherwise used in 5467
connection with goods or services if the holder of the right to 5468
use the mark or other designation authorizes the manufacturer, 5469
producer, or vendor of those goods or services to attach, affix, 5470
or otherwise use the mark or other designation in connection with 5471
those goods or services at the time of their manufacture, 5472
production, or sale. 5473

(2) "Cumulative sales price" means the product of the lowest 5474
single unit sales price charged or sought to be charged by an 5475
offender for goods to which or in connection with which a 5476
counterfeit mark is attached, affixed, or otherwise used or of the 5477
lowest single service transaction price charged or sought to be 5478
charged by an offender for services in connection with which a 5479
counterfeit mark is used, multiplied by the total number of those 5480
goods or services, whether or not units of goods are sold or are 5481
in an offender's possession, custody, or control. 5482

(3) "Registered trademark or service mark" means a trademark 5483
or service mark that is registered in a manner described in 5484
division (F)(1) of this section. 5485

(4) "Trademark" and "service mark" have the same meanings as 5486
in section 1329.54 of the Revised Code. 5487

Sec. 2913.40. (A) As used in this section: 5488

(1) "Statement or representation" means any oral, written, 5489
electronic, electronic impulse, or magnetic communication that is 5490
used to identify an item of goods or a service for which 5491

reimbursement may be made under the medical assistance program or 5492
that states income and expense and is or may be used to determine 5493
a rate of reimbursement under the medical assistance program. 5494

(2) "Medical assistance program" means the program 5495
established by the department of job and family services to 5496
provide medical assistance under section 5111.01 of the Revised 5497
Code and the medicaid program of Title XIX of the "Social Security 5498
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 5499

(3) "Provider" means any person who has signed a provider 5500
agreement with the department of job and family services to 5501
provide goods or services pursuant to the medical assistance 5502
program or any person who has signed an agreement with a party to 5503
such a provider agreement under which the person agrees to provide 5504
goods or services that are reimbursable under the medical 5505
assistance program. 5506

(4) "Provider agreement" means an oral or written agreement 5507
between the department of job and family services and a person in 5508
which the person agrees to provide goods or services under the 5509
medical assistance program. 5510

(5) "Recipient" means any individual who receives goods or 5511
services from a provider under the medical assistance program. 5512

(6) "Records" means any medical, professional, financial, or 5513
business records relating to the treatment or care of any 5514
recipient, to goods or services provided to any recipient, or to 5515
rates paid for goods or services provided to any recipient and any 5516
records that are required by the rules of the director of job and 5517
family services to be kept for the medical assistance program. 5518

(B) No person shall knowingly make or cause to be made a 5519
false or misleading statement or representation for use in 5520
obtaining reimbursement from the medical assistance program. 5521

(C) No person, with purpose to commit fraud or knowing that 5522

the person is facilitating a fraud, shall do either of the 5523
following: 5524

(1) Contrary to the terms of the person's provider agreement, 5525
charge, solicit, accept, or receive for goods or services that the 5526
person provides under the medical assistance program any property, 5527
money, or other consideration in addition to the amount of 5528
reimbursement under the medical assistance program and the 5529
person's provider agreement for the goods or services and any 5530
cost-sharing expenses authorized by section 5111.0112 of the 5531
Revised Code or rules adopted pursuant to section 5111.01, 5532
5111.011, or 5111.02 of the Revised Code. 5533

(2) Solicit, offer, or receive any remuneration, other than 5534
any cost-sharing expenses authorized by section 5111.0112 of the 5535
Revised Code or rules adopted under section 5111.01, 5111.011, or 5536
5111.02 of the Revised Code, in cash or in kind, including, but 5537
not limited to, a kickback or rebate, in connection with the 5538
furnishing of goods or services for which whole or partial 5539
reimbursement is or may be made under the medical assistance 5540
program. 5541

(D) No person, having submitted a claim for or provided goods 5542
or services under the medical assistance program, shall do either 5543
of the following for a period of at least six years after a 5544
reimbursement pursuant to that claim, or a reimbursement for those 5545
goods or services, is received under the medical assistance 5546
program: 5547

(1) Knowingly alter, falsify, destroy, conceal, or remove any 5548
records that are necessary to fully disclose the nature of all 5549
goods or services for which the claim was submitted, or for which 5550
reimbursement was received, by the person; 5551

(2) Knowingly alter, falsify, destroy, conceal, or remove any 5552
records that are necessary to disclose fully all income and 5553

expenditures upon which rates of reimbursements were based for the 5554
person. 5555

(E) Whoever violates this section is guilty of medicaid 5556
fraud. Except as otherwise provided in this division, medicaid 5557
fraud is a misdemeanor of the first degree. If the value of 5558
property, services, or funds obtained in violation of this section 5559
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 5560
seven thousand five hundred dollars, medicaid fraud is a felony of 5561
the fifth degree. If the value of property, services, or funds 5562
obtained in violation of this section is ~~five~~ seven thousand five 5563
hundred dollars or more and is less than one hundred fifty 5564
thousand dollars, medicaid fraud is a felony of the fourth degree. 5565
If the value of the property, services, or funds obtained in 5566
violation of this section is one hundred fifty thousand dollars or 5567
more, medicaid fraud is a felony of the third degree. 5568

(F) Upon application of the governmental agency, office, or 5569
other entity that conducted the investigation and prosecution in a 5570
case under this section, the court shall order any person who is 5571
convicted of a violation of this section for receiving any 5572
reimbursement for furnishing goods or services under the medical 5573
assistance program to which the person is not entitled to pay to 5574
the applicant its cost of investigating and prosecuting the case. 5575
The costs of investigation and prosecution that a defendant is 5576
ordered to pay pursuant to this division shall be in addition to 5577
any other penalties for the receipt of that reimbursement that are 5578
provided in this section, section 5111.03 of the Revised Code, or 5579
any other provision of law. 5580

(G) The provisions of this section are not intended to be 5581
exclusive remedies and do not preclude the use of any other 5582
criminal or civil remedy for any act that is in violation of this 5583
section. 5584

Sec. 2913.401. (A) As used in this section:	5585
(1) "Medicaid benefits" means benefits under the medical assistance program established under Chapter 5111. of the Revised Code.	5586 5587 5588
(2) "Property" means any real or personal property or other asset in which a person has any legal title or interest.	5589 5590
(B) No person shall knowingly do any of the following in an application for medicaid benefits or in a document that requires a disclosure of assets for the purpose of determining eligibility to receive medicaid benefits:	5591 5592 5593 5594
(1) Make or cause to be made a false or misleading statement;	5595
(2) Conceal an interest in property;	5596
(3)(a) Except as provided in division (B)(3)(b) of this section, fail to disclose a transfer of property that occurred during the period beginning thirty-six months before submission of the application or document and ending on the date the application or document was submitted;	5597 5598 5599 5600 5601
(b) Fail to disclose a transfer of property that occurred during the period beginning sixty months before submission of the application or document and ending on the date the application or document was submitted and that was made to an irrevocable trust a portion of which is not distributable to the applicant for medicaid benefits or the recipient of medicaid benefits or to a revocable trust.	5602 5603 5604 5605 5606 5607 5608
(C)(1) Whoever violates this section is guilty of medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the value of the medicaid benefits paid as a result of the violation is five hundred <u>one thousand</u> dollars or more and is less than five <u>seven</u> thousand <u>five hundred</u> dollars, a violation of this	5609 5610 5611 5612 5613 5614

section is a felony of the fifth degree. If the value of the 5615
medicaid benefits paid as a result of the violation is five seven 5616
thousand five hundred dollars or more and is less than one hundred 5617
fifty thousand dollars, a violation of this section is a felony of 5618
the fourth degree. If the value of the medicaid benefits paid as a 5619
result of the violation is one hundred fifty thousand dollars or 5620
more, a violation of this section is a felony of the third degree. 5621

(2) In addition to imposing a sentence under division (C)(1) 5622
of this section, the court shall order that a person who is guilty 5623
of medicaid eligibility fraud make restitution in the full amount 5624
of any medicaid benefits paid on behalf of an applicant for or 5625
recipient of medicaid benefits for which the applicant or 5626
recipient was not eligible, plus interest at the rate applicable 5627
to judgments on unreimbursed amounts from the date on which the 5628
benefits were paid to the date on which restitution is made. 5629

(3) The remedies and penalties provided in this section are 5630
not exclusive and do not preclude the use of any other criminal or 5631
civil remedy for any act that is in violation of this section. 5632

(D) This section does not apply to a person who fully 5633
disclosed in an application for medicaid benefits or in a document 5634
that requires a disclosure of assets for the purpose of 5635
determining eligibility to receive medicaid benefits all of the 5636
interests in property of the applicant for or recipient of 5637
medicaid benefits, all transfers of property by the applicant for 5638
or recipient of medicaid benefits, and the circumstances of all 5639
those transfers. 5640

(E) Any amounts of medicaid benefits recovered as restitution 5641
under this section and any interest on those amounts shall be 5642
credited to the general revenue fund, and any applicable federal 5643
share shall be returned to the appropriate agency or department of 5644
the United States. 5645

Sec. 2913.42. (A) No person, knowing the person has no 5646
privilege to do so, and with purpose to defraud or knowing that 5647
the person is facilitating a fraud, shall do any of the following: 5648

(1) Falsify, destroy, remove, conceal, alter, deface, or 5649
mutilate any writing, computer software, data, or record; 5650

(2) Utter any writing or record, knowing it to have been 5651
tampered with as provided in division (A)(1) of this section. 5652

(B)(1) Whoever violates this section is guilty of tampering 5653
with records. 5654

(2) Except as provided in division (B)(4) of this section, if 5655
the offense does not involve data or computer software, tampering 5656
with records is whichever of the following is applicable: 5657

(a) If division (B)(2)(b) of this section does not apply, a 5658
misdemeanor of the first degree; 5659

(b) If the writing or record is a will unrevoked at the time 5660
of the offense, a felony of the fifth degree. 5661

(3) Except as provided in division (B)(4) of this section, if 5662
the offense involves a violation of division (A) of this section 5663
involving data or computer software, tampering with records is 5664
whichever of the following is applicable: 5665

(a) Except as otherwise provided in division (B)(3)(b), (c), 5666
or (d) of this section, a misdemeanor of the first degree; 5667

(b) If the value of the data or computer software involved in 5668
the offense or the loss to the victim is ~~five hundred~~ one thousand 5669
dollars or more and is less than ~~five~~ seven thousand five hundred 5670
dollars, a felony of the fifth degree; 5671

(c) If the value of the data or computer software involved in 5672
the offense or the loss to the victim is ~~five~~ seven thousand five 5673
hundred dollars or more and is less than one hundred fifty 5674

thousand dollars, a felony of the fourth degree; 5675

(d) If the value of the data or computer software involved in 5676
the offense or the loss to the victim is one hundred fifty 5677
thousand dollars or more or if the offense is committed for the 5678
purpose of devising or executing a scheme to defraud or to obtain 5679
property or services and the value of the property or services or 5680
the loss to the victim is ~~five~~ seven thousand five hundred dollars 5681
or more, a felony of the third degree. 5682

(4) If the writing, data, computer software, or record is 5683
kept by or belongs to a local, state, or federal governmental 5684
entity, a felony of the third degree. 5685

Sec. 2913.421. (A) As used in this section: 5686

(1) "Computer," "computer network," and "computer system" 5687
have the same meanings as in section 2913.01 of the Revised Code. 5688

(2) "Commercial electronic mail message" means any electronic 5689
mail message the primary purpose of which is the commercial 5690
advertisement or promotion of a commercial product or service, 5691
including content on an internet web site operated for a 5692
commercial purpose, but does not include a transactional or 5693
relationship message. The inclusion of a reference to a commercial 5694
entity or a link to the web site of a commercial entity does not, 5695
by itself, cause that message to be treated as a commercial 5696
electronic mail message for the purpose of this section, if the 5697
contents or circumstances of the message indicate a primary 5698
purpose other than commercial advertisement or promotion of a 5699
commercial product or service. 5700

(3) "Domain name" means any alphanumeric designation that is 5701
registered with or assigned by any domain name registrar, domain 5702
name registry, or other domain name registration authority as part 5703
of an electronic address on the internet. 5704

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

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

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

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

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

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

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

(11) "Materially falsify" means to alter or conceal in a manner that would impair the ability of a recipient of an electronic mail message, an electronic mail service provider processing an electronic mail message on behalf of a recipient, a

person alleging a violation of this section, or a law enforcement 5736
agency to identify, locate, or respond to the person that 5737
initiated the electronic mail message or to investigate an alleged 5738
violation of this section. 5739

(12) "Multiple" means more than ten commercial electronic 5740
mail messages during a twenty-four-hour period, more than one 5741
hundred commercial electronic mail messages during a thirty-day 5742
period, or more than one thousand commercial electronic mail 5743
messages during a one-year period. 5744

(13) "Recipient" means a person who receives a commercial 5745
electronic mail message at any one of the following receiving 5746
addresses: 5747

(a) A receiving address furnished by an electronic mail 5748
service provider that bills for furnishing and maintaining that 5749
receiving address to a mailing address within this state; 5750

(b) A receiving address ordinarily accessed from a computer 5751
located within this state or by a person domiciled within this 5752
state; 5753

(c) Any other receiving address with respect to which this 5754
section can be imposed consistent with the United States 5755
Constitution. 5756

(14) "Routine conveyance" means the transmission, routing, 5757
relaying, handling, or storing, through an automated technical 5758
process, of an electronic mail message for which another person 5759
has identified the recipients or provided the recipient addresses. 5760

(15) "Transactional or relationship message" means an 5761
electronic mail message the primary purpose of which is to do any 5762
of the following: 5763

(a) Facilitate, complete, or confirm a commercial transaction 5764
that the recipient has previously agreed to enter into with the 5765

sender;	5766
(b) Provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient;	5767 5768 5769
(c) Provide notification concerning a change in the terms or features of; a change in the recipient's standing or status with respect to; or, at regular periodic intervals, account balance information or other type of account statement with respect to, a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the sender;	5770 5771 5772 5773 5774 5775 5776
(d) Provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled;	5777 5778 5779
(e) Deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender.	5780 5781 5782 5783
(B) No person, with regard to commercial electronic mail messages sent from or to a computer in this state, shall do any of the following:	5784 5785 5786
(1) Knowingly use a computer to relay or retransmit multiple commercial electronic mail messages, with the intent to deceive or mislead recipients or any electronic mail service provider, as to the origin of those messages;	5787 5788 5789 5790
(2) Knowingly and materially falsify header information in multiple commercial electronic mail messages and purposely initiate the transmission of those messages;	5791 5792 5793
(3) Knowingly register, using information that materially falsifies the identity of the actual registrant, for five or more	5794 5795

electronic mail accounts or online user accounts or two or more 5796
domain names and purposely initiate the transmission of multiple 5797
commercial electronic mail messages from one, or any combination, 5798
of those accounts or domain names; 5799

(4) Knowingly falsely represent the right to use five or more 5800
internet protocol addresses, and purposely initiate the 5801
transmission of multiple commercial electronic mail messages from 5802
those addresses. 5803

(C)(1) Whoever violates division (B) of this section is 5804
guilty of illegally transmitting multiple commercial electronic 5805
mail messages. Except as otherwise provided in division (C)(2) or 5806
(E) of this section, illegally transmitting multiple commercial 5807
electronic mail messages is a felony of the fifth degree. 5808

(2) Illegally transmitting multiple commercial electronic 5809
mail messages is a felony of the fourth degree if any of the 5810
following apply: 5811

(a) Regarding a violation of division (B)(3) of this section, 5812
the offender, using information that materially falsifies the 5813
identity of the actual registrant, knowingly registers for twenty 5814
or more electronic mail accounts or online user accounts or ten or 5815
more domain names, and purposely initiates, or conspires to 5816
initiate, the transmission of multiple commercial electronic mail 5817
messages from the accounts or domain names. 5818

(b) Regarding any violation of division (B) of this section, 5819
the volume of commercial electronic mail messages the offender 5820
transmitted in committing the violation exceeds two hundred and 5821
fifty during any twenty-four-hour period, two thousand five 5822
hundred during any thirty-day period, or twenty-five thousand 5823
during any one-year period. 5824

(c) Regarding any violation of division (B) of this section, 5825
during any one-year period the aggregate loss to the victim or 5826

victims of the violation is ~~five hundred~~ one thousand dollars or 5827
more, or during any one-year period the aggregate value of the 5828
property or services obtained by any offender as a result of the 5829
violation is ~~five hundred~~ one thousand dollars or more. 5830

(d) Regarding any violation of division (B) of this section, 5831
the offender committed the violation with three or more other 5832
persons with respect to whom the offender was the organizer or 5833
leader of the activity that resulted in the violation. 5834

(e) Regarding any violation of division (B) of this section, 5835
the offender knowingly assisted in the violation through the 5836
provision or selection of electronic mail addresses to which the 5837
commercial electronic mail message was transmitted, if that 5838
offender knew that the electronic mail addresses of the recipients 5839
were obtained using an automated means from an internet web site 5840
or proprietary online service operated by another person, and that 5841
web site or online service included, at the time the electronic 5842
mail addresses were obtained, a notice stating that the operator 5843
of that web site or online service will not transfer addresses 5844
maintained by that web site or online service to any other party 5845
for the purposes of initiating the transmission of, or enabling 5846
others to initiate the transmission of, electronic mail messages. 5847

(f) Regarding any violation of division (B) of this section, 5848
the offender knowingly assisted in the violation through the 5849
provision or selection of electronic mail addresses of the 5850
recipients obtained using an automated means that generates 5851
possible electronic mail addresses by combining names, letters, or 5852
numbers into numerous permutations. 5853

(D)(1) No person, with regard to commercial electronic mail 5854
messages sent from or to a computer in this state, shall knowingly 5855
access a computer without authorization and purposely initiate the 5856
transmission of multiple commercial electronic mail messages from 5857
or through the computer. 5858

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

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

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

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

(3) In a civil action brought by an electronic mail service provider pursuant to division (F)(1) of this section for a violation of this section, the court may award temporary, preliminary, or permanent injunctive relief, and also may award

damages in an amount equal to the greater of the following: 5891

(a) The sum of the actual damages incurred by the electronic 5892
mail service provider as a result of a violation of this section, 5893
plus any receipts of the offender that are attributable to a 5894
violation of this section and that were not taken into account in 5895
computing actual damages; 5896

(b) Statutory damages, as the court considers just, in an 5897
amount that is the lesser of: (i) twenty-five thousand dollars for 5898
each day a violation occurs, or (ii) not less than two dollars but 5899
not more than eight dollars for each commercial electronic mail 5900
message initiated in violation of this section. 5901

(4) In assessing damages awarded under division (F)(3) of 5902
this section, the court may consider whether the offender has 5903
established and implemented, with due care, commercially 5904
reasonable practices and procedures designed to effectively 5905
prevent the violation, or the violation occurred despite 5906
commercially reasonable efforts to maintain the practices and 5907
procedures established. 5908

(G) Any equipment, software, or other technology of a person 5909
who violates this section that is used or intended to be used in 5910
the commission of a violation of this section, and any real or 5911
personal property that constitutes or is traceable to the gross 5912
proceeds obtained from the commission of a violation of this 5913
section, is contraband and is subject to seizure and forfeiture 5914
pursuant to Chapter 2981. of the Revised Code. 5915

(H) The attorney general may bring a civil action, pursuant 5916
to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 5917
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 5918
state in a district court of the United States that has 5919
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 5920
attorney general shall not bring a civil action under both this 5921

division and division (F) of this section. If a federal court 5922
dismisses a civil action brought under this division for reasons 5923
other than upon the merits, a civil action may be brought under 5924
division (F) of this section in the appropriate court of common 5925
pleas of this state. 5926

(I) Nothing in this section shall be construed: 5927

(1) To require an electronic mail service provider to block, 5928
transmit, route, relay, handle, or store certain types of 5929
electronic mail messages; 5930

(2) To prevent or limit, in any way, an electronic mail 5931
service provider from adopting a policy regarding electronic mail, 5932
including a policy of declining to transmit certain types of 5933
electronic mail messages, or from enforcing such policy through 5934
technical means, through contract, or pursuant to any remedy 5935
available under any other federal, state, or local criminal or 5936
civil law; 5937

(3) To render lawful any policy adopted under division (I)(2) 5938
of this section that is unlawful under any other law. 5939

Sec. 2913.43. (A) No person, by deception, shall cause 5940
another to execute any writing that disposes of or encumbers 5941
property, or by which a pecuniary obligation is incurred. 5942

(B)(1) Whoever violates this section is guilty of securing 5943
writings by deception. 5944

(2) Except as otherwise provided in this division or division 5945
(B)(3) of this section, securing writings by deception is a 5946
misdemeanor of the first degree. If the value of the property or 5947
the obligation involved is ~~five hundred~~ one thousand dollars or 5948
more and less than ~~five~~ seven thousand five hundred dollars, 5949
securing writings by deception is a felony of the fifth degree. If 5950
the value of the property or the obligation involved is ~~five~~ seven 5951

thousand five hundred dollars or more and is less than one hundred 5952
fifty thousand dollars, securing writings by deception is a felony 5953
of the fourth degree. If the value of the property or the 5954
obligation involved is one hundred fifty thousand dollars or more, 5955
securing writings by deception is a felony of the third degree. 5956
5957

(3) If the victim of the offense is an elderly person or 5958
disabled adult, division (B)(3) of this section applies. Except as 5959
otherwise provided in division (B)(3) of this section, securing 5960
writings by deception is a felony of the fifth degree. If the 5961
value of the property or obligation involved is ~~five hundred~~ one 5962
thousand dollars or more and is less than ~~five~~ seven thousand five 5963
hundred dollars, securing writings by deception is a felony of the 5964
fourth degree. If the value of the property or obligation involved 5965
is ~~five~~ seven thousand five hundred dollars or more and is less 5966
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 5967
securing writings by deception is a felony of the third degree. If 5968
the value of the property or obligation involved is ~~twenty-five~~ 5969
thirty-seven thousand five hundred dollars or more, securing 5970
writings by deception is a felony of the second degree. 5971

Sec. 2913.45. (A) No person, with purpose to defraud one or 5972
more of the person's creditors, shall do any of the following: 5973

(1) Remove, conceal, destroy, encumber, convey, or otherwise 5974
deal with any of the person's property; 5975

(2) Misrepresent or refuse to disclose to a fiduciary 5976
appointed to administer or manage the person's affairs or estate, 5977
the existence, amount, or location of any of the person's 5978
property, or any other information regarding such property that 5979
the person is legally required to furnish to the fiduciary. 5980

(B) Whoever violates this section is guilty of defrauding 5981
creditors. Except as otherwise provided in this division, 5982

defrauding creditors is a misdemeanor of the first degree. If the 5983
value of the property involved is ~~five hundred~~ one thousand 5984
dollars or more and is less than ~~five~~ seven thousand five hundred 5985
dollars, defrauding creditors is a felony of the fifth degree. If 5986
the value of the property involved is ~~five~~ seven thousand five 5987
hundred dollars or more and is less than one hundred fifty 5988
thousand dollars, defrauding creditors is a felony of the fourth 5989
degree. If the value of the property involved is one hundred fifty 5990
thousand dollars or more, defrauding creditors is a felony of the 5991
third degree. 5992

Sec. 2913.46. (A)(1) As used in this section: 5993

(a) "Electronically transferred benefit" means the transfer 5994
of supplemental nutrition assistance program benefits or WIC 5995
program benefits through the use of an access device. 5996

(b) "WIC program benefits" includes money, coupons, delivery 5997
verification receipts, other documents, food, or other property 5998
received directly or indirectly pursuant to section 17 of the 5999
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 6000
amended. 6001

(c) "Access device" means any card, plate, code, account 6002
number, or other means of access that can be used, alone or in 6003
conjunction with another access device, to obtain payments, 6004
allotments, benefits, money, goods, or other things of value or 6005
that can be used to initiate a transfer of funds pursuant to 6006
section 5101.33 of the Revised Code and the Food and Nutrition Act 6007
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 6008
administered by any department of this state or any county or 6009
local agency pursuant to section 17 of the "Child Nutrition Act of 6010
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 6011
device" may include any electronic debit card or other means 6012
authorized by section 5101.33 of the Revised Code. 6013

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

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

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

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

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

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

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

(D) Whoever violates this section is guilty of illegal use of supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand ~~five hundred~~ dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is ~~five~~ seven thousand ~~five hundred~~ hundred dollars or more and is less than one hundred fifty thousand dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and

electronically transferred benefits involved in the violation is 6078
one hundred fifty thousand dollars or more, illegal use of 6079
supplemental nutrition assistance program benefits or WIC program 6080
benefits is a felony of the second degree. 6081

Sec. 2913.47. (A) As used in this section: 6082

(1) "Data" has the same meaning as in section 2913.01 of the 6083
Revised Code and additionally includes any other representation of 6084
information, knowledge, facts, concepts, or instructions that are 6085
being or have been prepared in a formalized manner. 6086

(2) "Deceptive" means that a statement, in whole or in part, 6087
would cause another to be deceived because it contains a 6088
misleading representation, withholds information, prevents the 6089
acquisition of information, or by any other conduct, act, or 6090
omission creates, confirms, or perpetuates a false impression, 6091
including, but not limited to, a false impression as to law, 6092
value, state of mind, or other objective or subjective fact. 6093

(3) "Insurer" means any person that is authorized to engage 6094
in the business of insurance in this state under Title XXXIX of 6095
the Revised Code, the Ohio fair plan underwriting association 6096
created under section 3929.43 of the Revised Code, any health 6097
insuring corporation, and any legal entity that is self-insured 6098
and provides benefits to its employees or members. 6099

(4) "Policy" means a policy, certificate, contract, or plan 6100
that is issued by an insurer. 6101

(5) "Statement" includes, but is not limited to, any notice, 6102
letter, or memorandum; proof of loss; bill of lading; receipt for 6103
payment; invoice, account, or other financial statement; estimate 6104
of property damage; bill for services; diagnosis or prognosis; 6105
prescription; hospital, medical, or dental chart or other record; 6106
x-ray, photograph, videotape, or movie film; test result; other 6107

evidence of loss, injury, or expense; computer-generated document; 6108
and data in any form. 6109

(B) No person, with purpose to defraud or knowing that the 6110
person is facilitating a fraud, shall do either of the following: 6111

(1) Present to, or cause to be presented to, an insurer any 6112
written or oral statement that is part of, or in support of, an 6113
application for insurance, a claim for payment pursuant to a 6114
policy, or a claim for any other benefit pursuant to a policy, 6115
knowing that the statement, or any part of the statement, is false 6116
or deceptive; 6117

(2) Assist, aid, abet, solicit, procure, or conspire with 6118
another to prepare or make any written or oral statement that is 6119
intended to be presented to an insurer as part of, or in support 6120
of, an application for insurance, a claim for payment pursuant to 6121
a policy, or a claim for any other benefit pursuant to a policy, 6122
knowing that the statement, or any part of the statement, is false 6123
or deceptive. 6124

(C) Whoever violates this section is guilty of insurance 6125
fraud. Except as otherwise provided in this division, insurance 6126
fraud is a misdemeanor of the first degree. If the amount of the 6127
claim that is false or deceptive is ~~five hundred~~ one thousand 6128
dollars or more and is less than ~~five~~ seven thousand five hundred 6129
dollars, insurance fraud is a felony of the fifth degree. If the 6130
amount of the claim that is false or deceptive is ~~five~~ seven 6131
thousand five hundred dollars or more and is less than one hundred 6132
fifty thousand dollars, insurance fraud is a felony of the fourth 6133
degree. If the amount of the claim that is false or deceptive is 6134
one hundred fifty thousand dollars or more, insurance fraud is a 6135
felony of the third degree. 6136

(D) This section shall not be construed to abrogate, waive, 6137
or modify division (A) of section 2317.02 of the Revised Code. 6138

Sec. 2913.48. (A) No person, with purpose to defraud or 6139
knowing that the person is facilitating a fraud, shall do any of 6140
the following: 6141

(1) Receive workers' compensation benefits to which the 6142
person is not entitled; 6143

(2) Make or present or cause to be made or presented a false 6144
or misleading statement with the purpose to secure payment for 6145
goods or services rendered under Chapter 4121., 4123., 4127., or 6146
4131. of the Revised Code or to secure workers' compensation 6147
benefits; 6148

(3) Alter, falsify, destroy, conceal, or remove any record or 6149
document that is necessary to fully establish the validity of any 6150
claim filed with, or necessary to establish the nature and 6151
validity of all goods and services for which reimbursement or 6152
payment was received or is requested from, the bureau of workers' 6153
compensation, or a self-insuring employer under Chapter 4121., 6154
4123., 4127., or 4131. of the Revised Code; 6155

(4) Enter into an agreement or conspiracy to defraud the 6156
bureau or a self-insuring employer by making or presenting or 6157
causing to be made or presented a false claim for workers' 6158
compensation benefits; 6159

(5) Make or present or cause to be made or presented a false 6160
statement concerning manual codes, classification of employees, 6161
payroll, paid compensation, or number of personnel, when 6162
information of that nature is necessary to determine the actual 6163
workers' compensation premium or assessment owed to the bureau by 6164
an employer; 6165

(6) Alter, forge, or create a workers' compensation 6166
certificate to falsely show current or correct workers' 6167
compensation coverage; 6168

(7) Fail to secure or maintain workers' compensation coverage 6169
as required by Chapter 4123. of the Revised Code with the intent 6170
to defraud the bureau of workers' compensation. 6171

(B) Whoever violates this section is guilty of workers' 6172
compensation fraud. Except as otherwise provided in this division, 6173
a violation of this section is a misdemeanor of the first degree. 6174
If the value of premiums and assessments unpaid pursuant to 6175
actions described in division (A)(5), (6), or (7) of this section, 6176
or of goods, services, property, or money stolen is ~~five hundred~~ 6177
one thousand dollars or more and is less than ~~five~~ seven thousand 6178
five hundred dollars, a violation of this section is a felony of 6179
the fifth degree. If the value of premiums and assessments unpaid 6180
pursuant to actions described in division (A)(5), (6), or (7) of 6181
this section, or of goods, services, property, or money stolen is 6182
~~five seven~~ thousand five hundred dollars or more and is less than 6183
one hundred fifty thousand dollars, a violation of this section is 6184
a felony of the fourth degree. If the value of premiums and 6185
assessments unpaid pursuant to actions described in division 6186
(A)(5), (6), or (7) of this section, or of goods, services, 6187
property, or money stolen is one hundred fifty thousand dollars or 6188
more, a violation of this section is a felony of the third degree. 6189

(C) Upon application of the governmental body that conducted 6190
the investigation and prosecution of a violation of this section, 6191
the court shall order the person who is convicted of the violation 6192
to pay the governmental body its costs of investigating and 6193
prosecuting the case. These costs are in addition to any other 6194
costs or penalty provided in the Revised Code or any other section 6195
of law. 6196

(D) The remedies and penalties provided in this section are 6197
not exclusive remedies and penalties and do not preclude the use 6198
of any other criminal or civil remedy or penalty for any act that 6199
is in violation of this section. 6200

- (E) As used in this section: 6201
- (1) "False" means wholly or partially untrue or deceptive. 6202
- (2) "Goods" includes, but is not limited to, medical 6203
supplies, appliances, rehabilitative equipment, and any other 6204
apparatus or furnishing provided or used in the care, treatment, 6205
or rehabilitation of a claimant for workers' compensation 6206
benefits. 6207
- (3) "Services" includes, but is not limited to, any service 6208
provided by any health care provider to a claimant for workers' 6209
compensation benefits and any and all services provided by the 6210
bureau as part of workers' compensation insurance coverage. 6211
- (4) "Claim" means any attempt to cause the bureau, an 6212
independent third party with whom the administrator or an employer 6213
contracts under section 4121.44 of the Revised Code, or a 6214
self-insuring employer to make payment or reimbursement for 6215
workers' compensation benefits. 6216
- (5) "Employment" means participating in any trade, 6217
occupation, business, service, or profession for substantial 6218
gainful remuneration. 6219
- (6) "Employer," "employee," and "self-insuring employer" have 6220
the same meanings as in section 4123.01 of the Revised Code. 6221
- (7) "Remuneration" includes, but is not limited to, wages, 6222
commissions, rebates, and any other reward or consideration. 6223
- (8) "Statement" includes, but is not limited to, any oral, 6224
written, electronic, electronic impulse, or magnetic communication 6225
notice, letter, memorandum, receipt for payment, invoice, account, 6226
financial statement, or bill for services; a diagnosis, prognosis, 6227
prescription, hospital, medical, or dental chart or other record; 6228
and a computer generated document. 6229
- (9) "Records" means any medical, professional, financial, or 6230

business record relating to the treatment or care of any person, 6231
to goods or services provided to any person, or to rates paid for 6232
goods or services provided to any person, or any record that the 6233
administrator of workers' compensation requires pursuant to rule. 6234

(10) "Workers' compensation benefits" means any compensation 6235
or benefits payable under Chapter 4121., 4123., 4127., or 4131. of 6236
the Revised Code. 6237

Sec. 2913.49. (A) As used in this section, "personal 6238
identifying information" includes, but is not limited to, the 6239
following: the name, address, telephone number, driver's license, 6240
driver's license number, commercial driver's license, commercial 6241
driver's license number, state identification card, state 6242
identification card number, social security card, social security 6243
number, birth certificate, place of employment, employee 6244
identification number, mother's maiden name, demand deposit 6245
account number, savings account number, money market account 6246
number, mutual fund account number, other financial account 6247
number, personal identification number, password, or credit card 6248
number of a living or dead individual. 6249

(B) No person, without the express or implied consent of the 6250
other person, shall use, obtain, or possess any personal 6251
identifying information of another person with intent to do either 6252
of the following: 6253

(1) Hold the person out to be the other person; 6254

(2) Represent the other person's personal identifying 6255
information as the person's own personal identifying information. 6256

(C) No person shall create, obtain, possess, or use the 6257
personal identifying information of any person with the intent to 6258
aid or abet another person in violating division (B) of this 6259
section. 6260

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

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

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

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

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

The prior consent required under this division may be given orally 6293
or in writing by the person whose personal identifying information 6294
is being used, obtained, possessed, or created or is being 6295
permitted to be used or that person's executor, or family member, 6296
or attorney. 6297

(b) The personal identifying information was obtained, 6298
possessed, used, created, or permitted to be used for a lawful 6299
purpose, provided that division (F)(2)(b) of this section does not 6300
apply if the person or entity using, obtaining, possessing, or 6301
creating the personal identifying information or permitting it to 6302
be used is a law enforcement agency, authorized fraud personnel, 6303
or a representative of or attorney for a law enforcement agency or 6304
authorized fraud personnel that is using, obtaining, possessing, 6305
or creating the ~~personnel~~ personal identifying information or 6306
permitting it to be used in an investigation, an information 6307
security evaluation, a pretext calling evaluation, or similar 6308
matter. 6309

(G) It is not a defense to a charge under this section that 6310
the person whose personal identifying information was obtained, 6311
possessed, used, created, or permitted to be used was deceased at 6312
the time of the offense. 6313

(H)(1) If an offender commits a violation of division (B), 6314
(D), or (E) of this section and the violation occurs as part of a 6315
course of conduct involving other violations of division (B), (D), 6316
or (E) of this section or violations of, attempts to violate, 6317
conspiracies to violate, or complicity in violations of division 6318
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 6319
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 6320
court, in determining the degree of the offense pursuant to 6321
division (I) of this section, may aggregate all credit, property, 6322
or services obtained or sought to be obtained by the offender and 6323
all debts or other legal obligations avoided or sought to be 6324

avoided by the offender in the violations involved in that course 6325
of conduct. The course of conduct may involve one victim or more 6326
than one victim. 6327

(2) If an offender commits a violation of division (C) of 6328
this section and the violation occurs as part of a course of 6329
conduct involving other violations of division (C) of this section 6330
or violations of, attempts to violate, conspiracies to violate, or 6331
complicity in violations of division (B), (D), or (E) of this 6332
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 6333
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 6334
determining the degree of the offense pursuant to division (I) of 6335
this section, may aggregate all credit, property, or services 6336
obtained or sought to be obtained by the person aided or abetted 6337
and all debts or other legal obligations avoided or sought to be 6338
avoided by the person aided or abetted in the violations involved 6339
in that course of conduct. The course of conduct may involve one 6340
victim or more than one victim. 6341

(I)(1) Whoever violates this section is guilty of identity 6342
fraud. 6343

(2) Except as otherwise provided in this division or division 6344
(I)(3) of this section, identity fraud is a felony of the fifth 6345
degree. If the value of the credit, property, services, debt, or 6346
other legal obligation involved in the violation or course of 6347
conduct is ~~five hundred~~ one thousand dollars or more and is less 6348
than ~~five~~ seven thousand five hundred dollars, except as otherwise 6349
provided in division (I)(3) of this section, identity fraud is a 6350
felony of the fourth degree. If the value of the credit, property, 6351
services, debt, or other legal obligation involved in the 6352
violation or course of conduct is ~~five~~ seven thousand five hundred 6353
dollars or more and is less than one hundred fifty thousand 6354
dollars, except as otherwise provided in division (I)(3) of this 6355
section, identity fraud is a felony of the third degree. If the 6356

value of the credit, property, services, debt, or other legal 6357
obligation involved in the violation or course of conduct is one 6358
hundred fifty thousand dollars or more, except as otherwise 6359
provided in division (I)(3) of this section, identity fraud is a 6360
felony of the second degree. 6361

(3) If the victim of the offense is an elderly person or 6362
disabled adult, a violation of this section is identity fraud 6363
against an elderly person or disabled adult. Except as otherwise 6364
provided in this division, identity fraud against an elderly 6365
person or disabled adult is a felony of the fifth degree. If the 6366
value of the credit, property, services, debt, or other legal 6367
obligation involved in the violation or course of conduct is ~~five~~ 6368
~~hundred one thousand~~ dollars or more and is less than ~~five seven~~ 6369
thousand five hundred dollars, identity fraud against an elderly 6370
person or disabled adult is a felony of the third degree. If the 6371
value of the credit, property, services, debt, or other legal 6372
obligation involved in the violation or course of conduct is ~~five~~ 6373
~~seven~~ thousand five hundred dollars or more and is less than one 6374
hundred fifty thousand dollars, identity fraud against an elderly 6375
person or disabled adult is a felony of the second degree. If the 6376
value of the credit, property, services, debt, or other legal 6377
obligation involved in the violation or course of conduct is one 6378
hundred fifty thousand dollars or more, identity fraud against an 6379
elderly person or disabled adult is a felony of the first degree. 6380

Sec. 2913.51. (A) No person shall receive, retain, or dispose 6381
of property of another knowing or having reasonable cause to 6382
believe that the property has been obtained through commission of 6383
a theft offense. 6384

(B) It is not a defense to a charge of receiving stolen 6385
property in violation of this section that the property was 6386
obtained by means other than through the commission of a theft 6387

offense if the property was explicitly represented to the accused 6388
person as being obtained through the commission of a theft 6389
offense. 6390

(C) Whoever violates this section is guilty of receiving 6391
stolen property. Except as otherwise provided in this division, 6392
receiving stolen property is a misdemeanor of the first degree. If 6393
the value of the property involved is ~~five hundred~~ one thousand 6394
dollars or more and is less than ~~five~~ seven thousand five hundred 6395
dollars, if the property involved is any of the property listed in 6396
section 2913.71 of the Revised Code, receiving stolen property is 6397
a felony of the fifth degree. If the property involved is a motor 6398
vehicle, as defined in section 4501.01 of the Revised Code, if the 6399
property involved is a dangerous drug, as defined in section 6400
4729.01 of the Revised Code, if the value of the property involved 6401
is ~~five~~ seven thousand five hundred dollars or more and is less 6402
than one hundred fifty thousand dollars, or if the property 6403
involved is a firearm or dangerous ordnance, as defined in section 6404
2923.11 of the Revised Code, receiving stolen property is a felony 6405
of the fourth degree. If the value of the property involved is one 6406
hundred fifty thousand dollars or more, receiving stolen property 6407
is a felony of the third degree. 6408

Sec. 2913.61. (A) When a person is charged with a theft 6409
offense, or with a violation of division (A)(1) of section 1716.14 6410
of the Revised Code involving a victim who is an elderly person or 6411
disabled adult that involves property or services valued at ~~five~~ 6412
~~hundred~~ one thousand dollars or more, property or services valued 6413
at ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 6414
seven thousand five hundred dollars, property or services valued 6415
at one thousand five hundred dollars or more and less than seven 6416
thousand five hundred dollars, property or services valued at ~~five~~ 6417
seven thousand five hundred dollars or more and less than 6418
~~twenty-five~~ thirty-seven thousand five hundred dollars, property 6419

or services valued at seven thousand five hundred dollars or more 6420
and less than one hundred fifty thousand dollars, property or 6421
services valued at ~~twenty-five~~ thirty-seven thousand five hundred 6422
dollars or more and less than one hundred fifty thousand dollars, 6423
~~or~~ property or services valued at thirty-seven thousand five 6424
hundred dollars or more, property or services valued at one 6425
hundred fifty thousand dollars or more, property or services 6426
valued at one hundred fifty thousand dollars or more and less than 6427
seven hundred fifty thousand dollars, property or services valued 6428
at seven hundred fifty thousand dollars or more and less than one 6429
million five hundred thousand dollars, or property or services 6430
valued at one million five hundred thousand dollars or more, the 6431
jury or court trying the accused shall determine the value of the 6432
property or services as of the time of the offense and, if a 6433
guilty verdict is returned, shall return the finding of value as 6434
part of the verdict. In any case in which the jury or court 6435
determines that the value of the property or services at the time 6436
of the offense was ~~five hundred~~ one thousand dollars or more, it 6437
is unnecessary to find and return the exact value, and it is 6438
sufficient if the finding and return is to the effect that the 6439
value of the property or services involved was ~~five hundred~~ one 6440
thousand dollars or more and less than ~~five~~ seven thousand ~~five~~ 6441
hundred dollars, was one thousand dollars or more and less than 6442
seven thousand five hundred dollars, was ~~five~~ seven thousand five 6443
hundred dollars or more and less than ~~twenty-five~~ thirty-seven 6444
thousand five hundred dollars, was seven thousand five hundred 6445
dollars or more and less than thirty-seven thousand five hundred 6446
dollars, was seven thousand five hundred dollars or more and less 6447
than one hundred fifty thousand dollars, was ~~twenty-five~~ 6448
thirty-seven thousand five hundred dollars or more and less than 6449
one hundred fifty thousand dollars, ~~or~~ was thirty-seven thousand 6450
five hundred dollars or more and less than one hundred fifty 6451
thousand dollars, was one hundred fifty thousand dollars or more, 6452

was one hundred fifty thousand dollars or more and less than seven 6453
hundred fifty thousand dollars, was seven hundred fifty thousand 6454
dollars or more and less than one million five hundred thousand 6455
dollars, or was one million five hundred thousand dollars or more, 6456
whichever is relevant regarding the offense. 6457

(B) If more than one item of property or services is involved 6458
in a theft offense or in a violation of division (A)(1) of section 6459
1716.14 of the Revised Code involving a victim who is an elderly 6460
person or disabled adult, the value of the property or services 6461
involved for the purpose of determining the value as required by 6462
division (A) of this section is the aggregate value of all 6463
property or services involved in the offense. 6464

(C)(1) When a series of offenses under section 2913.02 of the 6465
Revised Code, or a series of violations of, attempts to commit a 6466
violation of, conspiracies to violate, or complicity in violations 6467
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 6468
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 6469
2913.31 or 2913.43 of the Revised Code involving a victim who is 6470
an elderly person or disabled adult, is committed by the offender 6471
in the offender's same employment, capacity, or relationship to 6472
another, all of those offenses shall be tried as a single offense. 6473
The value of the property or services involved in the series of 6474
offenses for the purpose of determining the value as required by 6475
division (A) of this section is the aggregate value of all 6476
property and services involved in all offenses in the series. 6477

(2) If an offender commits a series of offenses under section 6478
2913.02 of the Revised Code that involves a common course of 6479
conduct to defraud multiple victims, all of the offenses may be 6480
tried as a single offense. If an offender is being tried for the 6481
commission of a series of violations of, attempts to commit a 6482
violation of, conspiracies to violate, or complicity in violations 6483
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 6484

or 2913.04, division (B)(1) or (2) of section 2913.21, or section 2913.31 or 2913.43 of the Revised Code, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value as required by division (A) of this section is the aggregate value of all property and services involved in all of the offenses in the course of conduct.

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

(4) In prosecuting a single offense under division (C)(1), (2), or (3) of this section, it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses or violations of section 2913.40, 2913.48, or 2921.41 of the Revised Code in the offender's same employment, capacity, or relationship to another as described in division (C)(1) or (3) of this section, or committed one or more theft offenses that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in division (C)(2) of this section. While it is not necessary to separately allege and prove each offense in the series in order to prosecute a single offense under division

(C)(1), (2), or (3) of this section, it remains necessary in 6517
prosecuting them as a single offense to prove the aggregate value 6518
of the property or services in order to meet the requisite 6519
statutory offense level sought by the prosecution. 6520

(D) The following criteria shall be used in determining the 6521
value of property or services involved in a theft offense: 6522

(1) The value of an heirloom, memento, collector's item, 6523
antique, museum piece, manuscript, document, record, or other 6524
thing that has intrinsic worth to its owner and that either is 6525
irreplaceable or is replaceable only on the expenditure of 6526
substantial time, effort, or money, is the amount that would 6527
compensate the owner for its loss. 6528

(2) The value of personal effects and household goods, and of 6529
materials, supplies, equipment, and fixtures used in the 6530
profession, business, trade, occupation, or avocation of its 6531
owner, which property is not covered under division (D)(1) of this 6532
section and which retains substantial utility for its purpose 6533
regardless of its age or condition, is the cost of replacing the 6534
property with new property of like kind and quality. 6535

(3) The value of any real or personal property that is not 6536
covered under division (D)(1) or (2) of this section, and the 6537
value of services, is the fair market value of the property or 6538
services. As used in this section, "fair market value" is the 6539
money consideration that a buyer would give and a seller would 6540
accept for property or services, assuming that the buyer is 6541
willing to buy and the seller is willing to sell, that both are 6542
fully informed as to all facts material to the transaction, and 6543
that neither is under any compulsion to act. 6544

(E) Without limitation on the evidence that may be used to 6545
establish the value of property or services involved in a theft 6546
offense: 6547

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

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

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

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

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

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

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

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

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

(1) The subject of a bet;

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

(3) A scheme or game of chance;

(4) Bingo.

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

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

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

(C)(1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is ~~five hundred~~ one thousand dollars or more or if the offender previously has been convicted of any gambling offense or of any theft offense, as defined in section 2913.01 of the Revised Code, cheating is a felony of the fifth degree.

(2) Whoever violates division (B) of this section is guilty

of corrupting sports. Corrupting sports is a felony of the fifth 6608
degree on a first offense and a felony of the fourth degree on 6609
each subsequent offense. 6610

Sec. 2917.21. (A) No person shall knowingly make or cause to 6611
be made a telecommunication, or knowingly permit a 6612
telecommunication to be made from a telecommunications device 6613
under the person's control, to another, if the caller does any of 6614
the following: 6615

(1) Fails to identify the caller to the recipient of the 6616
telecommunication and makes the telecommunication with purpose to 6617
harass or abuse any person at the premises to which the 6618
telecommunication is made, whether or not actual communication 6619
takes place between the caller and a recipient; 6620

(2) Describes, suggests, requests, or proposes that the 6621
caller, the recipient of the telecommunication, or any other 6622
person engage in sexual activity, and the recipient or another 6623
person at the premises to which the telecommunication is made has 6624
requested, in a previous telecommunication or in the immediate 6625
telecommunication, that the caller not make a telecommunication to 6626
the recipient or to the premises to which the telecommunication is 6627
made; 6628

(3) During the telecommunication, violates section 2903.21 of 6629
the Revised Code; 6630

(4) Knowingly states to the recipient of the 6631
telecommunication that the caller intends to cause damage to or 6632
destroy public or private property, and the recipient, any member 6633
of the recipient's family, or any other person who resides at the 6634
premises to which the telecommunication is made owns, leases, 6635
resides, or works in, will at the time of the destruction or 6636
damaging be near or in, has the responsibility of protecting, or 6637
insures the property that will be destroyed or damaged; 6638

(5) Knowingly makes the telecommunication to the recipient of 6639
the telecommunication, to another person at the premises to which 6640
the telecommunication is made, or to those premises, and the 6641
recipient or another person at those premises previously has told 6642
the caller not to make a telecommunication to those premises or to 6643
any persons at those premises. 6644

(B) No person shall make or cause to be made a 6645
telecommunication, or permit a telecommunication to be made from a 6646
telecommunications device under the person's control, with purpose 6647
to abuse, threaten, or harass another person. 6648

(C)(1) Whoever violates this section is guilty of 6649
telecommunications harassment. 6650

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 6651
of this section is a misdemeanor of the first degree on a first 6652
offense and a felony of the fifth degree on each subsequent 6653
offense. 6654

(3) Except as otherwise provided in division (C)(3) of this 6655
section, a violation of division (A)(4) of this section is a 6656
misdemeanor of the first degree on a first offense and a felony of 6657
the fifth degree on each subsequent offense. If a violation of 6658
division (A)(4) of this section results in economic harm of ~~five~~ 6659
~~hundred one thousand~~ one thousand dollars or more but less than ~~five seven~~ 6660
thousand five hundred dollars, telecommunications harassment is a 6661
felony of the fifth degree. If a violation of division (A)(4) of 6662
this section results in economic harm of ~~five seven~~ thousand five 6663
hundred dollars or more but less than one hundred fifty thousand 6664
dollars, telecommunications harassment is a felony of the fourth 6665
degree. If a violation of division (A)(4) of this section results 6666
in economic harm of one hundred fifty thousand dollars or more, 6667
telecommunications harassment is a felony of the third degree. 6668

(D) No cause of action may be asserted in any court of this 6669

state against any provider of a telecommunications service or 6670
information service, or against any officer, employee, or agent of 6671
a telecommunication service or information service, for any 6672
injury, death, or loss to person or property that allegedly arises 6673
out of the provider's, officer's, employee's, or agent's provision 6674
of information, facilities, or assistance in accordance with the 6675
terms of a court order that is issued in relation to the 6676
investigation or prosecution of an alleged violation of this 6677
section. A provider of a telecommunications service or information 6678
service, or an officer, employee, or agent of a telecommunications 6679
service or information service, is immune from any civil or 6680
criminal liability for injury, death, or loss to person or 6681
property that allegedly arises out of the provider's, officer's, 6682
employee's, or agent's provision of information, facilities, or 6683
assistance in accordance with the terms of a court order that is 6684
issued in relation to the investigation or prosecution of an 6685
alleged violation of this section. 6686

(E) As used in this section: 6687

(1) "Economic harm" means all direct, incidental, and 6688
consequential pecuniary harm suffered by a victim as a result of 6689
criminal conduct. "Economic harm" includes, but is not limited to, 6690
all of the following: 6691

(a) All wages, salaries, or other compensation lost as a 6692
result of the criminal conduct; 6693

(b) The cost of all wages, salaries, or other compensation 6694
paid to employees for time those employees are prevented from 6695
working as a result of the criminal conduct; 6696

(c) The overhead costs incurred for the time that a business 6697
is shut down as a result of the criminal conduct; 6698

(d) The loss of value to tangible or intangible property that 6699
was damaged as a result of the criminal conduct. 6700

(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.

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

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

(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.

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

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

(2) Threatening to commit any offense of violence;

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

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

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

(2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), or (8) of this section, inducing panic is a

misdemeanor of the first degree. 6730

(3) Except as otherwise provided in division (C)(4), (5), 6731
(6), (7), or (8) of this section, if a violation of this section 6732
results in physical harm to any person, inducing panic is a felony 6733
of the fourth degree. 6734

(4) Except as otherwise provided in division (C)(5), (6), 6735
(7), or (8) of this section, if a violation of this section 6736
results in economic harm, the penalty shall be determined as 6737
follows: 6738

(a) If the violation results in economic harm of ~~five hundred~~ 6739
one thousand dollars or more but less than ~~five~~ seven thousand 6740
five hundred dollars and if division (C)(3) of this section does 6741
not apply, inducing panic is a felony of the fifth degree. 6742

(b) If the violation results in economic harm of ~~five~~ seven 6743
thousand five hundred dollars or more but less than one hundred 6744
fifty thousand dollars, inducing panic is a felony of the fourth 6745
degree. 6746

(c) If the violation results in economic harm of one hundred 6747
fifty thousand dollars or more, inducing panic is a felony of the 6748
third degree. 6749

(5) If the public place involved in a violation of division 6750
(A)(1) of this section is a school or an institution of higher 6751
education, inducing panic is a felony of the second degree. 6752

(6) If the violation pertains to a purported, threatened, or 6753
actual use of a weapon of mass destruction, and except as 6754
otherwise provided in division (C)(5), (7), or (8) of this 6755
section, inducing panic is a felony of the fourth degree. 6756

(7) If the violation pertains to a purported, threatened, or 6757
actual use of a weapon of mass destruction, and except as 6758
otherwise provided in division (C)(5) of this section, if a 6759

violation of this section results in physical harm to any person, 6760
inducing panic is a felony of the third degree. 6761

(8) If the violation pertains to a purported, threatened, or 6762
actual use of a weapon of mass destruction, and except as 6763
otherwise provided in division (C)(5) of this section, if a 6764
violation of this section results in economic harm of one hundred 6765
thousand dollars or more, inducing panic is a felony of the third 6766
degree. 6767

(D)(1) It is not a defense to a charge under this section 6768
that pertains to a purported or threatened use of a weapon of mass 6769
destruction that the offender did not possess or have the ability 6770
to use a weapon of mass destruction or that what was represented 6771
to be a weapon of mass destruction was not a weapon of mass 6772
destruction. 6773

(2) Any act that is a violation of this section and any other 6774
section of the Revised Code may be prosecuted under this section, 6775
the other section, or both sections. 6776

(E) As used in this section: 6777

(1) "Economic harm" means any of the following: 6778

(a) All direct, incidental, and consequential pecuniary harm 6779
suffered by a victim as a result of criminal conduct. "Economic 6780
harm" as described in this division includes, but is not limited 6781
to, all of the following: 6782

(i) All wages, salaries, or other compensation lost as a 6783
result of the criminal conduct; 6784

(ii) The cost of all wages, salaries, or other compensation 6785
paid to employees for time those employees are prevented from 6786
working as a result of the criminal conduct; 6787

(iii) The overhead costs incurred for the time that a 6788
business is shut down as a result of the criminal conduct; 6789

(iv) The loss of value to tangible or intangible property 6790
that was damaged as a result of the criminal conduct. 6791

(b) All costs incurred by the state or any political 6792
subdivision as a result of, or in making any response to, the 6793
criminal conduct that constituted the violation of this section or 6794
section 2917.32 of the Revised Code, including, but not limited 6795
to, all costs so incurred by any law enforcement officers, 6796
firefighters, rescue personnel, or emergency medical services 6797
personnel of the state or the political subdivision. 6798

(2) "School" means any school operated by a board of 6799
education or any school for which the state board of education 6800
prescribes minimum standards under section 3301.07 of the Revised 6801
Code, whether or not any instruction, extracurricular activities, 6802
or training provided by the school is being conducted at the time 6803
a violation of this section is committed. 6804

(3) "Weapon of mass destruction" means any of the following: 6805

(a) Any weapon that is designed or intended to cause death or 6806
serious physical harm through the release, dissemination, or 6807
impact of toxic or poisonous chemicals, or their precursors; 6808

(b) Any weapon involving a disease organism or biological 6809
agent; 6810

(c) Any weapon that is designed to release radiation or 6811
radioactivity at a level dangerous to human life; 6812

(d) Any of the following, except to the extent that the item 6813
or device in question is expressly excepted from the definition of 6814
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 6815
regulations issued under that section: 6816

(i) Any explosive, incendiary, or poison gas bomb, grenade, 6817
rocket having a propellant charge of more than four ounces, 6818
missile having an explosive or incendiary charge of more than 6819

one-quarter ounce, mine, or similar device; 6820

(ii) Any combination of parts either designed or intended for 6821
use in converting any item or device into any item or device 6822
described in division (E)(3)(d)(i) of this section and from which 6823
an item or device described in that division may be readily 6824
assembled. 6825

(4) "Biological agent" has the same meaning as in section 6826
2917.33 of the Revised Code. 6827

(5) "Emergency medical services personnel" has the same 6828
meaning as in section 2133.21 of the Revised Code. 6829

(6) "Institution of higher education" means any of the 6830
following: 6831

(a) A state university or college as defined in division 6832
(A)(1) of section 3345.12 of the Revised Code, community college, 6833
state community college, university branch, or technical college; 6834

(b) A private, nonprofit college, university or other 6835
post-secondary institution located in this state that possesses a 6836
certificate of authorization issued by the Ohio board of regents 6837
pursuant to Chapter 1713. of the Revised Code; 6838

(c) A post-secondary institution with a certificate of 6839
registration issued by the state board of career colleges and 6840
schools under Chapter 3332. of the Revised Code. 6841

Sec. 2917.32. (A) No person shall do any of the following: 6842

(1) Initiate or circulate a report or warning of an alleged 6843
or impending fire, explosion, crime, or other catastrophe, knowing 6844
that the report or warning is false and likely to cause public 6845
inconvenience or alarm; 6846

(2) Knowingly cause a false alarm of fire or other emergency 6847
to be transmitted to or within any organization, public or 6848

private, for dealing with emergencies involving a risk of physical 6849
harm to persons or property; 6850

(3) Report to any law enforcement agency an alleged offense 6851
or other incident within its concern, knowing that such offense 6852
did not occur. 6853

(B) This section does not apply to any person conducting an 6854
authorized fire or emergency drill. 6855

(C)(1) Whoever violates this section is guilty of making 6856
false alarms. 6857

(2) Except as otherwise provided in division (C)(3), (4), 6858
(5), or (6) of this section, making false alarms is a misdemeanor 6859
of the first degree. 6860

(3) Except as otherwise provided in division (C)(4) of this 6861
section, if a violation of this section results in economic harm 6862
of ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 6863
seven thousand five hundred dollars, making false alarms is a 6864
felony of the fifth degree. 6865

(4) If a violation of this section pertains to a purported, 6866
threatened, or actual use of a weapon of mass destruction, making 6867
false alarms is a felony of the third degree. 6868

(5) If a violation of this section results in economic harm 6869
of ~~five seven~~ thousand five hundred dollars or more but less than 6870
one hundred fifty thousand dollars and if division (C)(4) of this 6871
section does not apply, making false alarms is a felony of the 6872
fourth degree. 6873

(6) If a violation of this section results in economic harm 6874
of one hundred fifty thousand dollars or more, making false alarms 6875
is a felony of the third degree. 6876

(D)(1) It is not a defense to a charge under this section 6877
that pertains to a purported or threatened use of a weapon of mass 6878

destruction that the offender did not possess or have the ability 6879
to use a weapon of mass destruction or that what was represented 6880
to be a weapon of mass destruction was not a weapon of mass 6881
destruction. 6882

(2) Any act that is a violation of this section and any other 6883
section of the Revised Code may be prosecuted under this section, 6884
the other section, or both sections. 6885

(E) As used in this section, "economic harm" and "weapon of 6886
mass destruction" have the same meanings as in section 2917.31 of 6887
the Revised Code. 6888

Sec. 2919.21. (A) No person shall abandon, or fail to provide 6889
adequate support to: 6890

(1) The person's spouse, as required by law; 6891

(2) The person's child who is under age eighteen, or mentally 6892
or physically handicapped child who is under age twenty-one; 6893

(3) The person's aged or infirm parent or adoptive parent, 6894
who from lack of ability and means is unable to provide adequately 6895
for the parent's own support. 6896

(B) No person shall abandon, or fail to provide support as 6897
established by a court order to, another person whom, by court 6898
order or decree, the person is legally obligated to support. 6899

(C) No person shall aid, abet, induce, cause, encourage, or 6900
contribute to a child or a ward of the juvenile court becoming a 6901
dependent child, as defined in section 2151.04 of the Revised 6902
Code, or a neglected child, as defined in section 2151.03 of the 6903
Revised Code. 6904

(D) It is an affirmative defense to a charge of failure to 6905
provide adequate support under division (A) of this section or a 6906
charge of failure to provide support established by a court order 6907
under division (B) of this section that the accused was unable to 6908

provide adequate support or the established support but did 6909
provide the support that was within the accused's ability and 6910
means. 6911

(E) It is an affirmative defense to a charge under division 6912
(A)(3) of this section that the parent abandoned the accused or 6913
failed to support the accused as required by law, while the 6914
accused was under age eighteen, or was mentally or physically 6915
handicapped and under age twenty-one. 6916

(F) It is not a defense to a charge under division (B) of 6917
this section that the person whom a court has ordered the accused 6918
to support is being adequately supported by someone other than the 6919
accused. 6920

(G)(1) Except as otherwise provided in this division, whoever 6921
violates division (A) or (B) of this section is guilty of 6922
nonsupport of dependents, a misdemeanor of the first degree. If 6923
the offender previously has been convicted of or pleaded guilty to 6924
a violation of division (A)(2) or (B) of this section or if the 6925
offender has failed to provide support under division (A)(2) or 6926
(B) of this section for a total accumulated period of twenty-six 6927
weeks out of one hundred four consecutive weeks, whether or not 6928
the twenty-six weeks were consecutive, then a violation of 6929
division (A)(2) or (B) of this section is a felony of the fifth 6930
degree. If the offender previously has been convicted of or 6931
pleaded guilty to a felony violation of this section, a violation 6932
of division (A)(2) or (B) of this section is a felony of the 6933
fourth degree. ~~If~~ 6934

If the violation of division (A) or (B) of this section is a 6935
felony, all of the following apply to the sentencing of the 6936
offender: 6937

(a) Except as otherwise provided in division (G)(1)(b) of 6938
this section, the court in imposing sentence on the offender shall 6939

first consider placing the offender on one or more community control sanctions under section 2929.16, 2929.17, or 2929.18 of the Revised Code, with an emphasis under the sanctions on intervention for nonsupport, obtaining or maintaining employment, or another related condition.

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

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

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

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

(2) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to the offender's child as required by a child support order issued on or after April 15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the Revised Code, the court, in addition to any other sentence

imposed, shall assess all court costs arising out of the charge 6971
against the person and require the person to pay any reasonable 6972
attorney's fees of any adverse party other than the state, as 6973
determined by the court, that arose in relation to the charge. 6974

~~(2)~~(3) Whoever violates division (C) of this section is 6975
guilty of contributing to the nonsupport of dependents, a 6976
misdemeanor of the first degree. Each day of violation of division 6977
(C) of this section is a separate offense. 6978

Sec. 2921.13. (A) No person shall knowingly make a false 6979
statement, or knowingly swear or affirm the truth of a false 6980
statement previously made, when any of the following applies: 6981

(1) The statement is made in any official proceeding. 6982

(2) The statement is made with purpose to incriminate 6983
another. 6984

(3) The statement is made with purpose to mislead a public 6985
official in performing the public official's official function. 6986

(4) The statement is made with purpose to secure the payment 6987
of unemployment compensation; Ohio works first; prevention, 6988
retention, and contingency benefits and services; disability 6989
financial assistance; retirement benefits; economic development 6990
assistance, as defined in section 9.66 of the Revised Code; or 6991
other benefits administered by a governmental agency or paid out 6992
of a public treasury. 6993

(5) The statement is made with purpose to secure the issuance 6994
by a governmental agency of a license, permit, authorization, 6995
certificate, registration, release, or provider agreement. 6996

(6) The statement is sworn or affirmed before a notary public 6997
or another person empowered to administer oaths. 6998

(7) The statement is in writing on or in connection with a 6999
report or return that is required or authorized by law. 7000

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

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

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

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

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

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

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a

temporary emergency license to carry a concealed handgun under 7032
section 2923.1213 of the Revised Code. 7033

(15) The statement is required under section 5743.71 of the 7034
Revised Code in connection with the person's purchase of 7035
cigarettes or tobacco products in a delivery sale. 7036

(B) No person, in connection with the purchase of a firearm, 7037
as defined in section 2923.11 of the Revised Code, shall knowingly 7038
furnish to the seller of the firearm a fictitious or altered 7039
driver's or commercial driver's license or permit, a fictitious or 7040
altered identification card, or any other document that contains 7041
false information about the purchaser's identity. 7042

(C) No person, in an attempt to obtain a license to carry a 7043
concealed handgun under section 2923.125 of the Revised Code, 7044
shall knowingly present to a sheriff a fictitious or altered 7045
document that purports to be certification of the person's 7046
competence in handling a handgun as described in division (B)(3) 7047
of section 2923.125 of the Revised Code. 7048

(D) It is no defense to a charge under division (A)(6) of 7049
this section that the oath or affirmation was administered or 7050
taken in an irregular manner. 7051

(E) If contradictory statements relating to the same fact are 7052
made by the offender within the period of the statute of 7053
limitations for falsification, it is not necessary for the 7054
prosecution to prove which statement was false but only that one 7055
or the other was false. 7056

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 7057
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 7058
of falsification, a misdemeanor of the first degree. 7059

(2) Whoever violates division (A)(9) of this section is 7060
guilty of falsification in a theft offense. Except as otherwise 7061
provided in this division, falsification in a theft offense is a 7062

misdemeanor of the first degree. If the value of the property or 7063
services stolen is ~~five hundred~~ one thousand dollars or more and 7064
is less than ~~five~~ seven thousand five hundred dollars, 7065
falsification in a theft offense is a felony of the fifth degree. 7066
If the value of the property or services stolen is ~~five~~ seven 7067
thousand five hundred dollars or more and is less than one hundred 7068
fifty thousand dollars, falsification in a theft offense is a 7069
felony of the fourth degree. If the value of the property or 7070
services stolen is one hundred fifty thousand dollars or more, 7071
falsification in a theft offense is a felony of the third degree. 7072

(3) Whoever violates division (A)(12) or (B) of this section 7073
is guilty of falsification to purchase a firearm, a felony of the 7074
fifth degree. 7075

(4) Whoever violates division (A)(14) or (C) of this section 7076
is guilty of falsification to obtain a concealed handgun license, 7077
a felony of the fourth degree. 7078

(G) A person who violates this section is liable in a civil 7079
action to any person harmed by the violation for injury, death, or 7080
loss to person or property incurred as a result of the commission 7081
of the offense and for reasonable attorney's fees, court costs, 7082
and other expenses incurred as a result of prosecuting the civil 7083
action commenced under this division. A civil action under this 7084
division is not the exclusive remedy of a person who incurs 7085
injury, death, or loss to person or property as a result of a 7086
violation of this section. 7087

Sec. 2921.34. (A)(1) No person, knowing the person is under 7088
detention, other than supervised release detention, or being 7089
reckless in that regard, shall purposely break or attempt to break 7090
the detention, or purposely fail to return to detention, either 7091
following temporary leave granted for a specific purpose or 7092
limited period, or at the time required when serving a sentence in 7093

intermittent confinement. 7094

(2)(a) Division (A)(2)(b) of this section applies to any 7095
person who is sentenced to a prison term pursuant to division 7096
(A)(3) or (B) of section 2971.03 of the Revised Code. 7097

(b) No person to whom this division applies, for whom the 7098
requirement that the entire prison term imposed upon the person 7099
pursuant to division (A)(3) or (B) of section 2971.03 of the 7100
Revised Code be served in a state correctional institution has 7101
been modified pursuant to section 2971.05 of the Revised Code, and 7102
who, pursuant to that modification, is restricted to a geographic 7103
area, knowing that the person is under a geographic restriction or 7104
being reckless in that regard, shall purposely leave the 7105
geographic area to which the restriction applies or purposely fail 7106
to return to that geographic area following a temporary leave 7107
granted for a specific purpose or for a limited period of time. 7108

(3) No person, knowing the person is under supervised release 7109
detention or being reckless in that regard, shall purposely break 7110
or attempt to break the supervised release detention or purposely 7111
fail to return to the supervised release detention, either 7112
following temporary leave granted for a specific purpose or 7113
limited period, or at the time required when serving a sentence in 7114
intermittent confinement. 7115

(B) Irregularity in bringing about or maintaining detention, 7116
or lack of jurisdiction of the committing or detaining authority, 7117
is not a defense to a charge under this section if the detention 7118
is pursuant to judicial order or in a detention facility. In the 7119
case of any other detention, irregularity or lack of jurisdiction 7120
is an affirmative defense only if either of the following occurs: 7121

(1) The escape involved no substantial risk of harm to the 7122
person or property of another. 7123

(2) The detaining authority knew or should have known there 7124

was no legal basis or authority for the detention. 7125

(C) Whoever violates this section is guilty of escape. 7126

(1) If the offender violates division (A)(1) or (2) of this section, if the offender, at the time of the commission of the offense, was under detention as an alleged or adjudicated delinquent child or unruly child, and if the act for which the offender was under detention would not be a felony if committed by an adult, escape is a misdemeanor of the first degree. 7127
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(2) If the offender violates division (A)(1) or (2) of this section and if either the offender, at the time of the commission of the offense, was under detention in any other manner or ~~if~~ the offender is a person for whom the requirement that the entire prison term imposed upon the person pursuant to division (A)(3) or (B) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, escape is one of the following: 7133
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(a) A felony of the second degree, when the most serious offense for which the person was under detention or for which the person had been sentenced to the prison term under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code is aggravated murder, murder, or a felony of the first or second degree or, if the person was under detention as an alleged or adjudicated delinquent child, when the most serious act for which the person was under detention would be aggravated murder, murder, or a felony of the first or second degree if committed by an adult; 7141
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(b) A felony of the third degree, when the most serious offense for which the person was under detention or for which the person had been sentenced to the prison term under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 7152
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(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 7156
is a felony of the third, fourth, or fifth degree or an 7157
unclassified felony or, if the person was under detention as an 7158
alleged or adjudicated delinquent child, when the most serious act 7159
for which the person was under detention would be a felony of the 7160
third, fourth, or fifth degree or an unclassified felony if 7161
committed by an adult; 7162

(c) A felony of the fifth degree, when any of the following 7163
applies: 7164

(i) The most serious offense for which the person was under 7165
detention is a misdemeanor. 7166

(ii) The person was found not guilty by reason of insanity, 7167
and the person's detention consisted of hospitalization, 7168
institutionalization, or confinement in a facility under an order 7169
made pursuant to or under authority of section 2945.40, 2945.401, 7170
or 2945.402 of the Revised Code. 7171

(d) A misdemeanor of the first degree, when the most serious 7172
offense for which the person was under detention is a misdemeanor 7173
and when the person fails to return to detention at a specified 7174
time following temporary leave granted for a specific purpose or 7175
limited period or at the time required when serving a sentence in 7176
intermittent confinement. 7177

(3) If the offender violates division (A)(3) of this section, 7178
except as otherwise provided in this division, escape is a felony 7179
of the fifth degree. If the offender violates division (A)(3) of 7180
this section and if, at the time of the commission of the offense, 7181
the most serious offense for which the offender was under 7182
supervised release detention was aggravated murder, murder, any 7183
other offense for which a sentence of life imprisonment was 7184
imposed, or a felony of the first or second degree, escape is a 7185
felony of the fourth degree. 7186

(D) As used in this section, "supervised release detention" 7187
means detention that is supervision of a person by an employee of 7188
the department of rehabilitation and correction while the person 7189
is on any type of release from a state correctional institution, 7190
other than transitional control under section 2967.26 of the 7191
Revised Code or placement in a community-based correctional 7192
facility by the parole board under section 2967.28 of the Revised 7193
Code. 7194

Sec. 2921.41. (A) No public official or party official shall 7195
commit any theft offense, as defined in division (K) of section 7196
2913.01 of the Revised Code, when either of the following applies: 7197

(1) The offender uses the offender's office in aid of 7198
committing the offense or permits or assents to its use in aid of 7199
committing the offense; 7200

(2) The property or service involved is owned by this state, 7201
any other state, the United States, a county, a municipal 7202
corporation, a township, or any political subdivision, department, 7203
or agency of any of them, is owned by a political party, or is 7204
part of a political campaign fund. 7205

(B) Whoever violates this section is guilty of theft in 7206
office. Except as otherwise provided in this division, theft in 7207
office is a felony of the fifth degree. If the value of property 7208
or services stolen is ~~five hundred~~ one thousand dollars or more 7209
and is less than ~~five~~ seven thousand ~~five hundred~~ dollars, theft 7210
in office is a felony of the fourth degree. If the value of 7211
property or services stolen is ~~five~~ seven thousand ~~five hundred~~ 7212
dollars or more, theft in office is a felony of the third degree. 7213

(C)(1) A public official or party official who pleads guilty 7214
to theft in office and whose plea is accepted by the court or a 7215
public official or party official against whom a verdict or 7216
finding of guilt for committing theft in office is returned is 7217

forever disqualified from holding any public office, employment, 7218
or position of trust in this state. 7219

(2)(a) A court that imposes sentence for a violation of this 7220
section based on conduct described in division (A)(2) of this 7221
section shall require the public official or party official who is 7222
convicted of or pleads guilty to the offense to make restitution 7223
for all of the property or the service that is the subject of the 7224
offense, in addition to the term of imprisonment and any fine 7225
imposed. A court that imposes sentence for a violation of this 7226
section based on conduct described in division (A)(1) of this 7227
section and that determines at trial that this state or a 7228
political subdivision of this state if the offender is a public 7229
official, or a political party in the United States or this state 7230
if the offender is a party official, suffered actual loss as a 7231
result of the offense shall require the offender to make 7232
restitution to the state, political subdivision, or political 7233
party for all of the actual loss experienced, in addition to the 7234
term of imprisonment and any fine imposed. 7235

(b)(i) In any case in which a sentencing court is required to 7236
order restitution under division (C)(2)(a) of this section and in 7237
which the offender, at the time of the commission of the offense 7238
or at any other time, was a member of the public employees 7239
retirement system, the Ohio police and fire pension fund, the 7240
state teachers retirement system, the school employees retirement 7241
system, or the state highway patrol retirement system; was an 7242
electing employee, as defined in section 3305.01 of the Revised 7243
Code, participating in an alternative retirement plan provided 7244
pursuant to Chapter 3305. of the Revised Code; was a participating 7245
employee or continuing member, as defined in section 148.01 of the 7246
Revised Code, in a deferred compensation program offered by the 7247
Ohio public employees deferred compensation board; was an officer 7248
or employee of a municipal corporation who was a participant in a 7249

deferred compensation program offered by that municipal 7250
corporation; was an officer or employee of a government unit, as 7251
defined in section 148.06 of the Revised Code, who was a 7252
participant in a deferred compensation program offered by that 7253
government unit, or was a participating employee, continuing 7254
member, or participant in any deferred compensation program 7255
described in this division and a member of a retirement system 7256
specified in this division or a retirement system of a municipal 7257
corporation, the entity to which restitution is to be made may 7258
file a motion with the sentencing court specifying any retirement 7259
system, any provider as defined in section 3305.01 of the Revised 7260
Code, and any deferred compensation program of which the offender 7261
was a member, electing employee, participating employee, 7262
continuing member, or participant and requesting the court to 7263
issue an order requiring the specified retirement system, the 7264
specified provider under the alternative retirement plan, or the 7265
specified deferred compensation program, or, if more than one is 7266
specified in the motion, the applicable combination of these, to 7267
withhold the amount required as restitution from any payment that 7268
is to be made under a pension, annuity, or allowance, under an 7269
option in the alternative retirement plan, under a participant 7270
account, as defined in section 148.01 of the Revised Code, or 7271
under any other type of benefit, other than a survivorship 7272
benefit, that has been or is in the future granted to the 7273
offender, from any payment of accumulated employee contributions 7274
standing to the offender's credit with that retirement system, 7275
that provider of the option under the alternative retirement plan, 7276
or that deferred compensation program, or, if more than one is 7277
specified in the motion, the applicable combination of these, and 7278
from any payment of any other amounts to be paid to the offender 7279
upon the offender's withdrawal of the offender's contributions 7280
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 7281
the Revised Code. A motion described in this division may be filed 7282

at any time subsequent to the conviction of the offender or entry 7283
of a guilty plea. Upon the filing of the motion, the clerk of the 7284
court in which the motion is filed shall notify the offender, the 7285
specified retirement system, the specified provider under the 7286
alternative retirement plan, or the specified deferred 7287
compensation program, or, if more than one is specified in the 7288
motion, the applicable combination of these, in writing, of all of 7289
the following: that the motion was filed; that the offender will 7290
be granted a hearing on the issuance of the requested order if the 7291
offender files a written request for a hearing with the clerk 7292
prior to the expiration of thirty days after the offender receives 7293
the notice; that, if a hearing is requested, the court will 7294
schedule a hearing as soon as possible and notify the offender, 7295
any specified retirement system, any specified provider under an 7296
alternative retirement plan, and any specified deferred 7297
compensation program of the date, time, and place of the hearing; 7298
that, if a hearing is conducted, it will be limited only to a 7299
consideration of whether the offender can show good cause why the 7300
requested order should not be issued; that, if a hearing is 7301
conducted, the court will not issue the requested order if the 7302
court determines, based on evidence presented at the hearing by 7303
the offender, that there is good cause for the requested order not 7304
to be issued; that the court will issue the requested order if a 7305
hearing is not requested or if a hearing is conducted but the 7306
court does not determine, based on evidence presented at the 7307
hearing by the offender, that there is good cause for the 7308
requested order not to be issued; and that, if the requested order 7309
is issued, any retirement system, any provider under an 7310
alternative retirement plan, and any deferred compensation program 7311
specified in the motion will be required to withhold the amount 7312
required as restitution from payments to the offender. 7313

(ii) In any case in which a sentencing court is required to 7314
order restitution under division (C)(2)(a) of this section and in 7315

which a motion requesting the issuance of a withholding order as 7316
described in division (C)(2)(b)(i) of this section is filed, the 7317
offender may receive a hearing on the motion by delivering a 7318
written request for a hearing to the court prior to the expiration 7319
of thirty days after the offender's receipt of the notice provided 7320
pursuant to division (C)(2)(b)(i) of this section. If a request 7321
for a hearing is made by the offender within the prescribed time, 7322
the court shall schedule a hearing as soon as possible after the 7323
request is made and shall notify the offender, the specified 7324
retirement system, the specified provider under the alternative 7325
retirement plan, or the specified deferred compensation program, 7326
or, if more than one is specified in the motion, the applicable 7327
combination of these, of the date, time, and place of the hearing. 7328
A hearing scheduled under this division shall be limited to a 7329
consideration of whether there is good cause, based on evidence 7330
presented by the offender, for the requested order not to be 7331
issued. If the court determines, based on evidence presented by 7332
the offender, that there is good cause for the order not to be 7333
issued, the court shall deny the motion and shall not issue the 7334
requested order. If the offender does not request a hearing within 7335
the prescribed time or if the court conducts a hearing but does 7336
not determine, based on evidence presented by the offender, that 7337
there is good cause for the order not to be issued, the court 7338
shall order the specified retirement system, the specified 7339
provider under the alternative retirement plan, or the specified 7340
deferred compensation program, or, if more than one is specified 7341
in the motion, the applicable combination of these, to withhold 7342
the amount required as restitution under division (C)(2)(a) of 7343
this section from any payments to be made under a pension, 7344
annuity, or allowance, under a participant account, as defined in 7345
section 148.01 of the Revised Code, under an option in the 7346
alternative retirement plan, or under any other type of benefit, 7347
other than a survivorship benefit, that has been or is in the 7348

future granted to the offender, from any payment of accumulated 7349
employee contributions standing to the offender's credit with that 7350
retirement system, that provider under the alternative retirement 7351
plan, or that deferred compensation program, or, if more than one 7352
is specified in the motion, the applicable combination of these, 7353
and from any payment of any other amounts to be paid to the 7354
offender upon the offender's withdrawal of the offender's 7355
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 7356
or 5505. of the Revised Code, and to continue the withholding for 7357
that purpose, in accordance with the order, out of each payment to 7358
be made on or after the date of issuance of the order, until 7359
further order of the court. Upon receipt of an order issued under 7360
this division, the public employees retirement system, the Ohio 7361
police and fire pension fund, the state teachers retirement 7362
system, the school employees retirement system, the state highway 7363
patrol retirement system, a municipal corporation retirement 7364
system, the provider under the alternative retirement plan, and 7365
the deferred compensation program offered by the Ohio public 7366
employees deferred compensation board, a municipal corporation, or 7367
a government unit, as defined in section 148.06 of the Revised 7368
Code, whichever are applicable, shall withhold the amount required 7369
as restitution, in accordance with the order, from any such 7370
payments and immediately shall forward the amount withheld to the 7371
clerk of the court in which the order was issued for payment to 7372
the entity to which restitution is to be made. 7373

(iii) Service of a notice required by division (C)(2)(b)(i) 7374
or (ii) of this section shall be effected in the same manner as 7375
provided in the Rules of Civil Procedure for the service of 7376
process. 7377

(D) Upon the filing of charges against a person under this 7378
section, the prosecutor, as defined in section 2935.01 of the 7379
Revised Code, who is assigned the case shall send written notice 7380

that charges have been filed against that person to the public 7381
employees retirement system, the Ohio police and fire pension 7382
fund, the state teachers retirement system, the school employees 7383
retirement system, the state highway patrol retirement system, the 7384
provider under an alternative retirement plan, any municipal 7385
corporation retirement system in this state, and the deferred 7386
compensation program offered by the Ohio public employees deferred 7387
compensation board, a municipal corporation, or a government unit, 7388
as defined in section 148.06 of the Revised Code. The written 7389
notice shall specifically identify the person charged. 7390

Sec. 2923.01. (A) No person, with purpose to commit or to 7391
promote or facilitate the commission of aggravated murder, murder, 7392
kidnapping, abduction, compelling prostitution, promoting 7393
prostitution, trafficking in persons, aggravated arson, arson, 7394
aggravated robbery, robbery, aggravated burglary, burglary, 7395
trespassing in a habitation when a person is present or likely to 7396
be present, engaging in a pattern of corrupt activity, corrupting 7397
another with drugs, a felony drug trafficking, manufacturing, 7398
processing, or possession offense, theft of drugs, or illegal 7399
processing of drug documents, the commission of a felony offense 7400
of unauthorized use of a vehicle, illegally transmitting multiple 7401
commercial electronic mail messages or unauthorized access of a 7402
computer in violation of section 2923.421 of the Revised Code, or 7403
the commission of a violation of any provision of Chapter 3734. of 7404
the Revised Code, other than section 3734.18 of the Revised Code, 7405
that relates to hazardous wastes, shall do either of the 7406
following: 7407

(1) With another person or persons, plan or aid in planning 7408
the commission of any of the specified offenses; 7409

(2) Agree with another person or persons that one or more of 7410
them will engage in conduct that facilitates the commission of any 7411

of the specified offenses. 7412

(B) No person shall be convicted of conspiracy unless a 7413
substantial overt act in furtherance of the conspiracy is alleged 7414
and proved to have been done by the accused or a person with whom 7415
the accused conspired, subsequent to the accused's entrance into 7416
the conspiracy. For purposes of this section, an overt act is 7417
substantial when it is of a character that manifests a purpose on 7418
the part of the actor that the object of the conspiracy should be 7419
completed. 7420

(C) When the offender knows or has reasonable cause to 7421
believe that a person with whom the offender conspires also has 7422
conspired or is conspiring with another to commit the same 7423
offense, the offender is guilty of conspiring with that other 7424
person, even though the other person's identity may be unknown to 7425
the offender. 7426

(D) It is no defense to a charge under this section that, in 7427
retrospect, commission of the offense that was the object of the 7428
conspiracy was impossible under the circumstances. 7429

(E) A conspiracy terminates when the offense or offenses that 7430
are its objects are committed or when it is abandoned by all 7431
conspirators. In the absence of abandonment, it is no defense to a 7432
charge under this section that no offense that was the object of 7433
the conspiracy was committed. 7434

(F) A person who conspires to commit more than one offense is 7435
guilty of only one conspiracy, when the offenses are the object of 7436
the same agreement or continuous conspiratorial relationship. 7437

(G) When a person is convicted of committing or attempting to 7438
commit a specific offense or of complicity in the commission of or 7439
attempt to commit the specific offense, the person shall not be 7440
convicted of conspiracy involving the same offense. 7441

(H)(1) No person shall be convicted of conspiracy upon the 7442

testimony of a person with whom the defendant conspired, 7443
unsupported by other evidence. 7444

(2) If a person with whom the defendant allegedly has 7445
conspired testifies against the defendant in a case in which the 7446
defendant is charged with conspiracy and if the testimony is 7447
supported by other evidence, the court, when it charges the jury, 7448
shall state substantially the following: 7449

"The testimony of an accomplice that is supported by other 7450
evidence does not become inadmissible because of the accomplice's 7451
complicity, moral turpitude, or self-interest, but the admitted or 7452
claimed complicity of a witness may affect the witness' 7453
credibility and make the witness' testimony subject to grave 7454
suspicion, and require that it be weighed with great caution. 7455

It is for you, as jurors, in the light of all the facts 7456
presented to you from the witness stand, to evaluate such 7457
testimony and to determine its quality and worth or its lack of 7458
quality and worth." 7459

(3) "Conspiracy," as used in division (H)(1) of this section, 7460
does not include any conspiracy that results in an attempt to 7461
commit an offense or in the commission of an offense. 7462

(I) The following are affirmative defenses to a charge of 7463
conspiracy: 7464

(1) After conspiring to commit an offense, the actor thwarted 7465
the success of the conspiracy under circumstances manifesting a 7466
complete and voluntary renunciation of the actor's criminal 7467
purpose. 7468

(2) After conspiring to commit an offense, the actor 7469
abandoned the conspiracy prior to the commission of or attempt to 7470
commit any offense that was the object of the conspiracy, either 7471
by advising all other conspirators of the actor's abandonment, or 7472
by informing any law enforcement authority of the existence of the 7473

conspiracy and of the actor's participation in the conspiracy. 7474

(J) Whoever violates this section is guilty of conspiracy, 7475
which is one of the following: 7476

(1) A felony of the first degree, when one of the objects of 7477
the conspiracy is aggravated murder, murder, or an offense for 7478
which the maximum penalty is imprisonment for life; 7479

(2) A felony of the next lesser degree than the most serious 7480
offense that is the object of the conspiracy, when the most 7481
serious offense that is the object of the conspiracy is a felony 7482
of the first, second, third, or fourth degree; 7483

(3) A felony punishable by a fine of not more than 7484
twenty-five thousand dollars or imprisonment for not more than 7485
eighteen months, or both, when the offense that is the object of 7486
the conspiracy is a violation of any provision of Chapter 3734. of 7487
the Revised Code, other than section 3734.18 of the Revised Code, 7488
that relates to hazardous wastes; 7489

(4) A misdemeanor of the first degree, when the most serious 7490
offense that is the object of the conspiracy is a felony of the 7491
fifth degree. 7492

(K) This section does not define a separate conspiracy 7493
offense or penalty where conspiracy is defined as an offense by 7494
one or more sections of the Revised Code, other than this section. 7495
In such a case, however: 7496

(1) With respect to the offense specified as the object of 7497
the conspiracy in the other section or sections, division (A) of 7498
this section defines the voluntary act or acts and culpable mental 7499
state necessary to constitute the conspiracy; 7500

(2) Divisions (B) to (I) of this section are incorporated by 7501
reference in the conspiracy offense defined by the other section 7502
or sections of the Revised Code. 7503

(L)(1) In addition to the penalties that otherwise are 7504
imposed for conspiracy, a person who is found guilty of conspiracy 7505
to engage in a pattern of corrupt activity is subject to divisions 7506
(B)(2) and (3) of section 2923.32, division (A) of section 7507
2981.04, and division (D) of section 2981.06 of the Revised Code. 7508

(2) If a person is convicted of or pleads guilty to 7509
conspiracy and if the most serious offense that is the object of 7510
the conspiracy is a felony drug trafficking, manufacturing, 7511
processing, or possession offense, in addition to the penalties or 7512
sanctions that may be imposed for the conspiracy under division 7513
(J)(2) or (4) of this section and Chapter 2929. of the Revised 7514
Code, both of the following apply: 7515

(a) The provisions of divisions (D), (F), and (G) of section 7516
2925.03, division (D) of section 2925.04, division (D) of section 7517
2925.05, division (D) of section 2925.06, and division (E) of 7518
section 2925.11 of the Revised Code that pertain to mandatory and 7519
additional fines, driver's or commercial driver's license or 7520
permit suspensions, and professionally licensed persons and that 7521
would apply under the appropriate provisions of those divisions to 7522
a person who is convicted of or pleads guilty to the felony drug 7523
trafficking, manufacturing, processing, or possession offense that 7524
is the most serious offense that is the basis of the conspiracy 7525
shall apply to the person who is convicted of or pleads guilty to 7526
the conspiracy as if the person had been convicted of or pleaded 7527
guilty to the felony drug trafficking, manufacturing, processing, 7528
or possession offense that is the most serious offense that is the 7529
basis of the conspiracy. 7530

(b) The court that imposes sentence upon the person who is 7531
convicted of or pleads guilty to the conspiracy shall comply with 7532
the provisions identified as being applicable under division 7533
(L)(2) of this section, in addition to any other penalty or 7534
sanction that it imposes for the conspiracy under division (J)(2) 7535

or (4) of this section and Chapter 2929. of the Revised Code.	7536
(M) As used in this section:	7537
(1) "Felony drug trafficking, manufacturing, processing, or possession offense" means any of the following that is a felony:	7538
(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code;	7540
(b) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense.	7542
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	7544
Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code:	7546
(A) "Beneficial interest" means any of the following:	7548
(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property;	7549
(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;	7551
(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person.	7554
"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership.	7555
(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and	7557
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investigation of any civil action, and includes, but is not 7565
limited to, the costs of resources and personnel. 7566

(C) "Enterprise" includes any individual, sole 7567
proprietorship, partnership, limited partnership, corporation, 7568
trust, union, government agency, or other legal entity, or any 7569
organization, association, or group of persons associated in fact 7570
although not a legal entity. "Enterprise" includes illicit as well 7571
as licit enterprises. 7572

(D) "Innocent person" includes any bona fide purchaser of 7573
property that is allegedly involved in a violation of section 7574
2923.32 of the Revised Code, including any person who establishes 7575
a valid claim to or interest in the property in accordance with 7576
division (E) of section 2981.04 of the Revised Code, and any 7577
victim of an alleged violation of that section or of any 7578
underlying offense involved in an alleged violation of that 7579
section. 7580

(E) "Pattern of corrupt activity" means two or more incidents 7581
of corrupt activity, whether or not there has been a prior 7582
conviction, that are related to the affairs of the same 7583
enterprise, are not isolated, and are not so closely related to 7584
each other and connected in time and place that they constitute a 7585
single event. 7586

At least one of the incidents forming the pattern shall occur 7587
on or after January 1, 1986. Unless any incident was an aggravated 7588
murder or murder, the last of the incidents forming the pattern 7589
shall occur within six years after the commission of any prior 7590
incident forming the pattern, excluding any period of imprisonment 7591
served by any person engaging in the corrupt activity. 7592

For the purposes of the criminal penalties that may be 7593
imposed pursuant to section 2923.32 of the Revised Code, at least 7594
one of the incidents forming the pattern shall constitute a felony 7595

under the laws of this state in existence at the time it was 7596
committed or, if committed in violation of the laws of the United 7597
States or of any other state, shall constitute a felony under the 7598
law of the United States or the other state and would be a 7599
criminal offense under the law of this state if committed in this 7600
state. 7601

(F) "Pecuniary value" means money, a negotiable instrument, a 7602
commercial interest, or anything of value, as defined in section 7603
1.03 of the Revised Code, or any other property or service that 7604
has a value in excess of one hundred dollars. 7605

(G) "Person" means any person, as defined in section 1.59 of 7606
the Revised Code, and any governmental officer, employee, or 7607
entity. 7608

(H) "Personal property" means any personal property, any 7609
interest in personal property, or any right, including, but not 7610
limited to, bank accounts, debts, corporate stocks, patents, or 7611
copyrights. Personal property and any beneficial interest in 7612
personal property are deemed to be located where the trustee of 7613
the property, the personal property, or the instrument evidencing 7614
the right is located. 7615

(I) "Corrupt activity" means engaging in, attempting to 7616
engage in, conspiring to engage in, or soliciting, coercing, or 7617
intimidating another person to engage in any of the following: 7618

(1) Conduct defined as "racketeering activity" under the 7619
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 7620
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 7621

(2) Conduct constituting any of the following: 7622

(a) A violation of section 1315.55, 1322.02, 2903.01, 7623
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 7624
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 7625
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 7626

2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 7627
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 7628
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 7629
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 7630
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 7631
section 1707.44; division (A)(1) or (2) of section 2923.20; 7632
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 7633
4719.06; division (C), (D), or (E) of section 4719.07; section 7634
4719.08; or division (A) of section 4719.09 of the Revised Code. 7635

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 7636
3769.19 of the Revised Code as it existed prior to July 1, 1996, 7637
any violation of section 2915.02 of the Revised Code that occurs 7638
on or after July 1, 1996, and that, had it occurred prior to that 7639
date, would have been a violation of section 3769.11 of the 7640
Revised Code as it existed prior to that date, or any violation of 7641
section 2915.05 of the Revised Code that occurs on or after July 7642
1, 1996, and that, had it occurred prior to that date, would have 7643
been a violation of section 3769.15, 3769.16, or 3769.19 of the 7644
Revised Code as it existed prior to that date. 7645

(c) Any violation of section 2907.21, 2907.22, 2907.31, 7646
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 7647
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 7648
of the Revised Code, any violation of section 2925.11 of the 7649
Revised Code that is a felony of the first, second, third, or 7650
fourth degree and that occurs on or after July 1, 1996, any 7651
violation of section 2915.02 of the Revised Code that occurred 7652
prior to July 1, 1996, any violation of section 2915.02 of the 7653
Revised Code that occurs on or after July 1, 1996, and that, had 7654
it occurred prior to that date, would not have been a violation of 7655
section 3769.11 of the Revised Code as it existed prior to that 7656
date, any violation of section 2915.06 of the Revised Code as it 7657
existed prior to July 1, 1996, or any violation of division (B) of 7658

section 2915.05 of the Revised Code as it exists on and after July 7659
1, 1996, when the proceeds of the violation, the payments made in 7660
the violation, the amount of a claim for payment or for any other 7661
benefit that is false or deceptive and that is involved in the 7662
violation, or the value of the contraband or other property 7663
illegally possessed, sold, or purchased in the violation exceeds 7664
~~five hundred~~ one thousand dollars, or any combination of 7665
violations described in division (I)(2)(c) of this section when 7666
the total proceeds of the combination of violations, payments made 7667
in the combination of violations, amount of the claims for payment 7668
or for other benefits that is false or deceptive and that is 7669
involved in the combination of violations, or value of the 7670
contraband or other property illegally possessed, sold, or 7671
purchased in the combination of violations exceeds ~~five hundred~~ 7672
one thousand dollars; 7673

(d) Any violation of section 5743.112 of the Revised Code 7674
when the amount of unpaid tax exceeds one hundred dollars; 7675

(e) Any violation or combination of violations of section 7676
2907.32 of the Revised Code involving any material or performance 7677
containing a display of bestiality or of sexual conduct, as 7678
defined in section 2907.01 of the Revised Code, that is explicit 7679
and depicted with clearly visible penetration of the genitals or 7680
clearly visible penetration by the penis of any orifice when the 7681
total proceeds of the violation or combination of violations, the 7682
payments made in the violation or combination of violations, or 7683
the value of the contraband or other property illegally possessed, 7684
sold, or purchased in the violation or combination of violations 7685
exceeds ~~five hundred~~ one thousand dollars; 7686

(f) Any combination of violations described in division 7687
(I)(2)(c) of this section and violations of section 2907.32 of the 7688
Revised Code involving any material or performance containing a 7689
display of bestiality or of sexual conduct, as defined in section 7690

2907.01 of the Revised Code, that is explicit and depicted with 7691
clearly visible penetration of the genitals or clearly visible 7692
penetration by the penis of any orifice when the total proceeds of 7693
the combination of violations, payments made in the combination of 7694
violations, amount of the claims for payment or for other benefits 7695
that is false or deceptive and that is involved in the combination 7696
of violations, or value of the contraband or other property 7697
illegally possessed, sold, or purchased in the combination of 7698
violations exceeds ~~five hundred~~ one thousand dollars; 7699

(g) Any violation of section 2905.32 of the Revised Code to 7700
the extent the violation is not based solely on the same conduct 7701
that constitutes corrupt activity pursuant to division (I)(2)(c) 7702
of this section due to the conduct being in violation of section 7703
2907.21 of the Revised Code. 7704

(3) Conduct constituting a violation of any law of any state 7705
other than this state that is substantially similar to the conduct 7706
described in division (I)(2) of this section, provided the 7707
defendant was convicted of the conduct in a criminal proceeding in 7708
the other state; 7709

(4) Animal or ecological terrorism; 7710

(5)(a) Conduct constituting any of the following: 7711

(i) Organized retail theft; 7712

(ii) Conduct that constitutes one or more violations of any 7713
law of any state other than this state, that is substantially 7714
similar to organized retail theft, and that if committed in this 7715
state would be organized retail theft, if the defendant was 7716
convicted of or pleaded guilty to the conduct in a criminal 7717
proceeding in the other state. 7718

(b) By enacting division (I)(5)(a) of this section, it is the 7719
intent of the general assembly to add organized retail theft and 7720
the conduct described in division (I)(5)(a)(ii) of this section as 7721

conduct constituting corrupt activity. The enactment of division 7722
(I)(5)(a) of this section and the addition by division (I)(5)(a) 7723
of this section of organized retail theft and the conduct 7724
described in division (I)(5)(a)(ii) of this section as conduct 7725
constituting corrupt activity does not limit or preclude, and 7726
shall not be construed as limiting or precluding, any prosecution 7727
for a violation of section 2923.32 of the Revised Code that is 7728
based on one or more violations of section 2913.02 or 2913.51 of 7729
the Revised Code, one or more similar offenses under the laws of 7730
this state or any other state, or any combination of any of those 7731
violations or similar offenses, even though the conduct 7732
constituting the basis for those violations or offenses could be 7733
construed as also constituting organized retail theft or conduct 7734
of the type described in division (I)(5)(a)(ii) of this section. 7735

(J) "Real property" means any real property or any interest 7736
in real property, including, but not limited to, any lease of, or 7737
mortgage upon, real property. Real property and any beneficial 7738
interest in it is deemed to be located where the real property is 7739
located. 7740

(K) "Trustee" means any of the following: 7741

(1) Any person acting as trustee under a trust in which the 7742
trustee holds title to personal or real property; 7743

(2) Any person who holds title to personal or real property 7744
for which any other person has a beneficial interest; 7745

(3) Any successor trustee. 7746

"Trustee" does not include an assignee or trustee for an 7747
insolvent debtor or an executor, administrator, administrator with 7748
the will annexed, testamentary trustee, guardian, or committee, 7749
appointed by, under the control of, or accountable to a court. 7750

(L) "Unlawful debt" means any money or other thing of value 7751
constituting principal or interest of a debt that is legally 7752

unenforceable in this state in whole or in part because the debt 7753
was incurred or contracted in violation of any federal or state 7754
law relating to the business of gambling activity or relating to 7755
the business of lending money at an usurious rate unless the 7756
creditor proves, by a preponderance of the evidence, that the 7757
usurious rate was not intentionally set and that it resulted from 7758
a good faith error by the creditor, notwithstanding the 7759
maintenance of procedures that were adopted by the creditor to 7760
avoid an error of that nature. 7761

(M) "Animal activity" means any activity that involves the 7762
use of animals or animal parts, including, but not limited to, 7763
hunting, fishing, trapping, traveling, camping, the production, 7764
preparation, or processing of food or food products, clothing or 7765
garment manufacturing, medical research, other research, 7766
entertainment, recreation, agriculture, biotechnology, or service 7767
activity that involves the use of animals or animal parts. 7768

(N) "Animal facility" means a vehicle, building, structure, 7769
nature preserve, or other premises in which an animal is lawfully 7770
kept, handled, housed, exhibited, bred, or offered for sale, 7771
including, but not limited to, a zoo, rodeo, circus, amusement 7772
park, hunting preserve, or premises in which a horse or dog event 7773
is held. 7774

(O) "Animal or ecological terrorism" means the commission of 7775
any felony that involves causing or creating a substantial risk of 7776
physical harm to any property of another, the use of a deadly 7777
weapon or dangerous ordnance, or purposely, knowingly, or 7778
recklessly causing serious physical harm to property and that 7779
involves an intent to obstruct, impede, or deter any person from 7780
participating in a lawful animal activity, from mining, foresting, 7781
harvesting, gathering, or processing natural resources, or from 7782
being lawfully present in or on an animal facility or research 7783
facility. 7784

(P) "Research facility" means a place, laboratory, 7785
institution, medical care facility, government facility, or public 7786
or private educational institution in which a scientific test, 7787
experiment, or investigation involving the use of animals or other 7788
living organisms is lawfully carried out, conducted, or attempted. 7789

(Q) "Organized retail theft" means the theft of retail 7790
property with a retail value of ~~five hundred~~ one thousand dollars 7791
or more from one or more retail establishments with the intent to 7792
sell, deliver, or transfer that property to a retail property 7793
fence. 7794

(R) "Retail property" means any tangible personal property 7795
displayed, held, stored, or offered for sale in or by a retail 7796
establishment. 7797

(S) "Retail property fence" means a person who possesses, 7798
procures, receives, or conceals retail property that was 7799
represented to the person as being stolen or that the person knows 7800
or believes to be stolen. 7801

(T) "Retail value" means the full retail value of the retail 7802
property. In determining whether the retail value of retail 7803
property equals or exceeds ~~five hundred~~ one thousand dollars, the 7804
value of all retail property stolen from the retail establishment 7805
or retail establishments by the same person or persons within any 7806
one-hundred-eighty-day period shall be aggregated. 7807

Sec. 2925.01. As used in this chapter: 7808

(A) "Administer," "controlled substance," "dispense," 7809
"distribute," "hypodermic," "manufacturer," "official written 7810
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 7811
"schedule II," "schedule III," "schedule IV," "schedule V," and 7812
"wholesaler" have the same meanings as in section 3719.01 of the 7813
Revised Code. 7814

(B) "Drug dependent person" and "drug of abuse" have the same 7815
meanings as in section 3719.011 of the Revised Code. 7816

(C) "Drug," "dangerous drug," "licensed health professional 7817
authorized to prescribe drugs," and "prescription" have the same 7818
meanings as in section 4729.01 of the Revised Code. 7819

(D) "Bulk amount" of a controlled substance means any of the 7820
following: 7821

(1) For any compound, mixture, preparation, or substance 7822
included in schedule I, schedule II, or schedule III, with the 7823
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 7824
except as provided in division (D)(2) or (5) of this section, 7825
whichever of the following is applicable: 7826

(a) An amount equal to or exceeding ten grams or twenty-five 7827
unit doses of a compound, mixture, preparation, or substance that 7828
is or contains any amount of a schedule I opiate or opium 7829
derivative; 7830

(b) An amount equal to or exceeding ten grams of a compound, 7831
mixture, preparation, or substance that is or contains any amount 7832
of raw or gum opium; 7833

(c) An amount equal to or exceeding thirty grams or ten unit 7834
doses of a compound, mixture, preparation, or substance that is or 7835
contains any amount of a schedule I hallucinogen other than 7836
tetrahydrocannabinol or lysergic acid amide, or a schedule I 7837
stimulant or depressant; 7838

(d) An amount equal to or exceeding twenty grams or five 7839
times the maximum daily dose in the usual dose range specified in 7840
a standard pharmaceutical reference manual of a compound, mixture, 7841
preparation, or substance that is or contains any amount of a 7842
schedule II opiate or opium derivative; 7843

(e) An amount equal to or exceeding five grams or ten unit 7844

doses of a compound, mixture, preparation, or substance that is or
contains any amount of phencyclidine;

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

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

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

(3) An amount equal to or exceeding twenty grams or five
times the maximum daily dose in the usual dose range specified in
a standard pharmaceutical reference manual of a compound, mixture,
preparation, or substance that is or contains any amount of a
schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty

milliliters or two hundred fifty grams of a compound, mixture, 7876
preparation, or substance that is or contains any amount of a 7877
schedule V substance; 7878

(5) An amount equal to or exceeding two hundred solid dosage 7879
units, sixteen grams, or sixteen milliliters of a compound, 7880
mixture, preparation, or substance that is or contains any amount 7881
of a schedule III anabolic steroid. 7882

(E) "Unit dose" means an amount or unit of a compound, 7883
mixture, or preparation containing a controlled substance that is 7884
separately identifiable and in a form that indicates that it is 7885
the amount or unit by which the controlled substance is separately 7886
administered to or taken by an individual. 7887

(F) "Cultivate" includes planting, watering, fertilizing, or 7888
tilling. 7889

(G) "Drug abuse offense" means any of the following: 7890

(1) A violation of division (A) of section 2913.02 that 7891
constitutes theft of drugs, or a violation of section 2925.02, 7892
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 7893
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 7894
2925.37 of the Revised Code; 7895

(2) A violation of an existing or former law of this or any 7896
other state or of the United States that is substantially 7897
equivalent to any section listed in division (G)(1) of this 7898
section; 7899

(3) An offense under an existing or former law of this or any 7900
other state, or of the United States, of which planting, 7901
cultivating, harvesting, processing, making, manufacturing, 7902
producing, shipping, transporting, delivering, acquiring, 7903
possessing, storing, distributing, dispensing, selling, inducing 7904
another to use, administering to another, using, or otherwise 7905
dealing with a controlled substance is an element; 7906

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section. 7907
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(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States. 7910
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(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following: 7913
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(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following: 7915
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(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; 7921
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(b) Any aerosol propellant; 7925

(c) Any fluorocarbon refrigerant; 7926

(d) Any anesthetic gas. 7927

(2) Gamma Butyrolactone; 7928

(3) 1,4 Butanediol. 7929

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production. 7930
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(K) "Possess" or "possession" means having control over a 7936

thing or substance, but may not be inferred solely from mere 7937
access to the thing or substance through ownership or occupation 7938
of the premises upon which the thing or substance is found. 7939

(L) "Sample drug" means a drug or pharmaceutical preparation 7940
that would be hazardous to health or safety if used without the 7941
supervision of a licensed health professional authorized to 7942
prescribe drugs, or a drug of abuse, and that, at one time, had 7943
been placed in a container plainly marked as a sample by a 7944
manufacturer. 7945

(M) "Standard pharmaceutical reference manual" means the 7946
current edition, with cumulative changes if any, of any of the 7947
following reference works: 7948

(1) "The National Formulary"; 7949

(2) "The United States Pharmacopeia," prepared by authority 7950
of the United States Pharmacopeial Convention, Inc.; 7951

(3) Other standard references that are approved by the state 7952
board of pharmacy. 7953

(N) "Juvenile" means a person under eighteen years of age. 7954

(O) "Counterfeit controlled substance" means any of the 7955
following: 7956

(1) Any drug that bears, or whose container or label bears, a 7957
trademark, trade name, or other identifying mark used without 7958
authorization of the owner of rights to that trademark, trade 7959
name, or identifying mark; 7960

(2) Any unmarked or unlabeled substance that is represented 7961
to be a controlled substance manufactured, processed, packed, or 7962
distributed by a person other than the person that manufactured, 7963
processed, packed, or distributed it; 7964

(3) Any substance that is represented to be a controlled 7965
substance but is not a controlled substance or is a different 7966

controlled substance; 7967

(4) Any substance other than a controlled substance that a 7968
reasonable person would believe to be a controlled substance 7969
because of its similarity in shape, size, and color, or its 7970
markings, labeling, packaging, distribution, or the price for 7971
which it is sold or offered for sale. 7972

(P) An offense is "committed in the vicinity of a school" if 7973
the offender commits the offense on school premises, in a school 7974
building, or within one thousand feet of the boundaries of any 7975
school premises, regardless of whether the offender knows the 7976
offense is being committed on school premises, in a school 7977
building, or within one thousand feet of the boundaries of any 7978
school premises. 7979

(Q) "School" means any school operated by a board of 7980
education, any community school established under Chapter 3314. of 7981
the Revised Code, or any nonpublic school for which the state 7982
board of education prescribes minimum standards under section 7983
3301.07 of the Revised Code, whether or not any instruction, 7984
extracurricular activities, or training provided by the school is 7985
being conducted at the time a criminal offense is committed. 7986

(R) "School premises" means either of the following: 7987

(1) The parcel of real property on which any school is 7988
situated, whether or not any instruction, extracurricular 7989
activities, or training provided by the school is being conducted 7990
on the premises at the time a criminal offense is committed; 7991

(2) Any other parcel of real property that is owned or leased 7992
by a board of education of a school, the governing authority of a 7993
community school established under Chapter 3314. of the Revised 7994
Code, or the governing body of a nonpublic school for which the 7995
state board of education prescribes minimum standards under 7996
section 3301.07 of the Revised Code and on which some of the 7997

instruction, extracurricular activities, or training of the school 7998
is conducted, whether or not any instruction, extracurricular 7999
activities, or training provided by the school is being conducted 8000
on the parcel of real property at the time a criminal offense is 8001
committed. 8002

(S) "School building" means any building in which any of the 8003
instruction, extracurricular activities, or training provided by a 8004
school is conducted, whether or not any instruction, 8005
extracurricular activities, or training provided by the school is 8006
being conducted in the school building at the time a criminal 8007
offense is committed. 8008

(T) "Disciplinary counsel" means the disciplinary counsel 8009
appointed by the board of commissioners on grievances and 8010
discipline of the supreme court under the Rules for the Government 8011
of the Bar of Ohio. 8012

(U) "Certified grievance committee" means a duly constituted 8013
and organized committee of the Ohio state bar association or of 8014
one or more local bar associations of the state of Ohio that 8015
complies with the criteria set forth in Rule V, section 6 of the 8016
Rules for the Government of the Bar of Ohio. 8017

(V) "Professional license" means any license, permit, 8018
certificate, registration, qualification, admission, temporary 8019
license, temporary permit, temporary certificate, or temporary 8020
registration that is described in divisions (W)(1) to (36) of this 8021
section and that qualifies a person as a professionally licensed 8022
person. 8023

(W) "Professionally licensed person" means any of the 8024
following: 8025

(1) A person who has obtained a license as a manufacturer of 8026
controlled substances or a wholesaler of controlled substances 8027
under Chapter 3719. of the Revised Code; 8028

- (2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter; 8029
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- (3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code; 8033
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- (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 8036
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- (5) A person licensed under Chapter 4707. of the Revised Code; 8039
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 8041
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 8044
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 8047
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- (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching 8057
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license, a dental hygienist's license, or a dental hygienist's	8060
teacher's certificate under Chapter 4715. of the Revised Code;	8061
(10) A person who has been issued an embalmer's license, a	8062
funeral director's license, a funeral home license, or a crematory	8063
license, or who has been registered for an embalmer's or funeral	8064
director's apprenticeship under Chapter 4717. of the Revised Code;	8065
(11) A person who has been licensed as a registered nurse or	8066
practical nurse, or who has been issued a certificate for the	8067
practice of nurse-midwifery under Chapter 4723. of the Revised	8068
Code;	8069
(12) A person who has been licensed to practice optometry or	8070
to engage in optical dispensing under Chapter 4725. of the Revised	8071
Code;	8072
(13) A person licensed to act as a pawnbroker under Chapter	8073
4727. of the Revised Code;	8074
(14) A person licensed to act as a precious metals dealer	8075
under Chapter 4728. of the Revised Code;	8076
(15) A person licensed as a pharmacist, a pharmacy intern, a	8077
wholesale distributor of dangerous drugs, or a terminal	8078
distributor of dangerous drugs under Chapter 4729. of the Revised	8079
Code;	8080
(16) A person who is authorized to practice as a physician	8081
assistant under Chapter 4730. of the Revised Code;	8082
(17) A person who has been issued a certificate to practice	8083
medicine and surgery, osteopathic medicine and surgery, a limited	8084
branch of medicine, or podiatry under Chapter 4731. of the Revised	8085
Code;	8086
(18) A person licensed as a psychologist or school	8087
psychologist under Chapter 4732. of the Revised Code;	8088
(19) A person registered to practice the profession of	8089

engineering or surveying under Chapter 4733. of the Revised Code;	8090
(20) A person who has been issued a license to practice	8091
chiropractic under Chapter 4734. of the Revised Code;	8092
(21) A person licensed to act as a real estate broker or real	8093
estate salesperson under Chapter 4735. of the Revised Code;	8094
(22) A person registered as a registered sanitarian under	8095
Chapter 4736. of the Revised Code;	8096
(23) A person licensed to operate or maintain a junkyard	8097
under Chapter 4737. of the Revised Code;	8098
(24) A person who has been issued a motor vehicle salvage	8099
dealer's license under Chapter 4738. of the Revised Code;	8100
(25) A person who has been licensed to act as a steam	8101
engineer under Chapter 4739. of the Revised Code;	8102
(26) A person who has been issued a license or temporary	8103
permit to practice veterinary medicine or any of its branches, or	8104
who is registered as a graduate animal technician under Chapter	8105
4741. of the Revised Code;	8106
(27) A person who has been issued a hearing aid dealer's or	8107
fitter's license or trainee permit under Chapter 4747. of the	8108
Revised Code;	8109
(28) A person who has been issued a class A, class B, or	8110
class C license or who has been registered as an investigator or	8111
security guard employee under Chapter 4749. of the Revised Code;	8112
(29) A person licensed and registered to practice as a	8113
nursing home administrator under Chapter 4751. of the Revised	8114
Code;	8115
(30) A person licensed to practice as a speech-language	8116
pathologist or audiologist under Chapter 4753. of the Revised	8117
Code;	8118

(31) A person issued a license as an occupational therapist	8119
or physical therapist under Chapter 4755. of the Revised Code;	8120
(32) A person who is licensed as a professional clinical	8121
counselor or professional counselor, licensed as a social worker	8122
or independent social worker, or registered as a social work	8123
assistant under Chapter 4757. of the Revised Code;	8124
(33) A person issued a license to practice dietetics under	8125
Chapter 4759. of the Revised Code;	8126
(34) A person who has been issued a license or limited permit	8127
to practice respiratory therapy under Chapter 4761. of the Revised	8128
Code;	8129
(35) A person who has been issued a real estate appraiser	8130
certificate under Chapter 4763. of the Revised Code;	8131
(36) A person who has been admitted to the bar by order of	8132
the supreme court in compliance with its prescribed and published	8133
rules.	8134
(X) "Cocaine" means any of the following:	8135
(1) A cocaine salt, isomer, or derivative, a salt of a	8136
cocaine isomer or derivative, or the base form of cocaine;	8137
(2) Coca leaves or a salt, compound, derivative, or	8138
preparation of coca leaves, including ecgonine, a salt, isomer, or	8139
derivative of ecgonine, or a salt of an isomer or derivative of	8140
ecgonine;	8141
(3) A salt, compound, derivative, or preparation of a	8142
substance identified in division (X)(1) or (2) of this section	8143
that is chemically equivalent to or identical with any of those	8144
substances, except that the substances shall not include	8145
decocainized coca leaves or extraction of coca leaves if the	8146
extractions do not contain cocaine or ecgonine.	8147
(Y) "L.S.D." means lysergic acid diethylamide.	8148

(Z) "Hashish" means the resin or a preparation of the resin 8149
contained in marihuana, whether in solid form or in a liquid 8150
concentrate, liquid extract, or liquid distillate form. 8151

(AA) "Marihuana" has the same meaning as in section 3719.01 8152
of the Revised Code, except that it does not include hashish. 8153

(BB) An offense is "committed in the vicinity of a juvenile" 8154
if the offender commits the offense within one hundred feet of a 8155
juvenile or within the view of a juvenile, regardless of whether 8156
the offender knows the age of the juvenile, whether the offender 8157
knows the offense is being committed within one hundred feet of or 8158
within view of the juvenile, or whether the juvenile actually 8159
views the commission of the offense. 8160

(CC) "Presumption for a prison term" or "presumption that a 8161
prison term shall be imposed" means a presumption, as described in 8162
division (D) of section 2929.13 of the Revised Code, that a prison 8163
term is a necessary sanction for a felony in order to comply with 8164
the purposes and principles of sentencing under section 2929.11 of 8165
the Revised Code. 8166

(DD) "Major drug offender" has the same meaning as in section 8167
2929.01 of the Revised Code. 8168

(EE) "Minor drug possession offense" means either of the 8169
following: 8170

(1) A violation of section 2925.11 of the Revised Code as it 8171
existed prior to July 1, 1996; 8172

(2) A violation of section 2925.11 of the Revised Code as it 8173
exists on and after July 1, 1996, that is a misdemeanor or a 8174
felony of the fifth degree. 8175

(FF) "Mandatory prison term" has the same meaning as in 8176
section 2929.01 of the Revised Code. 8177

(GG) ~~"Crack cocaine" means a compound, mixture, preparation,~~ 8178

~~or substance that is or contains any amount of cocaine that is~~ 8179
~~analytically identified as the base form of cocaine or that is in~~ 8180
~~a form that resembles rocks or pebbles generally intended for~~ 8181
~~individual use.~~ 8182

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as 8183
described in section 3715.63 of the Revised Code. 8184

~~(II)~~(HH) "Public premises" means any hotel, restaurant, 8185
tavern, store, arena, hall, or other place of public 8186
accommodation, business, amusement, or resort. 8187

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, 8188
isomer, or salt of an isomer of methamphetamine, or any compound, 8189
mixture, preparation, or substance containing methamphetamine or 8190
any salt, isomer, or salt of an isomer of methamphetamine. 8191

~~(KK)~~(JJ) "Lawful prescription" means a prescription that is 8192
issued for a legitimate medical purpose by a licensed health 8193
professional authorized to prescribe drugs, that is not altered or 8194
forged, and that was not obtained by means of deception or by the 8195
commission of any theft offense. 8196

~~(LL)~~(KK) "Deception" and "theft offense" have the same 8197
meanings as in section 2913.01 of the Revised Code. 8198

Sec. 2925.03. (A) No person shall knowingly do any of the 8199
following: 8200

(1) Sell or offer to sell a controlled substance; 8201

(2) Prepare for shipment, ship, transport, deliver, prepare 8202
for distribution, or distribute a controlled substance, when the 8203
offender knows or has reasonable cause to believe that the 8204
controlled substance is intended for sale or resale by the 8205
offender or another person. 8206

(B) This section does not apply to any of the following: 8207

(1) Manufacturers, licensed health professionals authorized 8208
to prescribe drugs, pharmacists, owners of pharmacies, and other 8209
persons whose conduct is in accordance with Chapters 3719., 4715., 8210
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 8211

(2) If the offense involves an anabolic steroid, any person 8212
who is conducting or participating in a research project involving 8213
the use of an anabolic steroid if the project has been approved by 8214
the United States food and drug administration; 8215

(3) Any person who sells, offers for sale, prescribes, 8216
dispenses, or administers for livestock or other nonhuman species 8217
an anabolic steroid that is expressly intended for administration 8218
through implants to livestock or other nonhuman species and 8219
approved for that purpose under the "Federal Food, Drug, and 8220
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 8221
and is sold, offered for sale, prescribed, dispensed, or 8222
administered for that purpose in accordance with that act. 8223

(C) Whoever violates division (A) of this section is guilty 8224
of one of the following: 8225

(1) If the drug involved in the violation is any compound, 8226
mixture, preparation, or substance included in schedule I or 8227
schedule II, with the exception of marihuana, cocaine, L.S.D., 8228
heroin, and hashish, whoever violates division (A) of this section 8229
is guilty of aggravated trafficking in drugs. The penalty for the 8230
offense shall be determined as follows: 8231

(a) Except as otherwise provided in division (C)(1)(b), (c), 8232
(d), (e), or (f) of this section, aggravated trafficking in drugs 8233
is a felony of the fourth degree, and division (C) of section 8234
2929.13 of the Revised Code applies in determining whether to 8235
impose a prison term on the offender. 8236

(b) Except as otherwise provided in division (C)(1)(c), (d), 8237
(e), or (f) of this section, if the offense was committed in the 8238

vicinity of a school or in the vicinity of a juvenile, aggravated 8239
trafficking in drugs is a felony of the third degree, and division 8240
(C) of section 2929.13 of the Revised Code applies in determining 8241
whether to impose a prison term on the offender. 8242

(c) Except as otherwise provided in this division, if the 8243
amount of the drug involved equals or exceeds the bulk amount but 8244
is less than five times the bulk amount, aggravated trafficking in 8245
drugs is a felony of the third degree, and the court shall impose 8246
as a mandatory prison term one of the prison terms prescribed for 8247
a felony of the third degree. If the amount of the drug involved 8248
is within that range and if the offense was committed in the 8249
vicinity of a school or in the vicinity of a juvenile, aggravated 8250
trafficking in drugs is a felony of the second degree, and the 8251
court shall impose as a mandatory prison term one of the prison 8252
terms prescribed for a felony of the second degree. 8253

(d) Except as otherwise provided in this division, if the 8254
amount of the drug involved equals or exceeds five times the bulk 8255
amount but is less than fifty times the bulk amount, aggravated 8256
trafficking in drugs is a felony of the second degree, and the 8257
court shall impose as a mandatory prison term one of the prison 8258
terms prescribed for a felony of the second degree. If the amount 8259
of the drug involved is within that range and if the offense was 8260
committed in the vicinity of a school or in the vicinity of a 8261
juvenile, aggravated trafficking in drugs is a felony of the first 8262
degree, and the court shall impose as a mandatory prison term one 8263
of the prison terms prescribed for a felony of the first degree. 8264

(e) If the amount of the drug involved equals or exceeds 8265
fifty times the bulk amount but is less than one hundred times the 8266
bulk amount and regardless of whether the offense was committed in 8267
the vicinity of a school or in the vicinity of a juvenile, 8268
aggravated trafficking in drugs is a felony of the first degree, 8269
and the court shall impose as a mandatory prison term one of the 8270

prison terms prescribed for a felony of the first degree. 8271

(f) If the amount of the drug involved equals or exceeds one 8272
hundred times the bulk amount and regardless of whether the 8273
offense was committed in the vicinity of a school or in the 8274
vicinity of a juvenile, aggravated trafficking in drugs is a 8275
felony of the first degree, the offender is a major drug offender, 8276
and the court shall impose as a mandatory prison term the maximum 8277
prison term prescribed for a felony of the first degree and may 8278
impose an additional prison term prescribed for a major drug 8279
offender under division (D)(3)(b) of section 2929.14 of the 8280
Revised Code. 8281

(2) If the drug involved in the violation is any compound, 8282
mixture, preparation, or substance included in schedule III, IV, 8283
or V, whoever violates division (A) of this section is guilty of 8284
trafficking in drugs. The penalty for the offense shall be 8285
determined as follows: 8286

(a) Except as otherwise provided in division (C)(2)(b), (c), 8287
(d), or (e) of this section, trafficking in drugs is a felony of 8288
the fifth degree, and division (C) of section 2929.13 of the 8289
Revised Code applies in determining whether to impose a prison 8290
term on the offender. 8291

(b) Except as otherwise provided in division (C)(2)(c), (d), 8292
or (e) of this section, if the offense was committed in the 8293
vicinity of a school or in the vicinity of a juvenile, trafficking 8294
in drugs is a felony of the fourth degree, and division (C) of 8295
section 2929.13 of the Revised Code applies in determining whether 8296
to impose a prison term on the offender. 8297

(c) Except as otherwise provided in this division, if the 8298
amount of the drug involved equals or exceeds the bulk amount but 8299
is less than five times the bulk amount, trafficking in drugs is a 8300
felony of the fourth degree, and there is a presumption for a 8301

prison term for the offense. If the amount of the drug involved is 8302
within that range and if the offense was committed in the vicinity 8303
of a school or in the vicinity of a juvenile, trafficking in drugs 8304
is a felony of the third degree, and there is a presumption for a 8305
prison term for the offense. 8306

(d) Except as otherwise provided in this division, if the 8307
amount of the drug involved equals or exceeds five times the bulk 8308
amount but is less than fifty times the bulk amount, trafficking 8309
in drugs is a felony of the third degree, and there is a 8310
presumption for a prison term for the offense. If the amount of 8311
the drug involved is within that range and if the offense was 8312
committed in the vicinity of a school or in the vicinity of a 8313
juvenile, trafficking in drugs is a felony of the second degree, 8314
and there is a presumption for a prison term for the offense. 8315

(e) Except as otherwise provided in this division, if the 8316
amount of the drug involved equals or exceeds fifty times the bulk 8317
amount, trafficking in drugs is a felony of the second degree, and 8318
the court shall impose as a mandatory prison term one of the 8319
prison terms prescribed for a felony of the second degree. If the 8320
amount of the drug involved equals or exceeds fifty times the bulk 8321
amount and if the offense was committed in the vicinity of a 8322
school or in the vicinity of a juvenile, trafficking in drugs is a 8323
felony of the first degree, and the court shall impose as a 8324
mandatory prison term one of the prison terms prescribed for a 8325
felony of the first degree. 8326

(3) If the drug involved in the violation is marihuana or a 8327
compound, mixture, preparation, or substance containing marihuana 8328
other than hashish, whoever violates division (A) of this section 8329
is guilty of trafficking in marihuana. The penalty for the offense 8330
shall be determined as follows: 8331

(a) Except as otherwise provided in division (C)(3)(b), (c), 8332
(d), (e), (f), ~~or~~ (g), or (h) of this section, trafficking in 8333

marihuana is a felony of the fifth degree, and division ~~(C)~~(B) of 8334
section 2929.13 of the Revised Code applies in determining whether 8335
to impose a prison term on the offender. 8336

(b) Except as otherwise provided in division (C)(3)(c), (d), 8337
(e), (f), ~~or~~ (g), or (h) of this section, if the offense was 8338
committed in the vicinity of a school or in the vicinity of a 8339
juvenile, trafficking in marihuana is a felony of the fourth 8340
degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code 8341
applies in determining whether to impose a prison term on the 8342
offender. 8343

(c) Except as otherwise provided in this division, if the 8344
amount of the drug involved equals or exceeds two hundred grams 8345
but is less than one thousand grams, trafficking in marihuana is a 8346
felony of the fourth degree, and division ~~(C)~~(B) of section 8347
2929.13 of the Revised Code applies in determining whether to 8348
impose a prison term on the offender. If the amount of the drug 8349
involved is within that range and if the offense was committed in 8350
the vicinity of a school or in the vicinity of a juvenile, 8351
trafficking in marihuana is a felony of the third degree, and 8352
division (C) of section 2929.13 of the Revised Code applies in 8353
determining whether to impose a prison term on the offender. 8354

(d) Except as otherwise provided in this division, if the 8355
amount of the drug involved equals or exceeds one thousand grams 8356
but is less than five thousand grams, trafficking in marihuana is 8357
a felony of the third degree, and division (C) of section 2929.13 8358
of the Revised Code applies in determining whether to impose a 8359
prison term on the offender. If the amount of the drug involved is 8360
within that range and if the offense was committed in the vicinity 8361
of a school or in the vicinity of a juvenile, trafficking in 8362
marihuana is a felony of the second degree, and there is a 8363
presumption that a prison term shall be imposed for the offense. 8364

(e) Except as otherwise provided in this division, if the 8365

amount of the drug involved equals or exceeds five thousand grams 8366
but is less than twenty thousand grams, trafficking in marihuana 8367
is a felony of the third degree, and there is a presumption that a 8368
prison term shall be imposed for the offense. If the amount of the 8369
drug involved is within that range and if the offense was 8370
committed in the vicinity of a school or in the vicinity of a 8371
juvenile, trafficking in marihuana is a felony of the second 8372
degree, and there is a presumption that a prison term shall be 8373
imposed for the offense. 8374

(f) Except as otherwise provided in this division, if the 8375
amount of the drug involved equals or exceeds twenty thousand 8376
grams but is less than forty thousand grams, trafficking in 8377
marihuana is a felony of the second degree, and the court shall 8378
impose a mandatory prison term of five, six, seven, or eight 8379
years. If the amount of the drug involved is within that range and 8380
if the offense was committed in the vicinity of a school or in the 8381
vicinity of a juvenile, trafficking in marihuana is a felony of 8382
the first degree, and the court shall impose as a mandatory prison 8383
term the maximum prison term prescribed for a felony of the first 8384
degree. 8385

(g) Except as otherwise provided in this division, if the 8386
amount of the drug involved equals or exceeds forty thousand 8387
grams, trafficking in marihuana is a felony of the second degree, 8388
and the court shall impose as a mandatory prison term the maximum 8389
prison term prescribed for a felony of the second degree. If the 8390
amount of the drug involved equals or exceeds ~~twenty~~ forty 8391
thousand grams and if the offense was committed in the vicinity of 8392
a school or in the vicinity of a juvenile, trafficking in 8393
marihuana is a felony of the first degree, and the court shall 8394
impose as a mandatory prison term the maximum prison term 8395
prescribed for a felony of the first degree. 8396

~~(g)~~(h) Except as otherwise provided in this division, if the 8397

offense involves a gift of twenty grams or less of marihuana, 8398
trafficking in marihuana is a minor misdemeanor upon a first 8399
offense and a misdemeanor of the third degree upon a subsequent 8400
offense. If the offense involves a gift of twenty grams or less of 8401
marihuana and if the offense was committed in the vicinity of a 8402
school or in the vicinity of a juvenile, trafficking in marihuana 8403
is a misdemeanor of the third degree. 8404

(4) If the drug involved in the violation is cocaine or a 8405
compound, mixture, preparation, or substance containing cocaine, 8406
whoever violates division (A) of this section is guilty of 8407
trafficking in cocaine. The penalty for the offense shall be 8408
determined as follows: 8409

(a) Except as otherwise provided in division (C)(4)(b), (c), 8410
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 8411
felony of the fifth degree, and division (C) of section 2929.13 of 8412
the Revised Code applies in determining whether to impose a prison 8413
term on the offender. 8414

(b) Except as otherwise provided in division (C)(4)(c), (d), 8415
(e), (f), or (g) of this section, if the offense was committed in 8416
the vicinity of a school or in the vicinity of a juvenile, 8417
trafficking in cocaine is a felony of the fourth degree, and 8418
division (C) of section 2929.13 of the Revised Code applies in 8419
determining whether to impose a prison term on the offender. 8420

(c) Except as otherwise provided in this division, if the 8421
amount of the drug involved equals or exceeds five grams but is 8422
less than ten grams of cocaine ~~that is not crack cocaine or equals~~ 8423
~~or exceeds one gram but is less than five grams of crack cocaine,~~ 8424
trafficking in cocaine is a felony of the fourth degree, and there 8425
is a presumption for a prison term for the offense. If the amount 8426
of the drug involved is within ~~one of those ranges~~ that range and 8427
if the offense was committed in the vicinity of a school or in the 8428
vicinity of a juvenile, trafficking in cocaine is a felony of the 8429

third degree, and there is a presumption for a prison term for the offense. 8430
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds 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~~, trafficking in 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. If the amount of the drug involved is within ~~one of those ranges~~ that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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. 8432
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(e) Except as otherwise provided in this division, 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~~, trafficking in 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. If the amount of the drug involved is within ~~one of those ranges~~ that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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. 8445
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(f) 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~~ 8459
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~~twenty five grams but is less than one hundred grams of crack~~ 8462
~~cocaine~~ and regardless of whether the offense was committed in the 8463
vicinity of a school or in the vicinity of a juvenile, trafficking 8464
in cocaine is a felony of the first degree, and the court shall 8465
impose as a mandatory prison term one of the prison terms 8466
prescribed for a felony of the first degree. 8467

(g) If the amount of the drug involved equals or exceeds one 8468
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 8469
~~equals or exceeds one hundred grams of crack cocaine~~ and 8470
regardless of whether the offense was committed in the vicinity of 8471
a school or in the vicinity of a juvenile, trafficking in cocaine 8472
is a felony of the first degree, the offender is a major drug 8473
offender, and the court shall impose as a mandatory prison term 8474
the maximum prison term prescribed for a felony of the first 8475
degree and may impose an additional mandatory prison term 8476
prescribed for a major drug offender under division (D)(3)(b) of 8477
section 2929.14 of the Revised Code. 8478

(5) If the drug involved in the violation is L.S.D. or a 8479
compound, mixture, preparation, or substance containing L.S.D., 8480
whoever violates division (A) of this section is guilty of 8481
trafficking in L.S.D. The penalty for the offense shall be 8482
determined as follows: 8483

(a) Except as otherwise provided in division (C)(5)(b), (c), 8484
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 8485
felony of the fifth degree, and division (C) of section 2929.13 of 8486
the Revised Code applies in determining whether to impose a prison 8487
term on the offender. 8488

(b) Except as otherwise provided in division (C)(5)(c), (d), 8489
(e), (f), or (g) of this section, if the offense was committed in 8490
the vicinity of a school or in the vicinity of a juvenile, 8491
trafficking in L.S.D. is a felony of the fourth degree, and 8492
division (C) of section 2929.13 of the Revised Code applies in 8493

determining whether to impose a prison term on the offender. 8494

(c) Except as otherwise provided in this division, if the 8495
amount of the drug involved equals or exceeds ten unit doses but 8496
is less than fifty unit doses of L.S.D. in a solid form or equals 8497
or exceeds one gram but is less than five grams of L.S.D. in a 8498
liquid concentrate, liquid extract, or liquid distillate form, 8499
trafficking in L.S.D. is a felony of the fourth degree, and there 8500
is a presumption for a prison term for the offense. If the amount 8501
of the drug involved is within that range and if the offense was 8502
committed in the vicinity of a school or in the vicinity of a 8503
juvenile, trafficking in L.S.D. is a felony of the third degree, 8504
and there is a presumption for a prison term for the offense. 8505

(d) Except as otherwise provided in this division, if the 8506
amount of the drug involved equals or exceeds fifty unit doses but 8507
is less than two hundred fifty unit doses of L.S.D. in a solid 8508
form or equals or exceeds five grams but is less than twenty-five 8509
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 8510
distillate form, trafficking in L.S.D. is a felony of the third 8511
degree, and the court shall impose as a mandatory prison term one 8512
of the prison terms prescribed for a felony of the third degree. 8513
If the amount of the drug involved is within that range and if the 8514
offense was committed in the vicinity of a school or in the 8515
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 8516
second degree, and the court shall impose as a mandatory prison 8517
term one of the prison terms prescribed for a felony of the second 8518
degree. 8519

(e) Except as otherwise provided in this division, if the 8520
amount of the drug involved equals or exceeds two hundred fifty 8521
unit doses but is less than one thousand unit doses of L.S.D. in a 8522
solid form or equals or exceeds twenty-five grams but is less than 8523
one hundred grams of L.S.D. in a liquid concentrate, liquid 8524
extract, or liquid distillate form, trafficking in L.S.D. is a 8525

felony of the second degree, and the court shall impose as a 8526
mandatory prison term one of the prison terms prescribed for a 8527
felony of the second degree. If the amount of the drug involved is 8528
within that range and if the offense was committed in the vicinity 8529
of a school or in the vicinity of a juvenile, trafficking in 8530
L.S.D. is a felony of the first degree, and the court shall impose 8531
as a mandatory prison term one of the prison terms prescribed for 8532
a felony of the first degree. 8533

(f) If the amount of the drug involved equals or exceeds one 8534
thousand unit doses but is less than five thousand unit doses of 8535
L.S.D. in a solid form or equals or exceeds one hundred grams but 8536
is less than five hundred grams of L.S.D. in a liquid concentrate, 8537
liquid extract, or liquid distillate form and regardless of 8538
whether the offense was committed in the vicinity of a school or 8539
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 8540
of the first degree, and the court shall impose as a mandatory 8541
prison term one of the prison terms prescribed for a felony of the 8542
first degree. 8543

(g) If the amount of the drug involved equals or exceeds five 8544
thousand unit doses of L.S.D. in a solid form or equals or exceeds 8545
five hundred grams of L.S.D. in a liquid concentrate, liquid 8546
extract, or liquid distillate form and regardless of whether the 8547
offense was committed in the vicinity of a school or in the 8548
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 8549
first degree, the offender is a major drug offender, and the court 8550
shall impose as a mandatory prison term the maximum prison term 8551
prescribed for a felony of the first degree and may impose an 8552
additional mandatory prison term prescribed for a major drug 8553
offender under division (D)(3)(b) of section 2929.14 of the 8554
Revised Code. 8555

(6) If the drug involved in the violation is heroin or a 8556
compound, mixture, preparation, or substance containing heroin, 8557

whoever violates division (A) of this section is guilty of 8558
trafficking in heroin. The penalty for the offense shall be 8559
determined as follows: 8560

(a) Except as otherwise provided in division (C)(6)(b), (c), 8561
(d), (e), (f), or (g) of this section, trafficking in heroin is a 8562
felony of the fifth degree, and division (C) of section 2929.13 of 8563
the Revised Code applies in determining whether to impose a prison 8564
term on the offender. 8565

(b) Except as otherwise provided in division (C)(6)(c), (d), 8566
(e), (f), or (g) of this section, if the offense was committed in 8567
the vicinity of a school or in the vicinity of a juvenile, 8568
trafficking in heroin is a felony of the fourth degree, and 8569
division (C) of section 2929.13 of the Revised Code applies in 8570
determining whether to impose a prison term on the offender. 8571

(c) Except as otherwise provided in this division, if the 8572
amount of the drug involved equals or exceeds ten unit doses but 8573
is less than fifty unit doses or equals or exceeds one gram but is 8574
less than five grams, trafficking in heroin is a felony of the 8575
fourth degree, and there is a presumption for a prison term for 8576
the offense. If the amount of the drug involved is within that 8577
range and if the offense was committed in the vicinity of a school 8578
or in the vicinity of a juvenile, trafficking in heroin is a 8579
felony of the third degree, and there is a presumption for a 8580
prison term for the offense. 8581

(d) Except as otherwise provided in this division, if the 8582
amount of the drug involved equals or exceeds fifty unit doses but 8583
is less than one hundred unit doses or equals or exceeds five 8584
grams but is less than ten grams, trafficking in heroin is a 8585
felony of the third degree, and there is a presumption for a 8586
prison term for the offense. If the amount of the drug involved is 8587
within that range and if the offense was committed in the vicinity 8588
of a school or in the vicinity of a juvenile, trafficking in 8589

heroin is a felony of the second degree, and there is a 8590
presumption for a prison term for the offense. 8591

(e) Except as otherwise provided in this division, if the 8592
amount of the drug involved equals or exceeds one hundred unit 8593
doses but is less than five hundred unit doses or equals or 8594
exceeds ten grams but is less than fifty grams, trafficking in 8595
heroin is a felony of the second degree, and the court shall 8596
impose as a mandatory prison term one of the prison terms 8597
prescribed for a felony of the second degree. If the amount of the 8598
drug involved is within that range and if the offense was 8599
committed in the vicinity of a school or in the vicinity of a 8600
juvenile, trafficking in heroin is a felony of the first degree, 8601
and the court shall impose as a mandatory prison term one of the 8602
prison terms prescribed for a felony of the first degree. 8603

(f) If the amount of the drug involved equals or exceeds five 8604
hundred unit doses but is less than two thousand five hundred unit 8605
doses or equals or exceeds fifty grams but is less than two 8606
hundred fifty grams and regardless of whether the offense was 8607
committed in the vicinity of a school or in the vicinity of a 8608
juvenile, trafficking in heroin is a felony of the first degree, 8609
and the court shall impose as a mandatory prison term one of the 8610
prison terms prescribed for a felony of the first degree. 8611

(g) If the amount of the drug involved equals or exceeds two 8612
thousand five hundred unit doses or equals or exceeds two hundred 8613
fifty grams and regardless of whether the offense was committed in 8614
the vicinity of a school or in the vicinity of a juvenile, 8615
trafficking in heroin is a felony of the first degree, the 8616
offender is a major drug offender, and the court shall impose as a 8617
mandatory prison term the maximum prison term prescribed for a 8618
felony of the first degree and may impose an additional mandatory 8619
prison term prescribed for a major drug offender under division 8620
(D)(3)(b) of section 2929.14 of the Revised Code. 8621

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 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 hashish 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is

less than two hundred fifty grams of hashish in a solid form or 8654
equals or exceeds ten grams but is less than fifty grams of 8655
hashish in a liquid concentrate, liquid extract, or liquid 8656
distillate form, trafficking in hashish is a felony of the third 8657
degree, and division (C) of section 2929.13 of the Revised Code 8658
applies in determining whether to impose a prison term on the 8659
offender. If the amount of the drug involved is within that range 8660
and if the offense was committed in the vicinity of a school or in 8661
the vicinity of a juvenile, trafficking in hashish is a felony of 8662
the second degree, and there is a presumption that a prison term 8663
shall be imposed for the offense. 8664

(e) Except as otherwise provided in this division, if the 8665
amount of the drug involved equals or exceeds two hundred fifty 8666
grams but is less than one thousand grams of hashish in a solid 8667
form or equals or exceeds fifty grams but is less than two hundred 8668
grams of hashish in a liquid concentrate, liquid extract, or 8669
liquid distillate form, trafficking in hashish is a felony of the 8670
third degree, and there is a presumption that a prison term shall 8671
be imposed for the offense. If the amount of the drug involved is 8672
within that range and if the offense was committed in the vicinity 8673
of a school or in the vicinity of a juvenile, trafficking in 8674
hashish is a felony of the second degree, and there is a 8675
presumption that a prison term shall be imposed for the offense. 8676

(f) Except as otherwise provided in this division, if the 8677
amount of the drug involved equals or exceeds one thousand grams 8678
but is less than two thousand grams of hashish in a solid form or 8679
equals or exceeds two hundred grams but is less than four hundred 8680
grams of hashish in a liquid concentrate, liquid extract, or 8681
liquid distillate form trafficking in hashish is a felony of the 8682
second degree, and the court shall impose a mandatory prison term 8683
of five, six, seven, or eight years. If the amount of the drug 8684
involved is within that range and if the offense was committed in 8685

the vicinity of a school or in the vicinity of a juvenile, 8686
trafficking in hashish is a felony of the first degree, and the 8687
court shall impose as a mandatory prison term the maximum prison 8688
term prescribed for a felony of the first degree. 8689

(g) Except as otherwise provided in this division, if the 8690
amount of the drug involved equals or exceeds two thousand grams 8691
of hashish in a solid form or equals or exceeds four hundred grams 8692
of hashish in a liquid concentrate, liquid extract, or liquid 8693
distillate form, trafficking in hashish is a felony of the second 8694
degree, and the court shall impose as a mandatory prison term the 8695
maximum prison term prescribed for a felony of the second degree. 8696
If the amount of the drug involved ~~is within that range~~ equals or 8697
exceeds two thousand grams of hashish in a solid form or equals or 8698
exceeds four hundred grams of hashish in a liquid concentrate, 8699
liquid extract, or liquid distillate form and if the offense was 8700
committed in the vicinity of a school or in the vicinity of a 8701
juvenile, trafficking in hashish is a felony of the first degree, 8702
and the court shall impose as a mandatory prison term the maximum 8703
prison term prescribed for a felony of the first degree. 8704

(D) In addition to any prison term authorized or required by 8705
division (C) of this section and sections 2929.13 and 2929.14 of 8706
the Revised Code, and in addition to any other sanction imposed 8707
for the offense under this section or sections 2929.11 to 2929.18 8708
of the Revised Code, the court that sentences an offender who is 8709
convicted of or pleads guilty to a violation of division (A) of 8710
this section shall do all of the following that are applicable 8711
regarding the offender: 8712

(1) If the violation of division (A) of this section is a 8713
felony of the first, second, or third degree, the court shall 8714
impose upon the offender the mandatory fine specified for the 8715
offense under division (B)(1) of section 2929.18 of the Revised 8716
Code unless, as specified in that division, the court determines 8717

that the offender is indigent. Except as otherwise provided in 8718
division (H)(1) of this section, a mandatory fine or any other 8719
fine imposed for a violation of this section is subject to 8720
division (F) of this section. If a person is charged with a 8721
violation of this section that is a felony of the first, second, 8722
or third degree, posts bail, and forfeits the bail, the clerk of 8723
the court shall pay the forfeited bail pursuant to divisions 8724
(D)(1) and (F) of this section, as if the forfeited bail was a 8725
fine imposed for a violation of this section. If any amount of the 8726
forfeited bail remains after that payment and if a fine is imposed 8727
under division (H)(1) of this section, the clerk of the court 8728
shall pay the remaining amount of the forfeited bail pursuant to 8729
divisions (H)(2) and (3) of this section, as if that remaining 8730
amount was a fine imposed under division (H)(1) of this section. 8731

(2) The court shall suspend the driver's or commercial 8732
driver's license or permit of the offender in accordance with 8733
division (G) of this section. 8734

(3) If the offender is a professionally licensed person, the 8735
court immediately shall comply with section 2925.38 of the Revised 8736
Code. 8737

(E) When a person is charged with the sale of or offer to 8738
sell a bulk amount or a multiple of a bulk amount of a controlled 8739
substance, the jury, or the court trying the accused, shall 8740
determine the amount of the controlled substance involved at the 8741
time of the offense and, if a guilty verdict is returned, shall 8742
return the findings as part of the verdict. In any such case, it 8743
is unnecessary to find and return the exact amount of the 8744
controlled substance involved, and it is sufficient if the finding 8745
and return is to the effect that the amount of the controlled 8746
substance involved is the requisite amount, or that the amount of 8747
the controlled substance involved is less than the requisite 8748
amount. 8749

(F)(1) Notwithstanding any contrary provision of section 8750
3719.21 of the Revised Code and except as provided in division (H) 8751
of this section, the clerk of the court shall pay any mandatory 8752
fine imposed pursuant to division (D)(1) of this section and any 8753
fine other than a mandatory fine that is imposed for a violation 8754
of this section pursuant to division (A) or (B)(5) of section 8755
2929.18 of the Revised Code to the county, township, municipal 8756
corporation, park district, as created pursuant to section 511.18 8757
or 1545.04 of the Revised Code, or state law enforcement agencies 8758
in this state that primarily were responsible for or involved in 8759
making the arrest of, and in prosecuting, the offender. However, 8760
the clerk shall not pay a mandatory fine so imposed to a law 8761
enforcement agency unless the agency has adopted a written 8762
internal control policy under division (F)(2) of this section that 8763
addresses the use of the fine moneys that it receives. Each agency 8764
shall use the mandatory fines so paid to subsidize the agency's 8765
law enforcement efforts that pertain to drug offenses, in 8766
accordance with the written internal control policy adopted by the 8767
recipient agency under division (F)(2) of this section. 8768

(2)(a) Prior to receiving any fine moneys under division 8769
(F)(1) of this section or division (B) of section 2925.42 of the 8770
Revised Code, a law enforcement agency shall adopt a written 8771
internal control policy that addresses the agency's use and 8772
disposition of all fine moneys so received and that provides for 8773
the keeping of detailed financial records of the receipts of those 8774
fine moneys, the general types of expenditures made out of those 8775
fine moneys, and the specific amount of each general type of 8776
expenditure. The policy shall not provide for or permit the 8777
identification of any specific expenditure that is made in an 8778
ongoing investigation. All financial records of the receipts of 8779
those fine moneys, the general types of expenditures made out of 8780
those fine moneys, and the specific amount of each general type of 8781
expenditure by an agency are public records open for inspection 8782

under section 149.43 of the Revised Code. Additionally, a written 8783
internal control policy adopted under this division is such a 8784
public record, and the agency that adopted it shall comply with 8785
it. 8786

(b) Each law enforcement agency that receives in any calendar 8787
year any fine moneys under division (F)(1) of this section or 8788
division (B) of section 2925.42 of the Revised Code shall prepare 8789
a report covering the calendar year that cumulates all of the 8790
information contained in all of the public financial records kept 8791
by the agency pursuant to division (F)(2)(a) of this section for 8792
that calendar year, and shall send a copy of the cumulative 8793
report, no later than the first day of March in the calendar year 8794
following the calendar year covered by the report, to the attorney 8795
general. Each report received by the attorney general is a public 8796
record open for inspection under section 149.43 of the Revised 8797
Code. Not later than the fifteenth day of April in the calendar 8798
year in which the reports are received, the attorney general shall 8799
send to the president of the senate and the speaker of the house 8800
of representatives a written notification that does all of the 8801
following: 8802

(i) Indicates that the attorney general has received from law 8803
enforcement agencies reports of the type described in this 8804
division that cover the previous calendar year and indicates that 8805
the reports were received under this division; 8806

(ii) Indicates that the reports are open for inspection under 8807
section 149.43 of the Revised Code; 8808

(iii) Indicates that the attorney general will provide a copy 8809
of any or all of the reports to the president of the senate or the 8810
speaker of the house of representatives upon request. 8811

(3) As used in division (F) of this section: 8812

(a) "Law enforcement agencies" includes, but is not limited 8813

to, the state board of pharmacy and the office of a prosecutor. 8814

(b) "Prosecutor" has the same meaning as in section 2935.01 8815
of the Revised Code. 8816

(G) When required under division (D)(2) of this section or 8817
any other provision of this chapter, the court shall suspend for 8818
not less than six months or more than five years the driver's or 8819
commercial driver's license or permit of any person who is 8820
convicted of or pleads guilty to any violation of this section or 8821
any other specified provision of this chapter. If an offender's 8822
driver's or commercial driver's license or permit is suspended 8823
pursuant to this division, the offender, at any time after the 8824
expiration of two years from the day on which the offender's 8825
sentence was imposed or from the day on which the offender finally 8826
was released from a prison term under the sentence, whichever is 8827
later, may file a motion with the sentencing court requesting 8828
termination of the suspension; upon the filing of such a motion 8829
and the court's finding of good cause for the termination, the 8830
court may terminate the suspension. 8831

(H)(1) In addition to any prison term authorized or required 8832
by division (C) of this section and sections 2929.13 and 2929.14 8833
of the Revised Code, in addition to any other penalty or sanction 8834
imposed for the offense under this section or sections 2929.11 to 8835
2929.18 of the Revised Code, and in addition to the forfeiture of 8836
property in connection with the offense as prescribed in Chapter 8837
2981. of the Revised Code, the court that sentences an offender 8838
who is convicted of or pleads guilty to a violation of division 8839
(A) of this section may impose upon the offender an additional 8840
fine specified for the offense in division (B)(4) of section 8841
2929.18 of the Revised Code. A fine imposed under division (H)(1) 8842
of this section is not subject to division (F) of this section and 8843
shall be used solely for the support of one or more eligible 8844
alcohol and drug addiction programs in accordance with divisions 8845

(H)(2) and (3) of this section. 8846

(2) The court that imposes a fine under division (H)(1) of 8847
this section shall specify in the judgment that imposes the fine 8848
one or more eligible alcohol and drug addiction programs for the 8849
support of which the fine money is to be used. No alcohol and drug 8850
addiction program shall receive or use money paid or collected in 8851
satisfaction of a fine imposed under division (H)(1) of this 8852
section unless the program is specified in the judgment that 8853
imposes the fine. No alcohol and drug addiction program shall be 8854
specified in the judgment unless the program is an eligible 8855
alcohol and drug addiction program and, except as otherwise 8856
provided in division (H)(2) of this section, unless the program is 8857
located in the county in which the court that imposes the fine is 8858
located or in a county that is immediately contiguous to the 8859
county in which that court is located. If no eligible alcohol and 8860
drug addiction program is located in any of those counties, the 8861
judgment may specify an eligible alcohol and drug addiction 8862
program that is located anywhere within this state. 8863

(3) Notwithstanding any contrary provision of section 3719.21 8864
of the Revised Code, the clerk of the court shall pay any fine 8865
imposed under division (H)(1) of this section to the eligible 8866
alcohol and drug addiction program specified pursuant to division 8867
(H)(2) of this section in the judgment. The eligible alcohol and 8868
drug addiction program that receives the fine moneys shall use the 8869
moneys only for the alcohol and drug addiction services identified 8870
in the application for certification under section 3793.06 of the 8871
Revised Code or in the application for a license under section 8872
3793.11 of the Revised Code filed with the department of alcohol 8873
and drug addiction services by the alcohol and drug addiction 8874
program specified in the judgment. 8875

(4) Each alcohol and drug addiction program that receives in 8876
a calendar year any fine moneys under division (H)(3) of this 8877

section shall file an annual report covering that calendar year 8878
with the court of common pleas and the board of county 8879
commissioners of the county in which the program is located, with 8880
the court of common pleas and the board of county commissioners of 8881
each county from which the program received the moneys if that 8882
county is different from the county in which the program is 8883
located, and with the attorney general. The alcohol and drug 8884
addiction program shall file the report no later than the first 8885
day of March in the calendar year following the calendar year in 8886
which the program received the fine moneys. The report shall 8887
include statistics on the number of persons served by the alcohol 8888
and drug addiction program, identify the types of alcohol and drug 8889
addiction services provided to those persons, and include a 8890
specific accounting of the purposes for which the fine moneys 8891
received were used. No information contained in the report shall 8892
identify, or enable a person to determine the identity of, any 8893
person served by the alcohol and drug addiction program. Each 8894
report received by a court of common pleas, a board of county 8895
commissioners, or the attorney general is a public record open for 8896
inspection under section 149.43 of the Revised Code. 8897

(5) As used in divisions (H)(1) to (5) of this section: 8898

(a) "Alcohol and drug addiction program" and "alcohol and 8899
drug addiction services" have the same meanings as in section 8900
3793.01 of the Revised Code. 8901

(b) "Eligible alcohol and drug addiction program" means an 8902
alcohol and drug addiction program that is certified under section 8903
3793.06 of the Revised Code or licensed under section 3793.11 of 8904
the Revised Code by the department of alcohol and drug addiction 8905
services. 8906

(I) As used in this section, "drug" includes any substance 8907
that is represented to be a drug. 8908

Sec. 2925.05. (A) No person shall knowingly provide money or 8909
other items of value to another person with the purpose that the 8910
recipient of the money or items of value use them to obtain any 8911
controlled substance for the purpose of violating section 2925.04 8912
of the Revised Code or for the purpose of selling or offering to 8913
sell the controlled substance in the following amount: 8914

(1) If the drug to be sold or offered for sale is any 8915
compound, mixture, preparation, or substance included in schedule 8916
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 8917
and hashish, or schedule III, IV, or V, an amount of the drug that 8918
equals or exceeds the bulk amount of the drug; 8919

(2) If the drug to be sold or offered for sale is marihuana 8920
or a compound, mixture, preparation, or substance other than 8921
hashish containing marihuana, an amount of the marihuana that 8922
equals or exceeds two hundred grams; 8923

(3) If the drug to be sold or offered for sale is cocaine or 8924
a compound, mixture, preparation, or substance containing cocaine, 8925
an amount of the cocaine that equals or exceeds five grams ~~if the~~ 8926
~~cocaine is not crack cocaine or equals or exceeds one gram if the~~ 8927
~~cocaine is crack cocaine;~~ 8928

(4) If the drug to be sold or offered for sale is L.S.D. or a 8929
compound, mixture, preparation, or substance containing L.S.D., an 8930
amount of the L.S.D. that equals or exceeds ten unit doses if the 8931
L.S.D. is in a solid form or equals or exceeds one gram if the 8932
L.S.D. is in a liquid concentrate, liquid extract, or liquid 8933
distillate form; 8934

(5) If the drug to be sold or offered for sale is heroin or a 8935
compound, mixture, preparation, or substance containing heroin, an 8936
amount of the heroin that equals or exceeds ten unit doses or 8937
equals or exceeds one gram; 8938

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

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

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

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

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

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction

imposed for the offense under this section or sections 2929.11 to 8970
2929.18 of the Revised Code, the court that sentences an offender 8971
who is convicted of or pleads guilty to a violation of division 8972
(A) of this section shall do all of the following that are 8973
applicable regarding the offender: 8974

(1) The court shall impose the mandatory fine specified for 8975
the offense under division (B)(1) of section 2929.18 of the 8976
Revised Code unless, as specified in that division, the court 8977
determines that the offender is indigent. The clerk of the court 8978
shall pay a mandatory fine or other fine imposed for a violation 8979
of this section pursuant to division (A) of section 2929.18 of the 8980
Revised Code in accordance with and subject to the requirements of 8981
division (F) of section 2925.03 of the Revised Code. The agency 8982
that receives the fine shall use the fine in accordance with 8983
division (F) of section 2925.03 of the Revised Code. If a person 8984
is charged with a violation of this section, posts bail, and 8985
forfeits the bail, the forfeited bail shall be paid as if the 8986
forfeited bail were a fine imposed for a violation of this 8987
section. 8988

(2) The court shall suspend the offender's driver's or 8989
commercial driver's license or permit in accordance with division 8990
(G) of section 2925.03 of the Revised Code. If an offender's 8991
driver's or commercial driver's license or permit is suspended in 8992
accordance with that division, the offender may request 8993
termination of, and the court may terminate, the suspension in 8994
accordance with that division. 8995

(3) If the offender is a professionally licensed person, the 8996
court immediately shall comply with section 2925.38 of the Revised 8997
Code. 8998

(E) Notwithstanding the prison term otherwise authorized or 8999
required for the offense under division (C) of this section and 9000
sections 2929.13 and 2929.14 of the Revised Code, if the violation 9001

of division (A) of this section involves the sale, offer to sell, 9002
or possession of a schedule I or II controlled substance, with the 9003
exception of marihuana, and if the court imposing sentence upon 9004
the offender finds that the offender as a result of the violation 9005
is a major drug offender and is guilty of a specification of the 9006
type described in section 2941.1410 of the Revised Code, the 9007
court, in lieu of the prison term otherwise authorized or 9008
required, shall impose upon the offender the mandatory prison term 9009
specified in division (D)(3)(a) of section 2929.14 of the Revised 9010
Code and may impose an additional prison term under division 9011
(D)(3)(b) of that section. 9012

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 9013
or use a controlled substance. 9014

(B) This section does not apply to any of the following: 9015

(1) Manufacturers, licensed health professionals authorized 9016
to prescribe drugs, pharmacists, owners of pharmacies, and other 9017
persons whose conduct was in accordance with Chapters 3719., 9018
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 9019

(2) If the offense involves an anabolic steroid, any person 9020
who is conducting or participating in a research project involving 9021
the use of an anabolic steroid if the project has been approved by 9022
the United States food and drug administration; 9023

(3) Any person who sells, offers for sale, prescribes, 9024
dispenses, or administers for livestock or other nonhuman species 9025
an anabolic steroid that is expressly intended for administration 9026
through implants to livestock or other nonhuman species and 9027
approved for that purpose under the "Federal Food, Drug, and 9028
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 9029
and is sold, offered for sale, prescribed, dispensed, or 9030
administered for that purpose in accordance with that act; 9031

(4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs. 9032
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(C) Whoever violates division (A) of this section is guilty of one of the following: 9035
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(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows: 9037
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(a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs 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. 9043
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(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. 9048
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(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, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 9052
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(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 9057
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(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) 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.

(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana 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

forty thousand grams, possession of marihuana is a felony of the 9125
second degree, and the court shall impose as a mandatory prison 9126
term the maximum prison term prescribed for a felony of the second 9127
degree. 9128

(4) If the drug involved in the violation is cocaine or a 9129
compound, mixture, preparation, or substance containing cocaine, 9130
whoever violates division (A) of this section is guilty of 9131
possession of cocaine. The penalty for the offense shall be 9132
determined as follows: 9133

(a) Except as otherwise provided in division (C)(4)(b), (c), 9134
(d), (e), or (f) of this section, possession of cocaine is a 9135
felony of the fifth degree, and division (B) of section 2929.13 of 9136
the Revised Code applies in determining whether to impose a prison 9137
term on the offender. 9138

(b) If the amount of the drug involved equals or exceeds five 9139
grams but is less than ~~twenty five~~ ten grams of cocaine ~~that is~~ 9140
~~not crack cocaine or equals or exceeds one gram but is less than~~ 9141
~~five grams of crack cocaine~~, possession of cocaine is a felony of 9142
the fourth degree, and ~~there is a presumption for a prison term~~ 9143
for the offense division (B) of section 2929.13 of the Revised 9144
Code applies in determining whether to impose a prison term on the 9145
offender. 9146

(c) If the amount of the drug involved equals or exceeds 9147
~~twenty five~~ ten grams but is less than ~~one hundred~~ twenty grams of 9148
cocaine ~~that is not crack cocaine or equals or exceeds five grams~~ 9149
~~but is less than ten grams of crack cocaine~~, possession of cocaine 9150
is a felony of the third degree, and the court shall impose as a 9151
mandatory prison term one of the prison terms prescribed for a 9152
felony of the third degree. 9153

(d) If the amount of the drug involved equals or exceeds ~~one~~ 9154
~~hundred~~ twenty grams but is less than ~~five hundred~~ twenty-seven 9155

grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 9156
~~ten grams but is less than twenty five grams of crack cocaine,~~ 9157
possession of cocaine is a felony of the second degree, and the 9158
court shall impose as a mandatory prison term one of the prison 9159
terms prescribed for a felony of the second degree. 9160

(e) If the amount of the drug involved equals or exceeds ~~five~~ 9161
~~hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred 9162
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 9163
~~twenty five grams but is less than one hundred grams of crack~~ 9164
~~cocaine,~~ possession of cocaine is a felony of the first degree, 9165
and the court shall impose as a mandatory prison term one of the 9166
prison terms prescribed for a felony of the first degree. 9167

(f) If the amount of the drug involved equals or exceeds one 9168
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 9169
~~equals or exceeds one hundred grams of crack cocaine,~~ possession 9170
of cocaine is a felony of the first degree, the offender is a 9171
major drug offender, and the court shall impose as a mandatory 9172
prison term the maximum prison term prescribed for a felony of the 9173
first degree and may impose an additional mandatory prison term 9174
prescribed for a major drug offender under division (D)(3)(b) of 9175
section 2929.14 of the Revised Code. 9176

(5) If the drug involved in the violation is L.S.D., whoever 9177
violates division (A) of this section is guilty of possession of 9178
L.S.D. The penalty for the offense shall be determined as follows: 9179

(a) Except as otherwise provided in division (C)(5)(b), (c), 9180
(d), (e), or (f) of this section, possession of L.S.D. is a felony 9181
of the fifth degree, and division (B) of section 2929.13 of the 9182
Revised Code applies in determining whether to impose a prison 9183
term on the offender. 9184

(b) If the amount of L.S.D. involved equals or exceeds ten 9185
unit doses but is less than fifty unit doses of L.S.D. in a solid 9186

form or equals or exceeds one gram but is less than five grams of 9187
L.S.D. in a liquid concentrate, liquid extract, or liquid 9188
distillate form, possession of L.S.D. is a felony of the fourth 9189
degree, and division (C) of section 2929.13 of the Revised Code 9190
applies in determining whether to impose a prison term on the 9191
offender. 9192

(c) If the amount of L.S.D. involved equals or exceeds fifty 9193
unit doses, but is less than two hundred fifty unit doses of 9194
L.S.D. in a solid form or equals or exceeds five grams but is less 9195
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 9196
extract, or liquid distillate form, possession of L.S.D. is a 9197
felony of the third degree, and there is a presumption for a 9198
prison term for the offense. 9199

(d) If the amount of L.S.D. involved equals or exceeds two 9200
hundred fifty unit doses but is less than one thousand unit doses 9201
of L.S.D. in a solid form or equals or exceeds twenty-five grams 9202
but is less than one hundred grams of L.S.D. in a liquid 9203
concentrate, liquid extract, or liquid distillate form, possession 9204
of L.S.D. is a felony of the second degree, and the court shall 9205
impose as a mandatory prison term one of the prison terms 9206
prescribed for a felony of the second degree. 9207

(e) If the amount of L.S.D. involved equals or exceeds one 9208
thousand unit doses but is less than five thousand unit doses of 9209
L.S.D. in a solid form or equals or exceeds one hundred grams but 9210
is less than five hundred grams of L.S.D. in a liquid concentrate, 9211
liquid extract, or liquid distillate form, possession of L.S.D. is 9212
a felony of the first degree, and the court shall impose as a 9213
mandatory prison term one of the prison terms prescribed for a 9214
felony of the first degree. 9215

(f) If the amount of L.S.D. involved equals or exceeds five 9216
thousand unit doses of L.S.D. in a solid form or equals or exceeds 9217
five hundred grams of L.S.D. in a liquid concentrate, liquid 9218

extract, or liquid distillate form, possession of L.S.D. is a 9219
felony of the first degree, the offender is a major drug offender, 9220
and the court shall impose as a mandatory prison term the maximum 9221
prison term prescribed for a felony of the first degree and may 9222
impose an additional mandatory prison term prescribed for a major 9223
drug offender under division (D)(3)(b) of section 2929.14 of the 9224
Revised Code. 9225

(6) If the drug involved in the violation is heroin or a 9226
compound, mixture, preparation, or substance containing heroin, 9227
whoever violates division (A) of this section is guilty of 9228
possession of heroin. The penalty for the offense shall be 9229
determined as follows: 9230

(a) Except as otherwise provided in division (C)(6)(b), (c), 9231
(d), (e), or (f) of this section, possession of heroin is a felony 9232
of the fifth degree, and division (B) of section 2929.13 of the 9233
Revised Code applies in determining whether to impose a prison 9234
term on the offender. 9235

(b) If the amount of the drug involved equals or exceeds ten 9236
unit doses but is less than fifty unit doses or equals or exceeds 9237
one gram but is less than five grams, possession of heroin is a 9238
felony of the fourth degree, and division (C) of section 2929.13 9239
of the Revised Code applies in determining whether to impose a 9240
prison term on the offender. 9241

(c) If the amount of the drug involved equals or exceeds 9242
fifty unit doses but is less than one hundred unit doses or equals 9243
or exceeds five grams but is less than ten grams, possession of 9244
heroin is a felony of the third degree, and there is a presumption 9245
for a prison term for the offense. 9246

(d) If the amount of the drug involved equals or exceeds one 9247
hundred unit doses but is less than five hundred unit doses or 9248
equals or exceeds ten grams but is less than fifty grams, 9249

possession of heroin is a felony of the second degree, and the 9250
court shall impose as a mandatory prison term one of the prison 9251
terms prescribed for a felony of the second degree. 9252

(e) If the amount of the drug involved equals or exceeds five 9253
hundred unit doses but is less than two thousand five hundred unit 9254
doses or equals or exceeds fifty grams but is less than two 9255
hundred fifty grams, possession of heroin is a felony of the first 9256
degree, and the court shall impose as a mandatory prison term one 9257
of the prison terms prescribed for a felony of the first degree. 9258

(f) If the amount of the drug involved equals or exceeds two 9259
thousand five hundred unit doses or equals or exceeds two hundred 9260
fifty grams, possession of heroin is a felony of the first degree, 9261
the offender is a major drug offender, and the court shall impose 9262
as a mandatory prison term the maximum prison term prescribed for 9263
a felony of the first degree and may impose an additional 9264
mandatory prison term prescribed for a major drug offender under 9265
division (D)(3)(b) of section 2929.14 of the Revised Code. 9266

(7) If the drug involved in the violation is hashish or a 9267
compound, mixture, preparation, or substance containing hashish, 9268
whoever violates division (A) of this section is guilty of 9269
possession of hashish. The penalty for the offense shall be 9270
determined as follows: 9271

(a) Except as otherwise provided in division (C)(7)(b), (c), 9272
(d), (e), ~~or (f)~~, or (g) of this section, possession of hashish is 9273
a minor misdemeanor. 9274

(b) If the amount of the drug involved equals or exceeds five 9275
grams but is less than ten grams of hashish in a solid form or 9276
equals or exceeds one gram but is less than two grams of hashish 9277
in a liquid concentrate, liquid extract, or liquid distillate 9278
form, possession of hashish is a misdemeanor of the fourth degree. 9279

(c) If the amount of the drug involved equals or exceeds ten 9280

grams but is less than fifty grams of hashish in a solid form or 9281
equals or exceeds two grams but is less than ten grams of hashish 9282
in a liquid concentrate, liquid extract, or liquid distillate 9283
form, possession of hashish is a felony of the fifth degree, and 9284
division (B) of section 2929.13 of the Revised Code applies in 9285
determining whether to impose a prison term on the offender. 9286

(d) If the amount of the drug involved equals or exceeds 9287
fifty grams but is less than two hundred fifty grams of hashish in 9288
a solid form or equals or exceeds ten grams but is less than fifty 9289
grams of hashish in a liquid concentrate, liquid extract, or 9290
liquid distillate form, possession of hashish is a felony of the 9291
third degree, and division (C) of section 2929.13 of the Revised 9292
Code applies in determining whether to impose a prison term on the 9293
offender. 9294

(e) If the amount of the drug involved equals or exceeds two 9295
hundred fifty grams but is less than one thousand grams of hashish 9296
in a solid form or equals or exceeds fifty grams but is less than 9297
two hundred grams of hashish in a liquid concentrate, liquid 9298
extract, or liquid distillate form, possession of hashish is a 9299
felony of the third degree, and there is a presumption that a 9300
prison term shall be imposed for the offense. 9301

(f) If the amount of the drug involved equals or exceeds one 9302
thousand grams but is less than two thousand grams of hashish in a 9303
solid form or equals or exceeds two hundred grams but is less than 9304
four hundred grams of hashish in a liquid concentrate, liquid 9305
extract, or liquid distillate form, possession of hashish is a 9306
felony of the second degree, and the court shall impose a 9307
mandatory prison term of five, six, seven, or eight years. 9308

(g) If the amount of the drug involved equals or exceeds two 9309
thousand grams of hashish in a solid form or equals or exceeds 9310
four hundred grams of hashish in a liquid concentrate, liquid 9311
extract, or liquid distillate form, possession of hashish is a 9312

felony of the second degree, and the court shall impose as a 9313
mandatory prison term the maximum prison term prescribed for a 9314
felony of the second degree. 9315

(D) Arrest or conviction for a minor misdemeanor violation of 9316
this section does not constitute a criminal record and need not be 9317
reported by the person so arrested or convicted in response to any 9318
inquiries about the person's criminal record, including any 9319
inquiries contained in any application for employment, license, or 9320
other right or privilege, or made in connection with the person's 9321
appearance as a witness. 9322

(E) In addition to any prison term or jail term authorized or 9323
required by division (C) of this section and sections 2929.13, 9324
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 9325
addition to any other sanction that is imposed for the offense 9326
under this section, sections 2929.11 to 2929.18, or sections 9327
2929.21 to 2929.28 of the Revised Code, the court that sentences 9328
an offender who is convicted of or pleads guilty to a violation of 9329
division (A) of this section shall do all of the following that 9330
are applicable regarding the offender: 9331

(1)(a) If the violation is a felony of the first, second, or 9332
third degree, the court shall impose upon the offender the 9333
mandatory fine specified for the offense under division (B)(1) of 9334
section 2929.18 of the Revised Code unless, as specified in that 9335
division, the court determines that the offender is indigent. 9336

(b) Notwithstanding any contrary provision of section 3719.21 9337
of the Revised Code, the clerk of the court shall pay a mandatory 9338
fine or other fine imposed for a violation of this section 9339
pursuant to division (A) of section 2929.18 of the Revised Code in 9340
accordance with and subject to the requirements of division (F) of 9341
section 2925.03 of the Revised Code. The agency that receives the 9342
fine shall use the fine as specified in division (F) of section 9343
2925.03 of the Revised Code. 9344

(c) If a person is charged with a violation of this section 9345
that is a felony of the first, second, or third degree, posts 9346
bail, and forfeits the bail, the clerk shall pay the forfeited 9347
bail pursuant to division (E)(1)(b) of this section as if it were 9348
a mandatory fine imposed under division (E)(1)(a) of this section. 9349

(2) The court shall suspend for not less than six months or 9350
more than five years the offender's driver's or commercial 9351
driver's license or permit. 9352

(3) If the offender is a professionally licensed person, in 9353
addition to any other sanction imposed for a violation of this 9354
section, the court immediately shall comply with section 2925.38 9355
of the Revised Code. 9356

(F) It is an affirmative defense, as provided in section 9357
2901.05 of the Revised Code, to a charge of a fourth degree felony 9358
violation under this section that the controlled substance that 9359
gave rise to the charge is in an amount, is in a form, is 9360
prepared, compounded, or mixed with substances that are not 9361
controlled substances in a manner, or is possessed under any other 9362
circumstances, that indicate that the substance was possessed 9363
solely for personal use. Notwithstanding any contrary provision of 9364
this section, if, in accordance with section 2901.05 of the 9365
Revised Code, an accused who is charged with a fourth degree 9366
felony violation of division (C)(2), (4), (5), or (6) of this 9367
section sustains the burden of going forward with evidence of and 9368
establishes by a preponderance of the evidence the affirmative 9369
defense described in this division, the accused may be prosecuted 9370
for and may plead guilty to or be convicted of a misdemeanor 9371
violation of division (C)(2) of this section or a fifth degree 9372
felony violation of division (C)(4), (5), or (6) of this section 9373
respectively. 9374

(G) When a person is charged with possessing a bulk amount or 9375
multiple of a bulk amount, division (E) of section 2925.03 of the 9376

Revised Code applies regarding the determination of the amount of 9377
the controlled substance involved at the time of the offense. 9378

Sec. 2929.01. As used in this chapter: 9379

(A)(1) "Alternative residential facility" means, subject to 9380
division (A)(2) of this section, any facility other than an 9381
offender's home or residence in which an offender is assigned to 9382
live and that satisfies all of the following criteria: 9383

(a) It provides programs through which the offender may seek 9384
or maintain employment or may receive education, training, 9385
treatment, or habilitation. 9386

(b) It has received the appropriate license or certificate 9387
for any specialized education, training, treatment, habilitation, 9388
or other service that it provides from the government agency that 9389
is responsible for licensing or certifying that type of education, 9390
training, treatment, habilitation, or service. 9391

(2) "Alternative residential facility" does not include a 9392
community-based correctional facility, jail, halfway house, or 9393
prison. 9394

(B) "Basic probation supervision" means a requirement that 9395
the offender maintain contact with a person appointed to supervise 9396
the offender in accordance with sanctions imposed by the court or 9397
imposed by the parole board pursuant to section 2967.28 of the 9398
Revised Code. "Basic probation supervision" includes basic parole 9399
supervision and basic post-release control supervision. 9400

(C) "Cocaine," ~~"crack cocaine,"~~ "hashish," "L.S.D.," and 9401
"unit dose" have the same meanings as in section 2925.01 of the 9402
Revised Code. 9403

(D) "Community-based correctional facility" means a 9404
community-based correctional facility and program or district 9405
community-based correctional facility and program developed 9406

pursuant to sections 2301.51 to 2301.58 of the Revised Code. 9407

(E) "Community control sanction" means a sanction that is not 9408
a prison term and that is described in section 2929.15, 2929.16, 9409
2929.17, or 2929.18 of the Revised Code or a sanction that is not 9410
a jail term and that is described in section 2929.26, 2929.27, or 9411
2929.28 of the Revised Code. "Community control sanction" includes 9412
probation if the sentence involved was imposed for a felony that 9413
was committed prior to July 1, 1996, or if the sentence involved 9414
was imposed for a misdemeanor that was committed prior to January 9415
1, 2004. 9416

(F) "Controlled substance," "marihuana," "schedule I," and 9417
"schedule II" have the same meanings as in section 3719.01 of the 9418
Revised Code. 9419

(G) "Curfew" means a requirement that an offender during a 9420
specified period of time be at a designated place. 9421

(H) "Day reporting" means a sanction pursuant to which an 9422
offender is required each day to report to and leave a center or 9423
other approved reporting location at specified times in order to 9424
participate in work, education or training, treatment, and other 9425
approved programs at the center or outside the center. 9426

(I) "Deadly weapon" has the same meaning as in section 9427
2923.11 of the Revised Code. 9428

(J) "Drug and alcohol use monitoring" means a program under 9429
which an offender agrees to submit to random chemical analysis of 9430
the offender's blood, breath, or urine to determine whether the 9431
offender has ingested any alcohol or other drugs. 9432

(K) "Drug treatment program" means any program under which a 9433
person undergoes assessment and treatment designed to reduce or 9434
completely eliminate the person's physical or emotional reliance 9435
upon alcohol, another drug, or alcohol and another drug and under 9436
which the person may be required to receive assessment and 9437

treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

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

(O) "Halfway house" means a facility licensed by the division of parole and community services of the department of 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. 9469

(2) The offender is required to report periodically to a 9470
person designated by the court or parole board. 9471

(3) The offender is subject to any other restrictions and 9472
requirements that may be imposed by the sentencing court or by the 9473
parole board. 9474

(Q) "Intensive probation supervision" means a requirement 9475
that an offender maintain frequent contact with a person appointed 9476
by the court, or by the parole board pursuant to section 2967.28 9477
of the Revised Code, to supervise the offender while the offender 9478
is seeking or maintaining necessary employment and participating 9479
in training, education, and treatment programs as required in the 9480
court's or parole board's order. "Intensive probation supervision" 9481
includes intensive parole supervision and intensive post-release 9482
control supervision. 9483

(R) "Jail" means a jail, workhouse, minimum security jail, or 9484
other residential facility used for the confinement of alleged or 9485
convicted offenders that is operated by a political subdivision or 9486
a combination of political subdivisions of this state. 9487

(S) "Jail term" means the term in a jail that a sentencing 9488
court imposes or is authorized to impose pursuant to section 9489
2929.24 or 2929.25 of the Revised Code or pursuant to any other 9490
provision of the Revised Code that authorizes a term in a jail for 9491
a misdemeanor conviction. 9492

(T) "Mandatory jail term" means the term in a jail that a 9493
sentencing court is required to impose pursuant to division (G) of 9494
section 1547.99 of the Revised Code, division (E) of section 9495
2903.06 or division (D) of section 2903.08 of the Revised Code, 9496
division (E) or (G) of section 2929.24 of the Revised Code, 9497
division (B) of section 4510.14 of the Revised Code, or division 9498
(G) of section 4511.19 of the Revised Code or pursuant to any 9499

other provision of the Revised Code that requires a term in a jail 9500
for a misdemeanor conviction. 9501

(U) "Delinquent child" has the same meaning as in section 9502
2152.02 of the Revised Code. 9503

(V) "License violation report" means a report that is made by 9504
a sentencing court, or by the parole board pursuant to section 9505
2967.28 of the Revised Code, to the regulatory or licensing board 9506
or agency that issued an offender a professional license or a 9507
license or permit to do business in this state and that specifies 9508
that the offender has been convicted of or pleaded guilty to an 9509
offense that may violate the conditions under which the offender's 9510
professional license or license or permit to do business in this 9511
state was granted or an offense for which the offender's 9512
professional license or license or permit to do business in this 9513
state may be revoked or suspended. 9514

(W) "Major drug offender" means an offender who is convicted 9515
of or pleads guilty to the possession of, sale of, or offer to 9516
sell any drug, compound, mixture, preparation, or substance that 9517
consists of or contains at least one thousand grams of hashish; at 9518
least one hundred grams of ~~crack~~ cocaine; ~~at least one thousand~~ 9519
~~grams of cocaine that is not crack cocaine;~~ at least two thousand 9520
five hundred unit doses or two hundred fifty grams of heroin; at 9521
least five thousand unit doses of L.S.D. or five hundred grams of 9522
L.S.D. in a liquid concentrate, liquid extract, or liquid 9523
distillate form; or at least one hundred times the amount of any 9524
other schedule I or II controlled substance other than marihuana 9525
that is necessary to commit a felony of the third degree pursuant 9526
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 9527
Code that is based on the possession of, sale of, or offer to sell 9528
the controlled substance. 9529

(X) "Mandatory prison term" means any of the following: 9530

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

(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or fourth degree felony OVI offense pursuant to division (G)(2) of section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or the term of one, two, three, four, or five years in prison that a sentencing court is required to impose pursuant to division (G)(2) of section 2929.13 of the Revised Code.

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

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

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

(AA) "Prison" means a residential facility used for the

confinement of convicted felony offenders that is under the 9562
control of the department of rehabilitation and correction but 9563
does not include a violation sanction center operated under 9564
authority of section 2967.141 of the Revised Code. 9565

(BB) "Prison term" includes either of the following sanctions 9566
for an offender: 9567

(1) A stated prison term; 9568

(2) A term in a prison shortened by, or with the approval of, 9569
the sentencing court pursuant to section 2929.143, 2929.20, 9570
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 9571

(CC) "Repeat violent offender" means a person about whom both 9572
of the following apply: 9573

(1) The person is being sentenced for committing or for 9574
complicity in committing any of the following: 9575

(a) Aggravated murder, murder, any felony of the first or 9576
second degree that is an offense of violence, or an attempt to 9577
commit any of these offenses if the attempt is a felony of the 9578
first or second degree; 9579

(b) An offense under an existing or former law of this state, 9580
another state, or the United States that is or was substantially 9581
equivalent to an offense described in division (CC)(1)(a) of this 9582
section. 9583

(2) The person previously was convicted of or pleaded guilty 9584
to an offense described in division (CC)(1)(a) or (b) of this 9585
section. 9586

(DD) "Sanction" means any penalty imposed upon an offender 9587
who is convicted of or pleads guilty to an offense, as punishment 9588
for the offense. "Sanction" includes any sanction imposed pursuant 9589
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 9590
2929.28 of the Revised Code. 9591

(EE) "Sentence" means the sanction or combination of 9592
sanctions imposed by the sentencing court on an offender who is 9593
convicted of or pleads guilty to an offense. 9594

(FF) "Stated prison term" means the prison term, mandatory 9595
prison term, or combination of all prison terms and mandatory 9596
prison terms imposed by the sentencing court pursuant to section 9597
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 9598
2919.25 of the Revised Code. "Stated prison term" includes any 9599
credit received by the offender for time spent in jail awaiting 9600
trial, sentencing, or transfer to prison for the offense and any 9601
time spent under house arrest or house arrest with electronic 9602
monitoring imposed after earning credits pursuant to section 9603
2967.193 of the Revised Code. 9604

(GG) "Victim-offender mediation" means a reconciliation or 9605
mediation program that involves an offender and the victim of the 9606
offense committed by the offender and that includes a meeting in 9607
which the offender and the victim may discuss the offense, discuss 9608
restitution, and consider other sanctions for the offense. 9609

(HH) "Fourth degree felony OVI offense" means a violation of 9610
division (A) of section 4511.19 of the Revised Code that, under 9611
division (G) of that section, is a felony of the fourth degree. 9612

(II) "Mandatory term of local incarceration" means the term 9613
of sixty or one hundred twenty days in a jail, a community-based 9614
correctional facility, a halfway house, or an alternative 9615
residential facility that a sentencing court may impose upon a 9616
person who is convicted of or pleads guilty to a fourth degree 9617
felony OVI offense pursuant to division (G)(1) of section 2929.13 9618
of the Revised Code and division (G)(1)(d) or (e) of section 9619
4511.19 of the Revised Code. 9620

(JJ) "Designated homicide, assault, or kidnapping offense," 9621
"violent sex offense," "sexual motivation specification," 9622

"sexually violent offense," "sexually violent predator," and 9623
"sexually violent predator specification" have the same meanings 9624
as in section 2971.01 of the Revised Code. 9625

(KK) "Sexually oriented offense," "child-victim oriented 9626
offense," and "tier III sex offender/child-victim offender," have 9627
the same meanings as in section 2950.01 of the Revised Code. 9628

(LL) An offense is "committed in the vicinity of a child" if 9629
the offender commits the offense within thirty feet of or within 9630
the same residential unit as a child who is under eighteen years 9631
of age, regardless of whether the offender knows the age of the 9632
child or whether the offender knows the offense is being committed 9633
within thirty feet of or within the same residential unit as the 9634
child and regardless of whether the child actually views the 9635
commission of the offense. 9636

(MM) "Family or household member" has the same meaning as in 9637
section 2919.25 of the Revised Code. 9638

(NN) "Motor vehicle" and "manufactured home" have the same 9639
meanings as in section 4501.01 of the Revised Code. 9640

(OO) "Detention" and "detention facility" have the same 9641
meanings as in section 2921.01 of the Revised Code. 9642

(PP) "Third degree felony OVI offense" means a violation of 9643
division (A) of section 4511.19 of the Revised Code that, under 9644
division (G) of that section, is a felony of the third degree. 9645

(QQ) "Random drug testing" has the same meaning as in section 9646
5120.63 of the Revised Code. 9647

(RR) "Felony sex offense" has the same meaning as in section 9648
2967.28 of the Revised Code. 9649

(SS) "Body armor" has the same meaning as in section 9650
2941.1411 of the Revised Code. 9651

(TT) "Electronic monitoring" means monitoring through the use 9652

of an electronic monitoring device. 9653

(UU) "Electronic monitoring device" means any of the 9654
following: 9655

(1) Any device that can be operated by electrical or battery 9656
power and that conforms with all of the following: 9657

(a) The device has a transmitter that can be attached to a 9658
person, that will transmit a specified signal to a receiver of the 9659
type described in division (UU)(1)(b) of this section if the 9660
transmitter is removed from the person, turned off, or altered in 9661
any manner without prior court approval in relation to electronic 9662
monitoring or without prior approval of the department of 9663
rehabilitation and correction in relation to the use of an 9664
electronic monitoring device for an inmate on transitional control 9665
or otherwise is tampered with, that can transmit continuously and 9666
periodically a signal to that receiver when the person is within a 9667
specified distance from the receiver, and that can transmit an 9668
appropriate signal to that receiver if the person to whom it is 9669
attached travels a specified distance from that receiver. 9670

(b) The device has a receiver that can receive continuously 9671
the signals transmitted by a transmitter of the type described in 9672
division (UU)(1)(a) of this section, can transmit continuously 9673
those signals by a wireless or landline telephone connection to a 9674
central monitoring computer of the type described in division 9675
(UU)(1)(c) of this section, and can transmit continuously an 9676
appropriate signal to that central monitoring computer if the 9677
device has been turned off or altered without prior court approval 9678
or otherwise tampered with. The device is designed specifically 9679
for use in electronic monitoring, is not a converted wireless 9680
phone or another tracking device that is clearly not designed for 9681
electronic monitoring, and provides a means of text-based or voice 9682
communication with the person. 9683

(c) The device has a central monitoring computer that can 9684
receive continuously the signals transmitted by a wireless or 9685
landline telephone connection by a receiver of the type described 9686
in division (UU)(1)(b) of this section and can monitor 9687
continuously the person to whom an electronic monitoring device of 9688
the type described in division (UU)(1)(a) of this section is 9689
attached. 9690

(2) Any device that is not a device of the type described in 9691
division (UU)(1) of this section and that conforms with all of the 9692
following: 9693

(a) The device includes a transmitter and receiver that can 9694
monitor and determine the location of a subject person at any 9695
time, or at a designated point in time, through the use of a 9696
central monitoring computer or through other electronic means. 9697

(b) The device includes a transmitter and receiver that can 9698
determine at any time, or at a designated point in time, through 9699
the use of a central monitoring computer or other electronic means 9700
the fact that the transmitter is turned off or altered in any 9701
manner without prior approval of the court in relation to the 9702
electronic monitoring or without prior approval of the department 9703
of rehabilitation and correction in relation to the use of an 9704
electronic monitoring device for an inmate on transitional control 9705
or otherwise is tampered with. 9706

(3) Any type of technology that can adequately track or 9707
determine the location of a subject person at any time and that is 9708
approved by the director of rehabilitation and correction, 9709
including, but not limited to, any satellite technology, voice 9710
tracking system, or retinal scanning system that is so approved. 9711

(VV) "Non-economic loss" means nonpecuniary harm suffered by 9712
a victim of an offense as a result of or related to the commission 9713
of the offense, including, but not limited to, pain and suffering; 9714

loss of society, consortium, companionship, care, assistance, 9715
attention, protection, advice, guidance, counsel, instruction, 9716
training, or education; mental anguish; and any other intangible 9717
loss. 9718

(WW) "Prosecutor" has the same meaning as in section 2935.01 9719
of the Revised Code. 9720

(XX) "Continuous alcohol monitoring" means the ability to 9721
automatically test and periodically transmit alcohol consumption 9722
levels and tamper attempts at least every hour, regardless of the 9723
location of the person who is being monitored. 9724

(YY) A person is "adjudicated a sexually violent predator" if 9725
the person is convicted of or pleads guilty to a violent sex 9726
offense and also is convicted of or pleads guilty to a sexually 9727
violent predator specification that was included in the 9728
indictment, count in the indictment, or information charging that 9729
violent sex offense or if the person is convicted of or pleads 9730
guilty to a designated homicide, assault, or kidnapping offense 9731
and also is convicted of or pleads guilty to both a sexual 9732
motivation specification and a sexually violent predator 9733
specification that were included in the indictment, count in the 9734
indictment, or information charging that designated homicide, 9735
assault, or kidnapping offense. 9736

(ZZ) An offense is "committed in proximity to a school" if 9737
the offender commits the offense in a school safety zone or within 9738
five hundred feet of any school building or the boundaries of any 9739
school premises, regardless of whether the offender knows the 9740
offense is being committed in a school safety zone or within five 9741
hundred feet of any school building or the boundaries of any 9742
school premises. 9743

(AAA) "Human trafficking" means a scheme or plan to which all 9744
of the following apply: 9745

(1) Its object is to subject a victim or victims to 9746
involuntary servitude, as defined in section 2905.31 of the 9747
Revised Code, to compel a victim or victims to engage in sexual 9748
activity for hire, to engage in a performance that is obscene, 9749
sexually oriented, or nudity oriented, or to be a model or 9750
participant in the production of material that is obscene, 9751
sexually oriented, or nudity oriented. 9752

(2) It involves at least two felony offenses, whether or not 9753
there has been a prior conviction for any of the felony offenses, 9754
to which all of the following apply: 9755

(a) Each of the felony offenses is a violation of section 9756
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 9757
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 9758
(4), or (5) of section 2919.22 of the Revised Code or is a 9759
violation of a law of any state other than this state that is 9760
substantially similar to any of the sections or divisions of the 9761
Revised Code identified in this division. 9762

(b) At least one of the felony offenses was committed in this 9763
state. 9764

(c) The felony offenses are related to the same scheme or 9765
plan and are not isolated instances. 9766

(BBB) "Material," "nudity," "obscene," "performance," and 9767
"sexual activity" have the same meanings as in section 2907.01 of 9768
the Revised Code. 9769

(CCC) "Material that is obscene, sexually oriented, or nudity 9770
oriented" means any material that is obscene, that shows a person 9771
participating or engaging in sexual activity, masturbation, or 9772
bestiality, or that shows a person in a state of nudity. 9773

(DDD) "Performance that is obscene, sexually oriented, or 9774
nudity oriented" means any performance that is obscene, that shows 9775
a person participating or engaging in sexual activity, 9776

masturbation, or bestiality, or that shows a person in a state of 9777
nudity. 9778

Sec. 2929.11. (A) A court that sentences an offender for a 9779
felony shall be guided by the overriding purposes of felony 9780
sentencing. The overriding purposes of felony sentencing are to 9781
protect the public from future crime by the offender and others 9782
and to punish the offender. To achieve those purposes, the 9783
sentencing court shall consider the need for incapacitating the 9784
offender, deterring the offender and others from future crime, 9785
rehabilitating the offender, and making restitution to the victim 9786
of the offense, the public, or both. 9787

(B) A sentence imposed for a felony shall be reasonably 9788
calculated to achieve the two overriding purposes of felony 9789
sentencing set forth in division (A) of this section, commensurate 9790
with and not demeaning to the seriousness of the offender's 9791
conduct and its impact upon the victim, and consistent with 9792
sentences imposed for similar crimes committed by similar 9793
offenders. A sentence imposed for a felony shall not impose an 9794
unnecessary burden on state or local government resources. 9795

(C) A court that imposes a sentence upon an offender for a 9796
felony shall not base the sentence upon the race, ethnic 9797
background, gender, or religion of the offender. 9798

Sec. 2929.13. (A) Except as provided in division (E), (F), or 9799
(G) of this section and unless a specific sanction is required to 9800
be imposed or is precluded from being imposed pursuant to law, a 9801
court that imposes a sentence upon an offender for a felony may 9802
impose any sanction or combination of sanctions on the offender 9803
that are provided in sections 2929.14 to 2929.18 of the Revised 9804
Code. ~~The sentence shall not impose an unnecessary burden on state~~ 9805
~~or local government resources.~~ 9806

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which

sentence is imposed under division (G)(2) of this section, an 9839
additional prison term as described in division (D)(4) of section 9840
2929.14 of the Revised Code or a community control sanction as 9841
described in division (G)(2) of this section. 9842

(B)(1) Except as provided in division (B)(2), (E), (F), or 9843
(G) of this section, in sentencing an offender for a felony of the 9844
fourth or fifth degree, the sentencing court shall determine 9845
whether any of the following apply: 9846

(a) In committing the offense, the offender caused physical 9847
harm to a person. 9848

(b) In committing the offense, the offender attempted to 9849
cause or made an actual threat of physical harm to a person with a 9850
deadly weapon. 9851

(c) In committing the offense, the offender attempted to 9852
cause or made an actual threat of physical harm to a person, and 9853
the offender previously was convicted of an offense that caused 9854
physical harm to a person. 9855

(d) The offender held a public office or position of trust 9856
and the offense related to that office or position; the offender's 9857
position obliged the offender to prevent the offense or to bring 9858
those committing it to justice; or the offender's professional 9859
reputation or position facilitated the offense or was likely to 9860
influence the future conduct of others. 9861

(e) The offender committed the offense for hire or as part of 9862
an organized criminal activity. 9863

(f) The offense is a sex offense that is a fourth or fifth 9864
degree felony violation of section 2907.03, 2907.04, 2907.05, 9865
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 9866
Revised Code. 9867

(g) The offender at the time of the offense was serving, or 9868

the offender previously had served, a prison term. 9869

(h) The offender committed the offense while under a 9870
community control sanction, while on probation, or while released 9871
from custody on a bond or personal recognizance. 9872

(i) The offender committed the offense while in possession of 9873
a firearm. 9874

(2)(a) If the court makes a finding described in division 9875
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 9876
section and if the court, after considering the factors set forth 9877
in section 2929.12 of the Revised Code, finds that a prison term 9878
is consistent with the purposes and principles of sentencing set 9879
forth in section 2929.11 of the Revised Code and finds that the 9880
offender is not amenable to an available community control 9881
sanction, the court shall impose a prison term upon the offender. 9882

(b) Except as provided in division (E), (F), or (G) of this 9883
section, if the court does not make a finding described in 9884
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 9885
this section and if the court, after considering the factors set 9886
forth in section 2929.12 of the Revised Code, finds that a 9887
community control sanction or combination of community control 9888
sanctions is consistent with the purposes and principles of 9889
sentencing set forth in section 2929.11 of the Revised Code, the 9890
court shall impose a community control sanction or combination of 9891
community control sanctions upon the offender. 9892

(C) Except as provided in division (D), (E), (F), or (G) of 9893
this section, in determining whether to impose a prison term as a 9894
sanction for a felony of the third degree or a felony drug offense 9895
that is a violation of a provision of Chapter 2925. of the Revised 9896
Code and that is specified as being subject to this division for 9897
purposes of sentencing, the sentencing court shall comply with the 9898
purposes and principles of sentencing under section 2929.11 of the 9899

Revised Code and with section 2929.12 of the Revised Code. 9900

(D)(1) Except as provided in division (E) or (F) of this 9901
section, for a felony of the first or second degree, for a felony 9902
drug offense that is a violation of any provision of Chapter 9903
2925., 3719., or 4729. of the Revised Code for which a presumption 9904
in favor of a prison term is specified as being applicable, and 9905
for a violation of division (A)(4) or (B) of section 2907.05 of 9906
the Revised Code for which a presumption in favor of a prison term 9907
is specified as being applicable, it is presumed that a prison 9908
term is necessary in order to comply with the purposes and 9909
principles of sentencing under section 2929.11 of the Revised 9910
Code. Division (D)(2) of this section does not apply to a 9911
presumption established under this division for a violation of 9912
division (A)(4) of section 2907.05 of the Revised Code. 9913

(2) Notwithstanding the presumption established under 9914
division (D)(1) of this section for the offenses listed in that 9915
division other than a violation of division (A)(4) or (B) of 9916
section 2907.05 of the Revised Code, the sentencing court may 9917
impose a community control sanction or a combination of community 9918
control sanctions instead of a prison term on an offender for a 9919
felony of the first or second degree or for a felony drug offense 9920
that is a violation of any provision of Chapter 2925., 3719., or 9921
4729. of the Revised Code for which a presumption in favor of a 9922
prison term is specified as being applicable if it makes both of 9923
the following findings: 9924

(a) A community control sanction or a combination of 9925
community control sanctions would adequately punish the offender 9926
and protect the public from future crime, because the applicable 9927
factors under section 2929.12 of the Revised Code indicating a 9928
lesser likelihood of recidivism outweigh the applicable factors 9929
under that section indicating a greater likelihood of recidivism. 9930

(b) A community control sanction or a combination of 9931

community control sanctions would not demean the seriousness of 9932
the offense, because one or more factors under section 2929.12 of 9933
the Revised Code that indicate that the offender's conduct was 9934
less serious than conduct normally constituting the offense are 9935
applicable, and they outweigh the applicable factors under that 9936
section that indicate that the offender's conduct was more serious 9937
than conduct normally constituting the offense. 9938

(E)(1) Except as provided in division (F) of this section, 9939
for any drug offense that is a violation of any provision of 9940
Chapter 2925. of the Revised Code and that is a felony of the 9941
third, fourth, or fifth degree, the applicability of a presumption 9942
under division (D) of this section in favor of a prison term or of 9943
division (B) or (C) of this section in determining whether to 9944
impose a prison term for the offense shall be determined as 9945
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 9946
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 9947
Revised Code, whichever is applicable regarding the violation. 9948

(2) If an offender who was convicted of or pleaded guilty to 9949
a felony violates the conditions of a community control sanction 9950
imposed for the offense solely by reason of producing positive 9951
results on a drug test, the court, as punishment for the violation 9952
of the sanction, shall not order that the offender be imprisoned 9953
unless the court determines on the record either of the following: 9954

(a) The offender had been ordered as a sanction for the 9955
felony to participate in a drug treatment program, in a drug 9956
education program, or in narcotics anonymous or a similar program, 9957
and the offender continued to use illegal drugs after a reasonable 9958
period of participation in the program. 9959

(b) The imprisonment of the offender for the violation is 9960
consistent with the purposes and principles of sentencing set 9961
forth in section 2929.11 of the Revised Code. 9962

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by section 3793.02 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of treatment and recovery support services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, division (C) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be

sentenced under section 2971.03 of the Revised Code; 9995

(3) Gross sexual imposition or sexual battery, if the victim 9996
is less than thirteen years of age and if any of the following 9997
applies: 9998

(a) Regarding gross sexual imposition, the offender 9999
previously was convicted of or pleaded guilty to rape, the former 10000
offense of felonious sexual penetration, gross sexual imposition, 10001
or sexual battery, and the victim of the previous offense was less 10002
than thirteen years of age; 10003

(b) Regarding gross sexual imposition, the offense was 10004
committed on or after August 3, 2006, and evidence other than the 10005
testimony of the victim was admitted in the case corroborating the 10006
violation. 10007

(c) Regarding sexual battery, either of the following 10008
applies: 10009

(i) The offense was committed prior to August 3, 2006, the 10010
offender previously was convicted of or pleaded guilty to rape, 10011
the former offense of felonious sexual penetration, or sexual 10012
battery, and the victim of the previous offense was less than 10013
thirteen years of age. 10014

(ii) The offense was committed on or after August 3, 2006. 10015

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 10016
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the 10017
section requires the imposition of a prison term; 10018

(5) A first, second, or third degree felony drug offense for 10019
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 10020
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 10021
4729.99 of the Revised Code, whichever is applicable regarding the 10022
violation, requires the imposition of a mandatory prison term; 10023

(6) Any offense that is a first or second degree felony and 10024

that is not set forth in division (F)(1), (2), (3), or (4) of this 10025
section, if the offender previously was convicted of or pleaded 10026
guilty to aggravated murder, murder, any first or second degree 10027
felony, or an offense under an existing or former law of this 10028
state, another state, or the United States that is or was 10029
substantially equivalent to one of those offenses; 10030

(7) Any offense that is a third degree felony and either is a 10031
violation of section 2903.04 of the Revised Code or an attempt to 10032
commit a felony of the second degree that is an offense of 10033
violence and involved an attempt to cause serious physical harm to 10034
a person or that resulted in serious physical harm to a person if 10035
the offender previously was convicted of or pleaded guilty to any 10036
of the following offenses: 10037

(a) Aggravated murder, murder, involuntary manslaughter, 10038
rape, felonious sexual penetration as it existed under section 10039
2907.12 of the Revised Code prior to September 3, 1996, a felony 10040
of the first or second degree that resulted in the death of a 10041
person or in physical harm to a person, or complicity in or an 10042
attempt to commit any of those offenses; 10043

(b) An offense under an existing or former law of this state, 10044
another state, or the United States that is or was substantially 10045
equivalent to an offense listed in division (F)(7)(a) of this 10046
section that resulted in the death of a person or in physical harm 10047
to a person. 10048

(8) Any offense, other than a violation of section 2923.12 of 10049
the Revised Code, that is a felony, if the offender had a firearm 10050
on or about the offender's person or under the offender's control 10051
while committing the felony, with respect to a portion of the 10052
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 10053
of the Revised Code for having the firearm; 10054

(9) Any offense of violence that is a felony, if the offender 10055

wore or carried body armor while committing the felony offense of 10056
violence, with respect to the portion of the sentence imposed 10057
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 10058
Code for wearing or carrying the body armor; 10059

(10) Corrupt activity in violation of section 2923.32 of the 10060
Revised Code when the most serious offense in the pattern of 10061
corrupt activity that is the basis of the offense is a felony of 10062
the first degree; 10063

(11) Any violent sex offense or designated homicide, assault, 10064
or kidnapping offense if, in relation to that offense, the 10065
offender is adjudicated a sexually violent predator; 10066

(12) A violation of division (A)(1) or (2) of section 2921.36 10067
of the Revised Code, or a violation of division (C) of that 10068
section involving an item listed in division (A)(1) or (2) of that 10069
section, if the offender is an officer or employee of the 10070
department of rehabilitation and correction; 10071

(13) A violation of division (A)(1) or (2) of section 2903.06 10072
of the Revised Code if the victim of the offense is a peace 10073
officer, as defined in section 2935.01 of the Revised Code, or an 10074
investigator of the bureau of criminal identification and 10075
investigation, as defined in section 2903.11 of the Revised Code, 10076
with respect to the portion of the sentence imposed pursuant to 10077
division (D)(5) of section 2929.14 of the Revised Code; 10078

(14) A violation of division (A)(1) or (2) of section 2903.06 10079
of the Revised Code if the offender has been convicted of or 10080
pleaded guilty to three or more violations of division (A) or (B) 10081
of section 4511.19 of the Revised Code or an equivalent offense, 10082
as defined in section 2941.1415 of the Revised Code, or three or 10083
more violations of any combination of those divisions and 10084
offenses, with respect to the portion of the sentence imposed 10085
pursuant to division (D)(6) of section 2929.14 of the Revised 10086

Code;	10087
(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;	10088 10089 10090
(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance in violation of division (A)(1) or (2) of section 2907.323 of the Revised Code, or endangering children in violation of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;	10091 10092 10093 10094 10095 10096 10097 10098 10099 10100
(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;	10101 10102 10103 10104
(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.	10105 10106 10107 10108 10109 10110
(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:	10111 10112 10113 10114 10115
(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of	10116 10117

and has not pleaded guilty to a specification of the type 10118
described in section 2941.1413 of the Revised Code, the court may 10119
impose upon the offender a mandatory term of local incarceration 10120
of sixty days or one hundred twenty days as specified in division 10121
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 10122
not reduce the term pursuant to section 2929.20, 2967.193, or any 10123
other provision of the Revised Code. The court that imposes a 10124
mandatory term of local incarceration under this division shall 10125
specify whether the term is to be served in a jail, a 10126
community-based correctional facility, a halfway house, or an 10127
alternative residential facility, and the offender shall serve the 10128
term in the type of facility specified by the court. A mandatory 10129
term of local incarceration imposed under division (G)(1) of this 10130
section is not subject to any other Revised Code provision that 10131
pertains to a prison term except as provided in division (A)(1) of 10132
this section. 10133

(2) If the offender is being sentenced for a third degree 10134
felony OVI offense, or if the offender is being sentenced for a 10135
fourth degree felony OVI offense and the court does not impose a 10136
mandatory term of local incarceration under division (G)(1) of 10137
this section, the court shall impose upon the offender a mandatory 10138
prison term of one, two, three, four, or five years if the 10139
offender also is convicted of or also pleads guilty to a 10140
specification of the type described in section 2941.1413 of the 10141
Revised Code or shall impose upon the offender a mandatory prison 10142
term of sixty days or one hundred twenty days as specified in 10143
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 10144
if the offender has not been convicted of and has not pleaded 10145
guilty to a specification of that type. The Subject to division 10146
(C) of section 2967.19 of the Revised Code, the court shall not 10147
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 10148
any other provision of the Revised Code. The offender shall serve 10149
the one-, two-, three-, four-, or five-year mandatory prison term 10150

consecutively to and prior to the prison term imposed for the 10151
underlying offense and consecutively to any other mandatory prison 10152
term imposed in relation to the offense. In no case shall an 10153
offender who once has been sentenced to a mandatory term of local 10154
incarceration pursuant to division (G)(1) of this section for a 10155
fourth degree felony OVI offense be sentenced to another mandatory 10156
term of local incarceration under that division for any violation 10157
of division (A) of section 4511.19 of the Revised Code. In 10158
addition to the mandatory prison term described in division (G)(2) 10159
of this section, the court may sentence the offender to a 10160
community control sanction under section 2929.16 or 2929.17 of the 10161
Revised Code, but the offender shall serve the prison term prior 10162
to serving the community control sanction. The department of 10163
rehabilitation and correction may place an offender sentenced to a 10164
mandatory prison term under this division in an intensive program 10165
prison established pursuant to section 5120.033 of the Revised 10166
Code if the department gave the sentencing judge prior notice of 10167
its intent to place the offender in an intensive program prison 10168
established under that section and if the judge did not notify the 10169
department that the judge disapproved the placement. Upon the 10170
establishment of the initial intensive program prison pursuant to 10171
section 5120.033 of the Revised Code that is privately operated 10172
and managed by a contractor pursuant to a contract entered into 10173
under section 9.06 of the Revised Code, both of the following 10174
apply: 10175

(a) The department of rehabilitation and correction shall 10176
make a reasonable effort to ensure that a sufficient number of 10177
offenders sentenced to a mandatory prison term under this division 10178
are placed in the privately operated and managed prison so that 10179
the privately operated and managed prison has full occupancy. 10180

(b) Unless the privately operated and managed prison has full 10181
occupancy, the department of rehabilitation and correction shall 10182

not place any offender sentenced to a mandatory prison term under 10183
this division in any intensive program prison established pursuant 10184
to section 5120.033 of the Revised Code other than the privately 10185
operated and managed prison. 10186

(H) If an offender is being sentenced for a sexually oriented 10187
offense or child-victim oriented offense that is a felony 10188
committed on or after January 1, 1997, the judge shall require the 10189
offender to submit to a DNA specimen collection procedure pursuant 10190
to section 2901.07 of the Revised Code. 10191

(I) If an offender is being sentenced for a sexually oriented 10192
offense or a child-victim oriented offense committed on or after 10193
January 1, 1997, the judge shall include in the sentence a summary 10194
of the offender's duties imposed under sections 2950.04, 2950.041, 10195
2950.05, and 2950.06 of the Revised Code and the duration of the 10196
duties. The judge shall inform the offender, at the time of 10197
sentencing, of those duties and of their duration. If required 10198
under division (A)(2) of section 2950.03 of the Revised Code, the 10199
judge shall perform the duties specified in that section, or, if 10200
required under division (A)(6) of section 2950.03 of the Revised 10201
Code, the judge shall perform the duties specified in that 10202
division. 10203

(J)(1) Except as provided in division (J)(2) of this section, 10204
when considering sentencing factors under this section in relation 10205
to an offender who is convicted of or pleads guilty to an attempt 10206
to commit an offense in violation of section 2923.02 of the 10207
Revised Code, the sentencing court shall consider the factors 10208
applicable to the felony category of the violation of section 10209
2923.02 of the Revised Code instead of the factors applicable to 10210
the felony category of the offense attempted. 10211

(2) When considering sentencing factors under this section in 10212
relation to an offender who is convicted of or pleads guilty to an 10213
attempt to commit a drug abuse offense for which the penalty is 10214

determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

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

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), ~~or~~ (L), or (M) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

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

years. 10246

(2) For a felony of the second degree, the prison term shall 10247
be two, three, four, five, six, seven, or eight years. 10248

(3) For a felony of the third degree, the prison term shall 10249
be ~~one, two, three, four, or five years~~ nine, twelve, eighteen, 10250
twenty-four, or thirty-six months. 10251

(4) For a felony of the fourth degree, the prison term shall 10252
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 10253
fourteen, fifteen, sixteen, seventeen, or eighteen months. 10254

(5) For a felony of the fifth degree, the prison term shall 10255
be six, seven, eight, nine, ten, eleven, or twelve months. 10256

(B) Except as provided in division (C), (D)(1), (D)(2), 10257
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), ~~or~~ (L), or 10258
(M) of this section, in section 2907.02 , 2907.05, or 2919.25 of 10259
the Revised Code, or in Chapter 2925. of the Revised Code, ~~if~~ the 10260
court imposing a prison sentence upon an offender ~~for a felony~~ 10261
~~elects or is required to impose a prison term on the offender, the~~ 10262
~~court~~ who has not served, or is not serving, a prison term shall 10263
impose the shortest prison term authorized for the offense 10264
pursuant to division (A) of this section, ~~unless one or more of~~ 10265
~~the following applies:~~ 10266

~~(1) The offender was serving a prison term at the time of the~~ 10267
~~offense, or the offender previously had served a prison term.~~ 10268

~~(2) The court finds on the record that the shortest prison~~ 10269
~~term will demean the seriousness of the offender's conduct or will~~ 10270
~~not adequately protect the public from future crime by the~~ 10271
~~offender or others~~ if the shortest term is consistent with the 10272
purposes and principles of sentencing set forth in section 2929.11 10273
of the Revised Code. 10274

(C) Except as provided in division (D)(7), (D)(8), (G), ~~or~~ 10275

(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 prison sentence upon an offender ~~for a felony may~~ shall 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~~ if the longest prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code or, 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 or about the offender's person or under the offender's control while committing the felony;

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

(iii) A prison term of one year if the specification is of

the type described in section 2941.141 of the Revised Code that 10308
charges the offender with having a firearm on or about the 10309
offender's person or under the offender's control while committing 10310
the felony. 10311

(b) If a court imposes a prison term on an offender under 10312
division (D)(1)(a) of this section, the prison term shall not be 10313
reduced pursuant to section 2967.19, section 2929.20, section 10314
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 10315
of the Revised Code. Except as provided in division (D)(1)(g) of 10316
this section, a court shall not impose more than one prison term 10317
on an offender under division (D)(1)(a) of this section for 10318
felonies committed as part of the same act or transaction. 10319

(c) Except as provided in division (D)(1)(e) of this section, 10320
if an offender who is convicted of or pleads guilty to a violation 10321
of section 2923.161 of the Revised Code or to a felony that 10322
includes, as an essential element, purposely or knowingly causing 10323
or attempting to cause the death of or physical harm to another, 10324
also is convicted of or pleads guilty to a specification of the 10325
type described in section 2941.146 of the Revised Code that 10326
charges the offender with committing the offense by discharging a 10327
firearm from a motor vehicle other than a manufactured home, the 10328
court, after imposing a prison term on the offender for the 10329
violation of section 2923.161 of the Revised Code or for the other 10330
felony offense under division (A), (D)(2), or (D)(3) of this 10331
section, shall impose an additional prison term of five years upon 10332
the offender that shall not be reduced pursuant to section 10333
2929.20, section 2967.19, section 2967.193, or any other provision 10334
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 10335
shall not impose more than one additional prison term on an 10336
offender under division (D)(1)(c) of this section for felonies 10337
committed as part of the same act or transaction. If a court 10338
imposes an additional prison term on an offender under division 10339

(D)(1)(c) of this section relative to an offense, the court also 10340
shall impose a prison term under division (D)(1)(a) of this 10341
section relative to the same offense, provided the criteria 10342
specified in that division for imposing an additional prison term 10343
are satisfied relative to the offender and the offense. 10344

(d) If an offender who is convicted of or pleads guilty to an 10345
offense of violence that is a felony also is convicted of or 10346
pleads guilty to a specification of the type described in section 10347
2941.1411 of the Revised Code that charges the offender with 10348
wearing or carrying body armor while committing the felony offense 10349
of violence, the court shall impose on the offender a prison term 10350
of two years. The prison term so imposed, subject to division (C) 10351
of section 2967.19 of the Revised Code, shall not be reduced 10352
pursuant to section 2929.20, section 2967.19, section 2967.193, or 10353
any other provision of Chapter 2967. or Chapter 5120. of the 10354
Revised Code. A court shall not impose more than one prison term 10355
on an offender under division (D)(1)(d) of this section for 10356
felonies committed as part of the same act or transaction. If a 10357
court imposes an additional prison term under division (D)(1)(a) 10358
or (c) of this section, the court is not precluded from imposing 10359
an additional prison term under division (D)(1)(d) of this 10360
section. 10361

(e) The court shall not impose any of the prison terms 10362
described in division (D)(1)(a) of this section or any of the 10363
additional prison terms described in division (D)(1)(c) of this 10364
section upon an offender for a violation of section 2923.12 or 10365
2923.123 of the Revised Code. The court shall not impose any of 10366
the prison terms described in division (D)(1)(a) or (b) of this 10367
section upon an offender for a violation of section 2923.122 that 10368
involves a deadly weapon that is a firearm other than a dangerous 10369
ordnance, section 2923.16, or section 2923.121 of the Revised 10370
Code. The court shall not impose any of the prison terms described 10371

in division (D)(1)(a) of this section or any of the additional 10372
prison terms described in division (D)(1)(c) of this section upon 10373
an offender for a violation of section 2923.13 of the Revised Code 10374
unless all of the following apply: 10375

(i) The offender previously has been convicted of aggravated 10376
murder, murder, or any felony of the first or second degree. 10377

(ii) Less than five years have passed since the offender was 10378
released from prison or post-release control, whichever is later, 10379
for the prior offense. 10380

(f) If an offender is convicted of or pleads guilty to a 10381
felony that includes, as an essential element, causing or 10382
attempting to cause the death of or physical harm to another and 10383
also is convicted of or pleads guilty to a specification of the 10384
type described in section 2941.1412 of the Revised Code that 10385
charges the offender with committing the offense by discharging a 10386
firearm at a peace officer as defined in section 2935.01 of the 10387
Revised Code or a corrections officer, as defined in section 10388
2941.1412 of the Revised Code, the court, after imposing a prison 10389
term on the offender for the felony offense under division (A), 10390
(D)(2), or (D)(3) of this section, shall impose an additional 10391
prison term of seven years upon the offender that shall not be 10392
reduced pursuant to section 2929.20, section 2967.19, section 10393
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 10394
of the Revised Code. If an offender is convicted of or pleads 10395
guilty to two or more felonies that include, as an essential 10396
element, causing or attempting to cause the death or physical harm 10397
to another and also is convicted of or pleads guilty to a 10398
specification of the type described under division (D)(1)(f) of 10399
this section in connection with two or more of the felonies of 10400
which the offender is convicted or to which the offender pleads 10401
guilty, the sentencing court shall impose on the offender the 10402
prison term specified under division (D)(1)(f) of this section for 10403

each of two of the specifications of which the offender is 10404
convicted or to which the offender pleads guilty and, in its 10405
discretion, also may impose on the offender the prison term 10406
specified under that division for any or all of the remaining 10407
specifications. If a court imposes an additional prison term on an 10408
offender under division (D)(1)(f) of this section relative to an 10409
offense, the court shall not impose a prison term under division 10410
(D)(1)(a) or (c) of this section relative to the same offense. 10411

(g) If an offender is convicted of or pleads guilty to two or 10412
more felonies, if one or more of those felonies ~~is~~ are aggravated 10413
murder, murder, attempted aggravated murder, attempted murder, 10414
aggravated robbery, felonious assault, or rape, and if the 10415
offender is convicted of or pleads guilty to a specification of 10416
the type described under division (D)(1)(a) of this section in 10417
connection with two or more of the felonies, the sentencing court 10418
shall impose on the offender the prison term specified under 10419
division (D)(1)(a) of this section for each of the two most 10420
serious specifications of which the offender is convicted or to 10421
which the offender pleads guilty and, in its discretion, also may 10422
impose on the offender the prison term specified under that 10423
division for any or all of the remaining specifications. 10424

(2)(a) If division (D)(2)(b) of this section does not apply, 10425
the court may impose on an offender, in addition to the longest 10426
prison term authorized or required for the offense, an additional 10427
definite prison term of one, two, three, four, five, six, seven, 10428
eight, nine, or ten years if all of the following criteria are 10429
met: 10430

(i) The offender is convicted of or pleads guilty to a 10431
specification of the type described in section 2941.149 of the 10432
Revised Code that the offender is a repeat violent offender. 10433

(ii) The offense of which the offender currently is convicted 10434
or to which the offender currently pleads guilty is aggravated 10435

murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

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

(iv) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two,

three, four, five, six, seven, eight, nine, or ten years if all of 10468
the following criteria are met: 10469

(i) The offender is convicted of or pleads guilty to a 10470
specification of the type described in section 2941.149 of the 10471
Revised Code that the offender is a repeat violent offender. 10472

(ii) The offender within the preceding twenty years has been 10473
convicted of or pleaded guilty to three or more offenses described 10474
in division (CC)(1) of section 2929.01 of the Revised Code, 10475
including all offenses described in that division of which the 10476
offender is convicted or to which the offender pleads guilty in 10477
the current prosecution and all offenses described in that 10478
division of which the offender previously has been convicted or to 10479
which the offender previously pleaded guilty, whether prosecuted 10480
together or separately. 10481

(iii) The offense or offenses of which the offender currently 10482
is convicted or to which the offender currently pleads guilty is 10483
aggravated murder and the court does not impose a sentence of 10484
death or life imprisonment without parole, murder, terrorism and 10485
the court does not impose a sentence of life imprisonment without 10486
parole, any felony of the first degree that is an offense of 10487
violence and the court does not impose a sentence of life 10488
imprisonment without parole, or any felony of the second degree 10489
that is an offense of violence and the trier of fact finds that 10490
the offense involved an attempt to cause or a threat to cause 10491
serious physical harm to a person or resulted in serious physical 10492
harm to a person. 10493

(c) For purposes of division (D)(2)(b) of this section, two 10494
or more offenses committed at the same time or as part of the same 10495
act or event shall be considered one offense, and that one offense 10496
shall be the offense with the greatest penalty. 10497

(d) A sentence imposed under division (D)(2)(a) or (b) of 10498

this section shall not be reduced pursuant to section 2929.20, section 2967.19, or section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under this section consecutively to and prior to the prison term imposed for the underlying offense.

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

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised

Code that was attempted, the offender would have been subject to a 10531
sentence of life imprisonment or life imprisonment without parole 10532
for the violation of section 2907.02 of the Revised Code, the 10533
court shall impose upon the offender for the felony violation a 10534
ten-year prison term that, subject to division (C) of section 10535
2967.19 of the Revised Code, cannot be reduced pursuant to section 10536
2929.20, section 2967.19, or any other provision of Chapter 2967. 10537
or 5120. of the Revised Code. 10538

(b) The court imposing a prison term on an offender under 10539
division (D)(3)(a) of this section may impose an additional prison 10540
term of one, two, three, four, five, six, seven, eight, nine, or 10541
ten years, if the court, with respect to the term imposed under 10542
division (D)(3)(a) of this section and, if applicable, divisions 10543
(D)(1) and (2) of this section, makes both of the findings set 10544
forth in divisions (D)(2)(a)(iv) and (v) of this section. 10545

(4) If the offender is being sentenced for a third or fourth 10546
degree felony OVI offense under division (G)(2) of section 2929.13 10547
of the Revised Code, the sentencing court shall impose upon the 10548
offender a mandatory prison term in accordance with that division. 10549
In addition to the mandatory prison term, if the offender is being 10550
sentenced for a fourth degree felony OVI offense, the court, 10551
notwithstanding division (A)(4) of this section, may sentence the 10552
offender to a definite prison term of not less than six months and 10553
not more than thirty months, and if the offender is being 10554
sentenced for a third degree felony OVI offense, the sentencing 10555
court may sentence the offender to an additional prison term of 10556
any duration specified in division (A)(3) of this section. In 10557
either case, the additional prison term imposed shall be reduced 10558
by the sixty or one hundred twenty days imposed upon the offender 10559
as the mandatory prison term. The total of the additional prison 10560
term imposed under division (D)(4) of this section plus the sixty 10561
or one hundred twenty days imposed as the mandatory prison term 10562

shall equal a definite term in the range of six months to thirty 10563
months for a fourth degree felony OVI offense and shall equal one 10564
of the authorized prison terms specified in division (A)(3) of 10565
this section for a third degree felony OVI offense. If the court 10566
imposes an additional prison term under division (D)(4) of this 10567
section, the offender shall serve the additional prison term after 10568
the offender has served the mandatory prison term required for the 10569
offense. In addition to the mandatory prison term or mandatory and 10570
additional prison term imposed as described in division (D)(4) of 10571
this section, the court also may sentence the offender to a 10572
community control sanction under section 2929.16 or 2929.17 of the 10573
Revised Code, but the offender shall serve all of the prison terms 10574
so imposed prior to serving the community control sanction. 10575

If the offender is being sentenced for a fourth degree felony 10576
OVI offense under division (G)(1) of section 2929.13 of the 10577
Revised Code and the court imposes a mandatory term of local 10578
incarceration, the court may impose a prison term as described in 10579
division (A)(1) of that section. 10580

(5) If an offender is convicted of or pleads guilty to a 10581
violation of division (A)(1) or (2) of section 2903.06 of the 10582
Revised Code and also is convicted of or pleads guilty to a 10583
specification of the type described in section 2941.1414 of the 10584
Revised Code that charges that the victim of the offense is a 10585
peace officer, as defined in section 2935.01 of the Revised Code, 10586
or an investigator of the bureau of criminal identification and 10587
investigation, as defined in section 2903.11 of the Revised Code, 10588
the court shall impose on the offender a prison term of five 10589
years. If a court imposes a prison term on an offender under 10590
division (D)(5) of this section, the prison term, subject to 10591
division (C) of section 2967.19 of the Revised Code, shall not be 10592
reduced pursuant to section 2929.20, section 2967.19, section 10593
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 10594

of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(5) of this section for felonies committed as part of the same act.

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

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

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

than ten years; 10627

(ii) If the offense is a felony of the second or third 10628
degree, a definite prison term of not less than three years and 10629
not greater than the maximum prison term allowed for the offense 10630
by division (A) of section 2929.14 of the Revised Code; 10631

(iii) If the offense is a felony of the fourth or fifth 10632
degree, a definite prison term that is the maximum prison term 10633
allowed for the offense by division (A) of section 2929.14 of the 10634
Revised Code. 10635

(b) The Subject to division (C) of section 2967.19 of the 10636
Revised Code, the prison term imposed under division (D)(7)(a) of 10637
this section shall not be reduced pursuant to section 2929.20, 10638
section 2967.19, section 2967.193, or any other provision of 10639
Chapter 2967. of the Revised Code. A court shall not impose more 10640
than one prison term on an offender under division (D)(7)(a) of 10641
this section for felonies committed as part of the same act, 10642
scheme, or plan. 10643

(8) If an offender is convicted of or pleads guilty to a 10644
felony violation of section 2903.11, 2903.12, or 2903.13 of the 10645
Revised Code and also is convicted of or pleads guilty to a 10646
specification of the type described in section 2941.1423 of the 10647
Revised Code that charges that the victim of the violation was a 10648
woman whom the offender knew was pregnant at the time of the 10649
violation, notwithstanding the range of prison terms prescribed in 10650
division (A) of this section for felonies of the same degree as 10651
the violation, the court shall impose on the offender a mandatory 10652
prison term that is either a definite prison term of six months or 10653
one of the prison terms prescribed in section 2929.14 of the 10654
Revised Code for felonies of the same degree as the violation. 10655

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 10656
mandatory prison term is imposed upon an offender pursuant to 10657

division (D)(1)(a) of this section for having a firearm on or 10658
about the offender's person or under the offender's control while 10659
committing a felony, if a mandatory prison term is imposed upon an 10660
offender pursuant to division (D)(1)(c) of this section for 10661
committing a felony specified in that division by discharging a 10662
firearm from a motor vehicle, or if both types of mandatory prison 10663
terms are imposed, the offender shall serve any mandatory prison 10664
term imposed under either division consecutively to any other 10665
mandatory prison term imposed under either division or under 10666
division (D)(1)(d) of this section, consecutively to and prior to 10667
any prison term imposed for the underlying felony pursuant to 10668
division (A), (D)(2), or (D)(3) of this section or any other 10669
section of the Revised Code, and consecutively to any other prison 10670
term or mandatory prison term previously or subsequently imposed 10671
upon the offender. 10672

(b) If a mandatory prison term is imposed upon an offender 10673
pursuant to division (D)(1)(d) of this section for wearing or 10674
carrying body armor while committing an offense of violence that 10675
is a felony, the offender shall serve the mandatory term so 10676
imposed consecutively to any other mandatory prison term imposed 10677
under that division or under division (D)(1)(a) or (c) of this 10678
section, consecutively to and prior to any prison term imposed for 10679
the underlying felony under division (A), (D)(2), or (D)(3) of 10680
this section or any other section of the Revised Code, and 10681
consecutively to any other prison term or mandatory prison term 10682
previously or subsequently imposed upon the offender. 10683

(c) If a mandatory prison term is imposed upon an offender 10684
pursuant to division (D)(1)(f) of this section, the offender shall 10685
serve the mandatory prison term so imposed consecutively to and 10686
prior to any prison term imposed for the underlying felony under 10687
division (A), (D)(2), or (D)(3) of this section or any other 10688
section of the Revised Code, and consecutively to any other prison 10689

term or mandatory prison term previously or subsequently imposed 10690
upon the offender. 10691

(d) If a mandatory prison term is imposed upon an offender 10692
pursuant to division (D)(7) or (8) of this section, the offender 10693
shall serve the mandatory prison term so imposed consecutively to 10694
any other mandatory prison term imposed under that division or 10695
under any other provision of law and consecutively to any other 10696
prison term or mandatory prison term previously or subsequently 10697
imposed upon the offender. 10698

(2) If an offender who is an inmate in a jail, prison, or 10699
other residential detention facility violates section 2917.02, 10700
2917.03, ~~2921.34~~, or 2921.35 of the Revised Code or division 10701
(A)(1) or (2) of section 2921.34 of the Revised Code, if an 10702
offender who is under detention at a detention facility commits a 10703
felony violation of section 2923.131 of the Revised Code, or if an 10704
offender who is an inmate in a jail, prison, or other residential 10705
detention facility or is under detention at a detention facility 10706
commits another felony while the offender is an escapee in 10707
violation of division (A)(1) or (2) of section 2921.34 of the 10708
Revised Code, any prison term imposed upon the offender for one of 10709
those violations shall be served by the offender consecutively to 10710
the prison term or term of imprisonment the offender was serving 10711
when the offender committed that offense and to any other prison 10712
term previously or subsequently imposed upon the offender. 10713

(3) If a prison term is imposed for a violation of division 10714
(B) of section 2911.01 of the Revised Code, a violation of 10715
division (A) of section 2913.02 of the Revised Code in which the 10716
stolen property is a firearm or dangerous ordnance, or a felony 10717
violation of division (B) of section 2921.331 of the Revised Code, 10718
the offender shall serve that prison term consecutively to any 10719
other prison term or mandatory prison term previously or 10720
subsequently imposed upon the offender. 10721

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court shall first consider imposing the prison terms as concurrent sentences. The court may require the offender to serve the prison terms consecutively only if the court finds in language specific to the offender and the offenses that ~~the consecutive service is~~ terms are necessary ~~to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate because they are proportionate~~ to the seriousness of the offender's conduct and to the danger of future crime of 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.~~

(5) If a mandatory prison term is imposed upon an offender pursuant to division (D)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an

offender pursuant to division (D)(5) of this section, and if a
mandatory prison term also is imposed upon the offender pursuant
to division (D)(6) of this section in relation to the same
violation, the offender shall serve the mandatory prison term
imposed pursuant to division (D)(5) of this section consecutively
to and prior to the mandatory prison term imposed pursuant to
division (D)(6) of this section and consecutively to and prior to
any prison term imposed for the underlying violation of division
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to
division (A) of this section or section 2929.142 of the Revised
Code.

(6) When consecutive prison terms are imposed pursuant to
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2)
of this section, the term to be served is the aggregate of all of
the terms so imposed.

(F)(1) If a court imposes a prison term for a felony of the
first degree, for a felony of the second degree, for a felony sex
offense, or 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 to cause physical harm to a person, it shall include in
the sentence a requirement that the offender be subject to a
period of post-release control after the offender's release from
imprisonment, in accordance with that division. If a court imposes
a sentence including a prison term of a type described in this
division on or after July 11, 2006, the failure of a court to
include a post-release control requirement in the sentence
pursuant to this division does not negate, limit, or otherwise
affect the mandatory period of post-release control that is
required for the offender under division (B) of section 2967.28 of
the Revised Code. 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

include in the sentence pursuant to this division a statement 10786
regarding post-release control. 10787

(2) If a court imposes a prison term for a felony of the 10788
third, fourth, or fifth degree that is not subject to division 10789
(F)(1) of this section, it shall include in the sentence a 10790
requirement that the offender be subject to a period of 10791
post-release control after the offender's release from 10792
imprisonment, in accordance with that division, if the parole 10793
board determines that a period of post-release control is 10794
necessary. Section 2929.191 of the Revised Code applies if, prior 10795
to July 11, 2006, a court imposed a sentence including a prison 10796
term of a type described in this division and failed to include in 10797
the sentence pursuant to this division a statement regarding 10798
post-release control. 10799

(G) The court shall impose sentence upon the offender in 10800
accordance with section 2971.03 of the Revised Code, and Chapter 10801
2971. of the Revised Code applies regarding the prison term or 10802
term of life imprisonment without parole imposed upon the offender 10803
and the service of that term of imprisonment if any of the 10804
following apply: 10805

(1) A person is convicted of or pleads guilty to a violent 10806
sex offense or a designated homicide, assault, or kidnapping 10807
offense, and, in relation to that offense, the offender is 10808
adjudicated a sexually violent predator. 10809

(2) A person is convicted of or pleads guilty to a violation 10810
of division (A)(1)(b) of section 2907.02 of the Revised Code 10811
committed on or after January 2, 2007, and either the court does 10812
not impose a sentence of life without parole when authorized 10813
pursuant to division (B) of section 2907.02 of the Revised Code, 10814
or division (B) of section 2907.02 of the Revised Code provides 10815
that the court shall not sentence the offender pursuant to section 10816
2971.03 of the Revised Code. 10817

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

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

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

(I) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having

committed the felony while participating in a criminal gang, the 10849
court shall impose upon the offender an additional prison term of 10850
one, two, or three years. 10851

(J)(1) If an offender who is convicted of or pleads guilty to 10852
aggravated murder, murder, or a felony of the first, second, or 10853
third degree that is an offense of violence also is convicted of 10854
or pleads guilty to a specification of the type described in 10855
section 2941.143 of the Revised Code that charges the offender 10856
with having committed the offense in a school safety zone or 10857
towards a person in a school safety zone, the court shall impose 10858
upon the offender an additional prison term of two years. The 10859
offender shall serve the additional two years consecutively to and 10860
prior to the prison term imposed for the underlying offense. 10861

(2)(a) If an offender is convicted of or pleads guilty to a 10862
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 10863
of the Revised Code and to a specification of the type described 10864
in section 2941.1421 of the Revised Code and if the court imposes 10865
a prison term on the offender for the felony violation, the court 10866
may impose upon the offender an additional prison term as follows: 10867

(i) Subject to division (J)(2)(a)(ii) of this section, an 10868
additional prison term of one, two, three, four, five, or six 10869
months; 10870

(ii) If the offender previously has been convicted of or 10871
pleaded guilty to one or more felony or misdemeanor violations of 10872
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 10873
Revised Code and also was convicted of or pleaded guilty to a 10874
specification of the type described in section 2941.1421 of the 10875
Revised Code regarding one or more of those violations, an 10876
additional prison term of one, two, three, four, five, six, seven, 10877
eight, nine, ten, eleven, or twelve months. 10878

(b) In lieu of imposing an additional prison term under 10879

division (J)(2)(a) of this section, the court may directly impose 10880
on the offender a sanction that requires the offender to wear a 10881
real-time processing, continual tracking electronic monitoring 10882
device during the period of time specified by the court. The 10883
period of time specified by the court shall equal the duration of 10884
an additional prison term that the court could have imposed upon 10885
the offender under division (J)(2)(a) of this section. A sanction 10886
imposed under this division shall commence on the date specified 10887
by the court, provided that the sanction shall not commence until 10888
after the offender has served the prison term imposed for the 10889
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 10890
of the Revised Code and any residential sanction imposed for the 10891
violation under section 2929.16 of the Revised Code. A sanction 10892
imposed under this division shall be considered to be a community 10893
control sanction for purposes of section 2929.15 of the Revised 10894
Code, and all provisions of the Revised Code that pertain to 10895
community control sanctions shall apply to a sanction imposed 10896
under this division, except to the extent that they would by their 10897
nature be clearly inapplicable. The offender shall pay all costs 10898
associated with a sanction imposed under this division, including 10899
the cost of the use of the monitoring device. 10900

(K) At the time of sentencing, the court may recommend the 10901
offender for placement in a program of shock incarceration under 10902
section 5120.031 of the Revised Code or for placement in an 10903
intensive program prison under section 5120.032 of the Revised 10904
Code, disapprove placement of the offender in a program of shock 10905
incarceration or an intensive program prison of that nature, or 10906
make no recommendation on placement of the offender. In no case 10907
shall the department of rehabilitation and correction place the 10908
offender in a program or prison of that nature unless the 10909
department determines as specified in section 5120.031 or 5120.032 10910
of the Revised Code, whichever is applicable, that the offender is 10911
eligible for the placement. 10912

If the court disapproves placement of the offender in a 10913
program or prison of that nature, the department of rehabilitation 10914
and correction shall not place the offender in any program of 10915
shock incarceration or intensive program prison. 10916

If the court recommends placement of the offender in a 10917
program of shock incarceration or in an intensive program prison, 10918
and if the offender is subsequently placed in the recommended 10919
program or prison, the department shall notify the court of the 10920
placement and shall include with the notice a brief description of 10921
the placement. 10922

If the court recommends placement of the offender in a 10923
program of shock incarceration or in an intensive program prison 10924
and the department does not subsequently place the offender in the 10925
recommended program or prison, the department shall send a notice 10926
to the court indicating why the offender was not placed in the 10927
recommended program or prison. 10928

If the court does not make a recommendation under this 10929
division with respect to an offender and if the department 10930
determines as specified in section 5120.031 or 5120.032 of the 10931
Revised Code, whichever is applicable, that the offender is 10932
eligible for placement in a program or prison of that nature, the 10933
department shall screen the offender and determine if there is an 10934
available program of shock incarceration or an intensive program 10935
prison for which the offender is suited. If there is an available 10936
program of shock incarceration or an intensive program prison for 10937
which the offender is suited, the department shall notify the 10938
court of the proposed placement of the offender as specified in 10939
section 5120.031 or 5120.032 of the Revised Code and shall include 10940
with the notice a brief description of the placement. The court 10941
shall have ten days from receipt of the notice to disapprove the 10942
placement. 10943

(L) If a person is convicted of or pleads guilty to 10944

aggravated vehicular homicide in violation of division (A)(1) of 10945
section 2903.06 of the Revised Code and division (B)(2)(c) of that 10946
section applies, the person shall be sentenced pursuant to section 10947
2929.142 of the Revised Code. 10948

(M)(1) Except as provided in division (M)(2) of this section, 10949
if an offender is convicted of or pleads guilty to a felony of the 10950
fourth or fifth degree that is not an offense of violence, the 10951
court shall sentence the offender to a community control sanction 10952
if both of the following apply: 10953

(a) The offender previously has not been convicted of or 10954
pleaded guilty to a felony offense. 10955

(b) The violation is the most serious charge before the 10956
offender at the time of sentencing. 10957

(2) The court has discretion to impose a prison term upon an 10958
offender who is convicted of or pleads guilty to a felony of the 10959
fourth or fifth degree that is not an offense of violence if any 10960
of the following apply: 10961

(a) The offender committed the offense while having a firearm 10962
on or about the offender's person or under the offender's control. 10963

(b) The offender caused physical harm to another person while 10964
committing the offense. 10965

(c) The offender violated a term of the conditions of bond as 10966
set by the court. 10967

(3) A sentencing court may impose an additional penalty under 10968
division (B) of section 2929.15 of the Revised Code upon an 10969
offender sentenced to a community control sanction under division 10970
(M)(1) of this section if the offender violates the conditions of 10971
the community control sanction, violates a law, or leaves the 10972
state without the permission of the court or the offender's 10973
probation officer. 10974

Sec. 2929.143. (A) When a court sentences an offender who is convicted of a felony to a term of incarceration in a state correctional institution, the court may recommend that the offender serve a risk reduction sentence under section 5120.036 of the Revised Code if the offense for which the offender is being sentenced is not a sexually oriented offense, the court determines that a risk reduction sentence is appropriate, and all of the following apply:

(1) The prosecutor and the defense attorney agree that a risk reduction sentence is appropriate.

(2) The offender agrees to cooperate with an assessment of the offender's needs and risk of reoffending that the department of rehabilitation and correction conducts under section 5120.036 of the Revised Code.

(3) The offender agrees to participate in any programming or treatment that the department of rehabilitation and correction orders to address any issues raised in the assessment described in division (A)(2) of this section.

(B) An offender who is serving a risk reduction sentence is not entitled to any earned credit under section 2967.193 of the Revised Code.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration

imposed under that division and the mandatory fine required by 11005
division (B)(3) of section 2929.18 of the Revised Code, the court 11006
may impose upon the offender a community control sanction or 11007
combination of community control sanctions in accordance with 11008
sections 2929.16 and 2929.17 of the Revised Code. If the court is 11009
sentencing an offender for a third or fourth degree felony OVI 11010
offense under division (G)(2) of section 2929.13 of the Revised 11011
Code, in addition to the mandatory prison term or mandatory prison 11012
term and additional prison term imposed under that division, the 11013
court also may impose upon the offender a community control 11014
sanction or combination of community control sanctions under 11015
section 2929.16 or 2929.17 of the Revised Code, but the offender 11016
shall serve all of the prison terms so imposed prior to serving 11017
the community control sanction. 11018

The duration of all community control sanctions imposed upon 11019
an offender under this division shall not exceed five years. If 11020
the offender absconds or otherwise leaves the jurisdiction of the 11021
court in which the offender resides without obtaining permission 11022
from the court or the offender's probation officer to leave the 11023
jurisdiction of the court, or if the offender is confined in any 11024
institution for the commission of any offense while under a 11025
community control sanction, the period of the community control 11026
sanction ceases to run until the offender is brought before the 11027
court for its further action. If the court sentences the offender 11028
to one or more nonresidential sanctions under section 2929.17 of 11029
the Revised Code, the court shall impose as a condition of the 11030
nonresidential sanctions that, during the period of the sanctions, 11031
the offender must abide by the law and must not leave the state 11032
without the permission of the court or the offender's probation 11033
officer. The court may impose any other conditions of release 11034
under a community control sanction that the court considers 11035
appropriate, including, but not limited to, requiring that the 11036
offender not ingest or be injected with a drug of abuse and submit 11037

to random drug testing as provided in division (D) of this section 11038
to determine whether the offender ingested or was injected with a 11039
drug of abuse and requiring that the results of the drug test 11040
indicate that the offender did not ingest or was not injected with 11041
a drug of abuse. 11042

(2)(a) If a court sentences an offender to any community 11043
control sanction or combination of community control sanctions 11044
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 11045
Revised Code, the court shall place the offender under the general 11046
control and supervision of a department of probation in the county 11047
that serves the court for purposes of reporting to the court a 11048
violation of any condition of the sanctions, any condition of 11049
release under a community control sanction imposed by the court, a 11050
violation of law, or the departure of the offender from this state 11051
without the permission of the court or the offender's probation 11052
officer. Alternatively, if the offender resides in another county 11053
and a county department of probation has been established in that 11054
county or that county is served by a multicounty probation 11055
department established under section 2301.27 of the Revised Code, 11056
the court may request the court of common pleas of that county to 11057
receive the offender into the general control and supervision of 11058
that county or multicounty department of probation for purposes of 11059
reporting to the court a violation of any condition of the 11060
sanctions, any condition of release under a community control 11061
sanction imposed by the court, a violation of law, or the 11062
departure of the offender from this state without the permission 11063
of the court or the offender's probation officer, subject to the 11064
jurisdiction of the trial judge over and with respect to the 11065
person of the offender, and to the rules governing that department 11066
of probation. 11067

If there is no department of probation in the county that 11068
serves the court, the court shall place the offender, regardless 11069

of the offender's county of residence, under the general control 11070
and supervision of the adult parole authority for purposes of 11071
reporting to the court a violation of any of the sanctions, any 11072
condition of release under a community control sanction imposed by 11073
the court, a violation of law, or the departure of the offender 11074
from this state without the permission of the court or the 11075
offender's probation officer. 11076

(b) If the court imposing sentence upon an offender sentences 11077
the offender to any community control sanction or combination of 11078
community control sanctions authorized pursuant to section 11079
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 11080
offender violates any condition of the sanctions, any condition of 11081
release under a community control sanction imposed by the court, 11082
violates any law, or departs the state without the permission of 11083
the court or the offender's probation officer, the public or 11084
private person or entity that operates or administers the sanction 11085
or the program or activity that comprises the sanction shall 11086
report the violation or departure directly to the sentencing 11087
court, or shall report the violation or departure to the county or 11088
multicounty department of probation with general control and 11089
supervision over the offender under division (A)(2)(a) of this 11090
section or the officer of that department who supervises the 11091
offender, or, if there is no such department with general control 11092
and supervision over the offender under that division, to the 11093
adult parole authority. If the public or private person or entity 11094
that operates or administers the sanction or the program or 11095
activity that comprises the sanction reports the violation or 11096
departure to the county or multicounty department of probation or 11097
the adult parole authority, the department's or authority's 11098
officers may treat the offender as if the offender were on 11099
probation and in violation of the probation, and shall report the 11100
violation of the condition of the sanction, any condition of 11101
release under a community control sanction imposed by the court, 11102

the violation of law, or the departure from the state without the 11103
required permission to the sentencing court. 11104

(3) If an offender who is eligible for community control 11105
sanctions under this section admits to being drug addicted or the 11106
court has reason to believe that the offender is drug addicted, 11107
and if the offense for which the offender is being sentenced was 11108
related to the addiction, the court may require that the offender 11109
be assessed by a properly credentialed professional within a 11110
specified period of time and shall require the professional to 11111
file a written assessment of the offender with the court. If a 11112
court imposes treatment and recovery support services as a 11113
community control sanction, the court shall direct the level and 11114
type of treatment and recovery support services after 11115
consideration of the written assessment, if available at the time 11116
of sentencing, and recommendations of the professional and other 11117
treatment and recovery support services providers. 11118

(4) If an assessment completed pursuant to division (A)(3) of 11119
this section indicates that the offender is addicted to drugs or 11120
alcohol, the court may include in any community control sanction 11121
imposed for a violation of section 2925.02, 2925.03, 2925.04, 11122
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 11123
2925.37 of the Revised Code a requirement that the offender 11124
participate in a treatment and recovery support services program 11125
certified under section 3793.06 of the Revised Code or offered by 11126
another properly credentialed program provider. 11127

(B)(1) If the conditions of a community control sanction are 11128
violated or if the offender violates a law or leaves the state 11129
without the permission of the court or the offender's probation 11130
officer, the sentencing court may impose upon the violator one or 11131
more of the following penalties: 11132

(a) A longer time under the same sanction if the total time 11133
under the sanctions does not exceed the five-year limit specified 11134

in division (A) of this section; 11135

(b) A more restrictive sanction under section 2929.16, 11136
2929.17, or 2929.18 of the Revised Code; 11137

(c) A prison term on the offender pursuant to section 2929.14 11138
of the Revised Code. 11139

(2) The prison term, if any, imposed upon a violator pursuant 11140
to this division shall be within the range of prison terms 11141
available for the offense for which the sanction that was violated 11142
was imposed and shall not exceed the prison term specified in the 11143
notice provided to the offender at the sentencing hearing pursuant 11144
to division (B)(3) of section 2929.19 of the Revised Code. The 11145
court may reduce the longer period of time that the offender is 11146
required to spend under the longer sanction, the more restrictive 11147
sanction, or a prison term imposed pursuant to this division by 11148
the time the offender successfully spent under the sanction that 11149
was initially imposed. 11150

(C) If an offender, for a significant period of time, 11151
fulfills the conditions of a sanction imposed pursuant to section 11152
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 11153
manner, the court may reduce the period of time under the sanction 11154
or impose a less restrictive sanction, but the court shall not 11155
permit the offender to violate any law or permit the offender to 11156
leave the state without the permission of the court or the 11157
offender's probation officer. 11158

(D)(1) If a court under division (A)(1) of this section 11159
imposes a condition of release under a community control sanction 11160
that requires the offender to submit to random drug testing, the 11161
department of probation or the adult parole authority that has 11162
general control and supervision of the offender under division 11163
(A)(2)(a) of this section may cause the offender to submit to 11164
random drug testing performed by a laboratory or entity that has 11165

entered into a contract with any of the governmental entities or 11166
officers authorized to enter into a contract with that laboratory 11167
or entity under section 341.26, 753.33, or 5120.63 of the Revised 11168
Code. 11169

(2) If no laboratory or entity described in division (D)(1) 11170
of this section has entered into a contract as specified in that 11171
division, the department of probation or the adult parole 11172
authority that has general control and supervision of the offender 11173
under division (A)(2)(a) of this section shall cause the offender 11174
to submit to random drug testing performed by a reputable public 11175
laboratory to determine whether the individual who is the subject 11176
of the drug test ingested or was injected with a drug of abuse. 11177

(3) A laboratory or entity that has entered into a contract 11178
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 11179
shall perform the random drug tests under division (D)(1) of this 11180
section in accordance with the applicable standards that are 11181
included in the terms of that contract. A public laboratory shall 11182
perform the random drug tests under division (D)(2) of this 11183
section in accordance with the standards set forth in the policies 11184
and procedures established by the department of rehabilitation and 11185
correction pursuant to section 5120.63 of the Revised Code. An 11186
offender who is required under division (A)(1) of this section to 11187
submit to random drug testing as a condition of release under a 11188
community control sanction and whose test results indicate that 11189
the offender ingested or was injected with a drug of abuse shall 11190
pay the fee for the drug test if the department of probation or 11191
the adult parole authority that has general control and 11192
supervision of the offender requires payment of a fee. A 11193
laboratory or entity that performs the random drug testing on an 11194
offender under division (D)(1) or (2) of this section shall 11195
transmit the results of the drug test to the appropriate 11196
department of probation or the adult parole authority that has 11197

general control and supervision of the offender under division 11198
(A)(2)(a) of this section. 11199

(E) The court may sentence a felony offender to a 11200
community-based corrections program that is established pursuant 11201
to section 5149.31 of the Revised Code if the offender meets any 11202
of the following criteria: 11203

(1) The offender is convicted of a felony of the first, 11204
second, or third degree. 11205

(2) The offender is convicted of a felony of the fourth or 11206
fifth degree and is found to be a high risk, as assessed by the 11207
single validated risk assessment tool described in section 11208
5120.114 of the Revised Code. 11209

(3) The offender's community control sanction or combination 11210
of community control sanctions imposed under section 2929.16 or 11211
2929.17 of the Revised Code has been revoked, and the offender is 11212
found to be a medium or high risk, as assessed by the single 11213
validated risk assessment tool described in section 5120.114 of 11214
the Revised Code. 11215

Sec. 2929.16. (A) Except as provided in this division, the 11216
court imposing a sentence for a felony upon an offender who is not 11217
required to serve a mandatory prison term may impose any community 11218
residential sanction or combination of community residential 11219
sanctions under this section. The court imposing a sentence for a 11220
fourth degree felony OVI offense under division (G)(1) or (2) of 11221
section 2929.13 of the Revised Code or for a third degree felony 11222
OVI offense under division (G)(2) of that section may impose upon 11223
the offender, in addition to the mandatory term of local 11224
incarceration or mandatory prison term imposed under the 11225
applicable division, a community residential sanction or 11226
combination of community residential sanctions under this section, 11227
and the offender shall serve or satisfy the sanction or 11228

combination of sanctions after the offender has served the 11229
mandatory term of local incarceration or mandatory prison term 11230
required for the offense. Community residential sanctions include, 11231
but are not limited to, the following: 11232

(1) A term of up to six months at a community-based 11233
correctional facility that serves the county+ if the offender 11234
satisfies any of the following criteria: 11235

(a) The offender is convicted of a felony of the first or 11236
second degree. 11237

(b) The offender is convicted of a felony of the third degree 11238
and is found to be a medium or high risk, as assessed by the 11239
single validated risk assessment tool described in section 11240
5120.114 of the Revised Code. 11241

(c) The offender is convicted of a felony of the fourth or 11242
fifth degree and is found to be a high risk, as assessed by the 11243
single validated risk assessment tool described in section 11244
5120.114 of the Revised Code. 11245

(d) The offender's community control sanction or combination 11246
of community control sanctions imposed under section 2929.16 or 11247
2929.17 of the Revised Code have been revoked, and the offender is 11248
found to be a medium or high risk, as assessed by the single 11249
validated risk assessment tool described in section 5120.114 of 11250
the Revised Code. 11251

(2) Except as otherwise provided in division (A)(3) of this 11252
section and subject to division (D) of this section, a term of up 11253
to six months in a jail; 11254

(3) If the offender is convicted of a fourth degree felony 11255
OVI offense and is sentenced under division (G)(1) of section 11256
2929.13 of the Revised Code, subject to division (D) of this 11257
section, a term of up to one year in a jail less the mandatory 11258

term of local incarceration of sixty or one hundred twenty 11259
consecutive days of imprisonment imposed pursuant to that 11260
division; 11261

(4) A term in a halfway house; 11262

(5) A term in an alternative residential facility. 11263

(B) The court that assigns any offender convicted of a felony 11264
to a residential sanction under this section may authorize the 11265
offender to be released so that the offender may seek or maintain 11266
employment, receive education or training, or receive treatment. A 11267
release pursuant to this division shall be only for the duration 11268
of time that is needed to fulfill the purpose of the release and 11269
for travel that reasonably is necessary to fulfill the purposes of 11270
the release. 11271

(C) If the court assigns an offender to a county jail that is 11272
not a minimum security misdemeanor jail in a county that has 11273
established a county jail industry program pursuant to section 11274
5147.30 of the Revised Code, the court shall specify, as part of 11275
the sentence, whether the sheriff of that county may consider the 11276
offender for participation in the county jail industry program. 11277
During the offender's term in the county jail, the court shall 11278
retain jurisdiction to modify its specification upon a 11279
reassessment of the offender's qualifications for participation in 11280
the program. 11281

(D) If a court sentences an offender to a term in jail under 11282
division (A)(2) or (3) of this section and if the sentence is 11283
imposed for a felony of the fourth or fifth degree that is not an 11284
offense of violence, the court may specify that it prefers that 11285
the offender serve the term in a minimum security jail established 11286
under section 341.34 or 753.21 of the Revised Code. If the court 11287
includes a specification of that type in the sentence and if the 11288
administrator of the appropriate minimum security jail or the 11289

designee of that administrator classifies the offender in 11290
accordance with section 341.34 or 753.21 of the Revised Code as a 11291
minimal security risk, the offender shall serve the term in the 11292
minimum security jail established under section 341.34 or 753.21 11293
of the Revised Code. Absent a specification of that type and a 11294
finding of that type, the offender shall serve the term in a jail 11295
other than a minimum security jail established under section 11296
341.34 or 753.21 of the Revised Code. 11297

(E) If a person who has been convicted of or pleaded guilty 11298
to a felony is sentenced to a community residential sanction as 11299
described in division (A) of this section, at the time of 11300
reception and at other times the person in charge of the operation 11301
of the community-based correctional facility, jail, halfway house, 11302
alternative residential facility, or other place at which the 11303
offender will serve the residential sanction determines to be 11304
appropriate, the person in charge of the operation of the 11305
community-based correctional facility, jail, halfway house, 11306
alternative residential facility, or other place may cause the 11307
convicted offender to be examined and tested for tuberculosis, HIV 11308
infection, hepatitis, including but not limited to hepatitis A, B, 11309
and C, and other contagious diseases. The person in charge of the 11310
operation of the community-based correctional facility, jail, 11311
halfway house, alternative residential facility, or other place at 11312
which the offender will serve the residential sanction may cause a 11313
convicted offender in the community-based correctional facility, 11314
jail, halfway house, alternative residential facility, or other 11315
place who refuses to be tested or treated for tuberculosis, HIV 11316
infection, hepatitis, including but not limited to hepatitis A, B, 11317
and C, or another contagious disease to be tested and treated 11318
involuntarily. 11319

Sec. 2929.20. (A) As used in this section: 11320

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term of that includes one or more nonmandatory prison terms that in the aggregate are ten years or less ~~when either of the following applies:~~

~~(i) The stated prison term does not include a mandatory prison term.~~

~~(ii) The stated prison term includes a mandatory prison term, and the person has served the mandatory prison term.~~

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding

that public office; 11352

(v) A conspiracy to commit, attempt to commit, or complicity 11353
in committing any offense listed in division (A)(1)(b)(i) or 11354
described in division (A)(1)(b)(iii) of this section; 11355

(vi) A conspiracy to commit, attempt to commit, or complicity 11356
in committing any offense listed in division (A)(1)(b)(ii) or 11357
described in division (A)(1)(b)(iv) of this section, if the 11358
conduct constituting the offense that was the subject of the 11359
conspiracy, that would have constituted the offense attempted, or 11360
constituting the offense in which the offender was complicit was 11361
or would have been related to the duties of the offender's public 11362
office or to the offender's actions as a public official holding 11363
that public office. 11364

(2) "Nonmandatory prison term" means a prison term that is 11365
not a mandatory prison term. 11366

(3) "Public office" means any elected federal, state, or 11367
local government office in this state. 11368

(B) On the motion of an eligible offender or upon its own 11369
motion, the sentencing court may reduce the eligible offender's 11370
~~stated~~ aggregated nonmandatory prison term or terms of ten years 11371
or less through a judicial release under this section. 11372

(C) An eligible offender may file a motion for judicial 11373
release with the sentencing court within the following applicable 11374
periods: 11375

(1) If the ~~stated~~ aggregated nonmandatory prison term or 11376
terms is less than two years, the eligible offender may file the 11377
motion ~~not earlier than thirty days~~ after the offender is 11378
~~delivered to a state correctional institution or, if the prison~~ 11379
~~term includes a mandatory prison term or terms, not earlier than~~ 11380
has served thirty days after the expiration of all mandatory 11381
~~prison terms~~ of the aggregated nonmandatory prison term or terms. 11382

(2) If the ~~stated~~ aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion ~~not earlier than one hundred eighty days~~ after the offender ~~is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms,~~ not earlier than has served one hundred eighty days after the expiration of all mandatory prison terms of the aggregated nonmandatory prison term or terms.

(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion after the eligible offender has served four years of the aggregated nonmandatory prison term or terms.

(4) If the ~~stated~~ aggregated nonmandatory prison term or terms is more than five years ~~or more~~ but not more than ten years, the eligible offender may file the motion ~~not earlier than five years~~ after the eligible offender ~~is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms,~~ not earlier than has served five years after the expiration of all mandatory prison of the aggregated nonmandatory prison term or terms.

(D) Upon receipt of a timely motion for judicial release filed by an eligible offender under division (C) of this section or upon the sentencing court's own motion made within the appropriate time specified in that division, the court may deny the motion without a hearing or schedule a hearing on the motion. The court shall not grant the motion without a hearing. If a court denies a motion without a hearing, the court later may consider judicial release for that eligible offender on a subsequent motion filed by that eligible offender unless the court denies the motion with prejudice. If a court denies a motion with prejudice, the court may later consider judicial release on its own motion. If a court denies a motion after a hearing, the court shall not

consider a subsequent motion for that eligible offender. The court shall hold only one hearing for any eligible offender.

A hearing under this section shall be conducted in open court within sixty days after the motion is filed, provided that the court may delay the hearing for one hundred eighty additional days. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed.

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution 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 schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall notify the victim of the offense or the victim's representative pursuant to section 2930.16 of the Revised Code.

(F) Upon an offender's successful completion of rehabilitative activities, the head of the state correctional institution may notify the sentencing court of the successful completion of the activities.

(G) Prior to the date of the hearing on a motion for judicial release under this section, the head of the state correctional

institution in which the eligible offender is confined shall send 11447
to the court a report on the eligible offender's conduct in the 11448
institution and in any institution from which the eligible 11449
offender may have been transferred. The report shall cover the 11450
eligible offender's participation in school, vocational training, 11451
work, treatment, and other rehabilitative activities and any 11452
disciplinary action taken against the eligible offender. The 11453
report shall be made part of the record of the hearing. 11454

(H) If the court grants a hearing on a motion for judicial 11455
release under this section, the eligible offender shall attend the 11456
hearing if ordered to do so by the court. Upon receipt of a copy 11457
of the journal entry containing the order, the head of the state 11458
correctional institution in which the eligible offender is 11459
incarcerated shall deliver the eligible offender to the sheriff of 11460
the county in which the hearing is to be held. The sheriff shall 11461
convey the eligible offender to and from the hearing. 11462

(I) At the hearing on a motion for judicial release under 11463
this section, the court shall afford the eligible offender and the 11464
eligible offender's attorney an opportunity to present written 11465
and, if present, oral information relevant to the motion. The 11466
court shall afford a similar opportunity to the prosecuting 11467
attorney, the victim or the victim's representative, as defined in 11468
section 2930.01 of the Revised Code, and any other person the 11469
court determines is likely to present additional relevant 11470
information. The court shall consider any statement of a victim 11471
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 11472
any victim impact statement prepared pursuant to section 2947.051 11473
of the Revised Code, and any report made under division (G) of 11474
this section. The court may consider any written statement of any 11475
person submitted to the court pursuant to division (L) of this 11476
section. After ruling on the motion, the court shall notify the 11477
victim of the ruling in accordance with sections 2930.03 and 11478

2930.16 of the Revised Code. 11479

(J)(1) A court shall not grant a judicial release under this 11480
section to an eligible offender who is imprisoned for a felony of 11481
the first or second degree, or to an eligible offender who 11482
committed an offense under Chapter 2925. or 3719. of the Revised 11483
Code and for whom there was a presumption under section 2929.13 of 11484
the Revised Code in favor of a prison term, unless the court, with 11485
reference to factors under section 2929.12 of the Revised Code, 11486
finds both of the following: 11487

(a) That a sanction other than a prison term would adequately 11488
punish the offender and protect the public from future criminal 11489
violations by the eligible offender because the applicable factors 11490
indicating a lesser likelihood of recidivism outweigh the 11491
applicable factors indicating a greater likelihood of recidivism; 11492

(b) That a sanction other than a prison term would not demean 11493
the seriousness of the offense because factors indicating that the 11494
eligible offender's conduct in committing the offense was less 11495
serious than conduct normally constituting the offense outweigh 11496
factors indicating that the eligible offender's conduct was more 11497
serious than conduct normally constituting the offense. 11498

(2) A court that grants a judicial release to an eligible 11499
offender under division (J)(1) of this section shall specify on 11500
the record both findings required in that division and also shall 11501
list all the factors described in that division that were 11502
presented at the hearing. 11503

(K) If the court grants a motion for judicial release under 11504
this section, the court shall order the release of the eligible 11505
offender, shall place the eligible offender under an appropriate 11506
community control sanction, under appropriate conditions, and 11507
under the supervision of the department of probation serving the 11508
court and shall reserve the right to reimpose the sentence that it 11509

reduced if the offender violates the sanction. If the court 11510
reimposes the reduced sentence, it may do so either concurrently 11511
with, or consecutive to, any new sentence imposed upon the 11512
eligible offender as a result of the violation that is a new 11513
offense. The period of community control shall be no longer than 11514
five years. The court, in its discretion, may reduce the period of 11515
community control by the amount of time the eligible offender 11516
spent in jail or prison for the offense and in prison. If the 11517
court made any findings pursuant to division (J)(1) of this 11518
section, the court shall serve a copy of the findings upon counsel 11519
for the parties within fifteen days after the date on which the 11520
court grants the motion for judicial release. 11521

If the court grants a motion for judicial release, the court 11522
shall notify the appropriate person at the department of 11523
rehabilitation and correction, and the department shall post 11524
notice of the release on the database it maintains pursuant to 11525
section 5120.66 of the Revised Code. 11526

(L) In addition to and independent of the right of a victim 11527
to make a statement pursuant to section 2930.14, 2930.17, or 11528
2946.051 of the Revised Code and any right of a person to present 11529
written information or make a statement pursuant to division (I) 11530
of this section, any person may submit to the court, at any time 11531
prior to the hearing on the offender's motion for judicial 11532
release, a written statement concerning the effects of the 11533
offender's crime or crimes, the circumstances surrounding the 11534
crime or crimes, the manner in which the crime or crimes were 11535
perpetrated, and the person's opinion as to whether the offender 11536
should be released. 11537

(M) The changes to this section that are made on the 11538
effective date of this division apply to any judicial release 11539
decision made on or after the effective date of this division for 11540
any eligible offender. 11541

Sec. 2929.26. (A) Except when a mandatory jail term is 11542
required by law, the court imposing a sentence for a misdemeanor, 11543
other than a minor misdemeanor, may impose upon the offender any 11544
community residential sanction or combination of community 11545
residential sanctions under this section. Community residential 11546
sanctions include, but are not limited to, the following: 11547

(1) A term of up to one hundred eighty days in a halfway 11548
house or a term in a halfway house not to exceed the longest jail 11549
term available for the offense, whichever is shorter, if the 11550
political subdivision that would have responsibility for paying 11551
the costs of confining the offender in a jail has entered into a 11552
contract with the halfway house for use of the facility for 11553
misdemeanor offenders; 11554

(2) A term of up to one hundred eighty days in an alternative 11555
residential facility or a term in an alternative residential 11556
facility not to exceed the longest jail term available for the 11557
offense, whichever is shorter. The court may specify the level of 11558
security in the alternative residential facility that is needed 11559
for the offender. 11560

(3) If the offender is an eligible offender, as defined in 11561
section 307.932 of the Revised Code, a term of up to thirty days 11562
in a community alternative sentencing center or district community 11563
alternative sentencing center established and operated in 11564
accordance with that section, in the circumstances specified in 11565
that section, with one of the conditions of the sanction being 11566
that the offender complete in the center the entire term imposed. 11567

(B) The A sentence to a community residential sanction under 11568
division (A)(3) of this section shall be in accordance with 11569
section 307.932 of the Revised Code. In all other cases, the court 11570
that sentences an offender to a community residential sanction 11571
under this section may do either or both of the following: 11572

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

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

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

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

(E) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis,

including, but not limited to, hepatitis A, B, and C, and other 11605
contagious diseases. The person in charge of the operation of the 11606
halfway house, alternative residential facility, community 11607
alternative sentencing center, district community alternative 11608
sentencing center, or other place at which the offender will serve 11609
the residential sanction may cause a convicted offender in the 11610
halfway house, alternative residential facility, community 11611
alternative sentencing center, district community alternative 11612
sentencing center, or other place who refuses to be tested or 11613
treated for tuberculosis, HIV infection, hepatitis, including, but 11614
not limited to, hepatitis A, B, and C, or another contagious 11615
disease to be tested and treated involuntarily. 11616

(F) A political subdivision may enter into a contract with a 11617
halfway house for use of the halfway house to house misdemeanor 11618
offenders under a sanction imposed under division (A)(1) of this 11619
section. 11620

Sec. 2929.34. (A) A person who is convicted of or pleads 11621
guilty to aggravated murder, murder, or an offense punishable by 11622
life imprisonment and who is sentenced to a term of life 11623
imprisonment or a prison term pursuant to that conviction shall 11624
serve that term in an institution under the control of the 11625
department of rehabilitation and correction. 11626

(B)(1) A person who is convicted of or pleads guilty to a 11627
felony other than aggravated murder, murder, or an offense 11628
punishable by life imprisonment and who is sentenced to a term of 11629
imprisonment or a prison term pursuant to that conviction shall 11630
serve that term as follows: 11631

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 11632
section, in an institution under the control of the department of 11633
rehabilitation and correction if the term is a prison term or as 11634
otherwise determined by the sentencing court pursuant to section 11635

2929.16 of the Revised Code if the term is not a prison term; 11636

(b) In a facility of a type described in division (G)(1) of 11637
section 2929.13 of the Revised Code, if the offender is sentenced 11638
pursuant to that division. 11639

(2) If the term is a prison term, the person may be 11640
imprisoned in a jail that is not a minimum security jail pursuant 11641
to agreement under section 5120.161 of the Revised Code between 11642
the department of rehabilitation and correction and the local 11643
authority that operates the jail. 11644

(C) A person who is convicted of or pleads guilty to one or 11645
more misdemeanors and who is sentenced to a jail term or term of 11646
imprisonment pursuant to the conviction or convictions shall serve 11647
that term in a county, multicounty, municipal, municipal-county, 11648
or multicounty-municipal jail or workhouse; in a community 11649
alternative sentencing center or district community alternative 11650
sentencing center when authorized by section 307.932 of the 11651
Revised Code; or, if the misdemeanor or misdemeanors are not 11652
offenses of violence, in a minimum security jail. 11653

(D) Nothing in this section prohibits the commitment, 11654
referral, or sentencing of a person who is convicted of or pleads 11655
guilty to a felony to a community-based correctional facility. 11656

Sec. 2930.12. At the request of the victim in a criminal 11657
prosecution, the prosecutor shall give the victim notice of the 11658
defendant's acquittal or conviction. At the request of the victim 11659
in a delinquency proceeding, the prosecutor shall give the victim 11660
notice of the dismissal of the complaint against the alleged 11661
juvenile offender or of the adjudication of the alleged juvenile 11662
offender as a delinquent child, except that, if the juvenile court 11663
dismisses the complaint against the alleged juvenile offender or 11664
adjudicates the alleged juvenile offender a delinquent child prior 11665
to the prosecutor's involvement in the case, at the request of the 11666

victim, the court or a court employee shall give the victim notice 11667
of the dismissal or of the adjudication. If the defendant or 11668
alleged juvenile offender is convicted or is adjudicated a 11669
delinquent child, the notice shall include all of the following: 11670

(A) The crimes or specified delinquent acts of which the 11671
defendant was convicted or for which the alleged juvenile offender 11672
was adjudicated a delinquent child; 11673

(B) The address and telephone number of the probation office 11674
or other person, if any, that is to prepare a presentence 11675
investigation report pursuant to section 2951.03 of the Revised 11676
Code or Criminal Rule 32.2, the address and telephone number of 11677
the person, if any, who is to prepare a disposition investigation 11678
report pursuant to division (C)(1) of section 2152.18 of the 11679
Revised Code, and the address and telephone number of the person, 11680
if any, who is to prepare a victim impact statement pursuant to 11681
division (D)(1) of section 2152.19 or section 2947.051 of the 11682
Revised Code; 11683

(C) Notice that the victim may make a statement about the 11684
impact of the crime or specified delinquent act to the probation 11685
officer or other person, if any, who prepares the presentence 11686
investigation report or to the person, if any, who prepares a 11687
victim impact statement, that a statement of the victim included 11688
in the report will be made available to the defendant or alleged 11689
juvenile offender unless the court exempts it from disclosure, and 11690
that the court may make the victim impact statement available to 11691
the defendant or alleged juvenile offender; 11692

(D) Notice of the victim's right under section 2930.14 of the 11693
Revised Code to make a statement about the impact of the crime or 11694
specified delinquent act before sentencing or disposition; 11695

(E) The date, time, and place of the sentencing hearing or 11696
dispositional hearing; 11697

(F) One of the following: 11698

(1) Any sentence imposed upon the defendant and any 11699
subsequent modification of that sentence, including modification 11700
under section 2929.20 or 5120.036 of the Revised Code or as a 11701
result of the defendant's appeal of the sentence pursuant to 11702
section 2953.08 of the Revised Code; 11703

(2) Any disposition ordered for the defendant and any 11704
subsequent modification of that disposition, including judicial 11705
release or early release in accordance with section 2151.38 of the 11706
Revised Code. 11707

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 11708
a case who has requested to receive notice under this section 11709
shall be given notice of the incarceration of the defendant. If an 11710
alleged juvenile offender is committed to the temporary custody of 11711
a school, camp, institution, or other facility operated for the 11712
care of delinquent children or to the legal custody of the 11713
department of youth services, a victim in a case who has requested 11714
to receive notice under this section shall be given notice of the 11715
commitment. Promptly after sentence is imposed upon the defendant 11716
or the commitment of the alleged juvenile offender is ordered, the 11717
prosecutor in the case shall notify the victim of the date on 11718
which the defendant will be released from confinement or the 11719
prosecutor's reasonable estimate of that date or the date on which 11720
the alleged juvenile offender will have served the minimum period 11721
of commitment or the prosecutor's reasonable estimate of that 11722
date. The prosecutor also shall notify the victim of the name of 11723
the custodial agency of the defendant or alleged juvenile offender 11724
and tell the victim how to contact that custodial agency. If the 11725
custodial agency is the department of rehabilitation and 11726
correction, the prosecutor shall notify the victim of the services 11727
offered by the office of victims' services pursuant to section 11728

5120.60 of the Revised Code. If the custodial agency is the 11729
department of youth services, the prosecutor shall notify the 11730
victim of the services provided by the office of victims' services 11731
within the release authority of the department pursuant to section 11732
5139.55 of the Revised Code and the victim's right pursuant to 11733
section 5139.56 of the Revised Code to submit a written request to 11734
the release authority to be notified of actions the release 11735
authority takes with respect to the alleged juvenile offender. The 11736
victim shall keep the custodial agency informed of the victim's 11737
current address and telephone number. 11738

(B)(1) Upon the victim's request, the prosecutor promptly 11739
shall notify the victim of any hearing for judicial release of the 11740
defendant pursuant to section 2929.20 of the Revised Code, of any 11741
hearing for release of the defendant pursuant to section 2967.19 11742
of the Revised Code, or of any hearing for judicial release or 11743
early release of the alleged juvenile offender pursuant to section 11744
2151.38 of the Revised Code and of the victim's right to make a 11745
statement under those sections. The court shall notify the victim 11746
of its ruling in each of those hearings and on each of those 11747
applications. 11748

(2) If an offender is sentenced to a prison term pursuant to 11749
division (A)(3) or (B) of section 2971.03 of the Revised Code, 11750
upon the request of the victim of the crime, the prosecutor 11751
promptly shall notify the victim of any hearing to be conducted 11752
pursuant to section 2971.05 of the Revised Code to determine 11753
whether to modify the requirement that the offender serve the 11754
entire prison term in a state correctional facility in accordance 11755
with division (C) of that section, whether to continue, revise, or 11756
revoke any existing modification of that requirement, or whether 11757
to terminate the prison term in accordance with division (D) of 11758
that section. The court shall notify the victim of any order 11759
issued at the conclusion of the hearing. 11760

(C) Upon the victim's request made at any time before the particular notice would be due, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:

(1) At least three weeks before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code;

(2) At least three weeks before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer;

(3) At least thirty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(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 11793
facility or from other custody, and of the capture of the 11794
defendant or alleged juvenile offender after an escape or absence; 11795

(5) Notice of the defendant's or alleged juvenile offender's 11796
death while in confinement or custody; 11797

(6) Notice of the defendant's or alleged juvenile offender's 11798
release from confinement or custody and the terms and conditions 11799
of the release. 11800

Sec. 2930.17. (A) In determining whether to grant a judicial 11801
release to a defendant from a prison term pursuant to section 11802
2929.20 of the Revised Code at a time before the defendant's 11803
stated prison term expires, in determining whether to grant a 11804
release to an offender from a prison term pursuant to section 11805
2967.19 of the Revised Code at a time before the offender's stated 11806
prison term expires, or in determining whether to grant a judicial 11807
release or early release to an alleged juvenile offender from a 11808
commitment to the department of youth services pursuant to section 11809
2151.38 of the Revised Code, the court shall permit a victim of a 11810
crime or specified delinquent act for which the defendant or 11811
alleged juvenile offender was incarcerated or committed to make a 11812
statement, in addition to any other statement made under this 11813
chapter, concerning the effects of that crime or specified 11814
delinquent act on the victim, the circumstances surrounding the 11815
crime or specified delinquent act, the manner in which the crime 11816
or specified delinquent act was perpetrated, and the victim's 11817
opinion whether the defendant or alleged juvenile offender should 11818
be released. The victim may make the statement in writing or 11819
orally, at the court's discretion. The court shall give the 11820
defendant or alleged juvenile offender and either the adult parole 11821
authority or the department of youth services, whichever is 11822
applicable, a copy of any written impact statement made by the 11823

victim under this division. 11824

(B) In deciding whether to grant a judicial release or early 11825
release to the defendant or alleged juvenile offender, the court 11826
shall consider a statement made by the victim under division (A) 11827
of this section or section 2930.14 or 2947.051 of the Revised 11828
Code. 11829

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 11830
division (A)(1)(b) of this section, whoever violates a prohibition 11831
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 11832
Code shall be punished as follows: 11833

(i) If the most serious sexually oriented offense that was 11834
the basis of the registration, notice of intent to reside, change 11835
of address notification, or address verification requirement that 11836
was violated under the prohibition is aggravated murder or murder 11837
if committed by an adult or a comparable category of offense 11838
committed in another jurisdiction, the offender is guilty of a 11839
felony of the first degree. 11840

(ii) If the most serious sexually oriented offense or 11841
child-victim oriented offense that was the basis of the 11842
registration, notice of intent to reside, change of address 11843
notification, or address verification requirement that was 11844
violated under the prohibition is a felony of the first, second, 11845
third, or fourth degree if committed by an adult or a comparable 11846
category of offense committed in another jurisdiction, the 11847
offender is guilty of a felony of the same degree as the most 11848
serious sexually oriented offense or child-victim oriented offense 11849
that was the basis of the registration, notice of intent to 11850
reside, change of address, or address verification requirement 11851
that was violated under the prohibition, or, if the most serious 11852
sexually oriented offense or child-victim oriented offense that 11853
was the basis of the registration, notice of intent to reside, 11854

change of address, or address verification requirement that was 11855
violated under the prohibition is a comparable category of offense 11856
committed in another jurisdiction, the offender is guilty of a 11857
felony of the same degree as that offense committed in the other 11858
jurisdiction would constitute if committed in this state. 11859

(iii) If the most serious sexually oriented offense or 11860
child-victim oriented offense that was the basis of the 11861
registration, notice of intent to reside, change of address 11862
notification, or address verification requirement that was 11863
violated under the prohibition is a felony of the fifth degree or 11864
a misdemeanor if committed by an adult or a comparable category of 11865
offense committed in another jurisdiction, the offender is guilty 11866
of a felony of the fourth degree. 11867

(b) If the offender previously has been convicted of or 11868
pleaded guilty to, or previously has been adjudicated a delinquent 11869
child for committing, a violation of a prohibition in section 11870
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 11871
whoever violates a prohibition in section 2950.04, 2950.041, 11872
2950.05, or 2950.06 of the Revised Code shall be punished as 11873
follows: 11874

(i) If the most serious sexually oriented offense that was 11875
the basis of the registration, notice of intent to reside, change 11876
of address notification, or address verification requirement that 11877
was violated under the prohibition is aggravated murder or murder 11878
if committed by an adult or a comparable category of offense 11879
committed in another jurisdiction, the offender is guilty of a 11880
felony of the first degree. 11881

(ii) If the most serious sexually oriented offense or 11882
child-victim oriented offense that was the basis of the 11883
registration, notice of intent to reside, change of address 11884
notification, or address verification requirement that was 11885
violated under the prohibition is a felony of the first, second, 11886

or third degree if committed by an adult or a comparable category 11887
of offense committed in another jurisdiction, the offender is 11888
guilty of a felony of the same degree as the most serious sexually 11889
oriented offense or child-victim oriented offense that was the 11890
basis of the registration, notice of intent to reside, change of 11891
address, or address verification requirement that was violated 11892
under the prohibition, or, if the most serious sexually oriented 11893
offense or child-victim oriented offense that was the basis of the 11894
registration, notice of intent to reside, change of address, or 11895
address verification requirement that was violated under the 11896
prohibition is a comparable category of offense committed in 11897
another jurisdiction, the offender is guilty of a felony of the 11898
same degree as that offense committed in the other jurisdiction 11899
would constitute if committed in this state. 11900

(iii) If the most serious sexually oriented offense or 11901
child-victim oriented offense that was the basis of the 11902
registration, notice of intent to reside, change of address 11903
notification, or address verification requirement that was 11904
violated under the prohibition is a felony of the fourth or fifth 11905
degree if committed by an adult or a comparable category of 11906
offense committed in another jurisdiction, the offender is guilty 11907
of a felony of the third degree. 11908

(iv) If the most serious sexually oriented offense or 11909
child-victim oriented offense that was the basis of the 11910
registration, notice of intent to reside, change of address 11911
notification, or address verification requirement that was 11912
violated under the prohibition is a misdemeanor if committed by an 11913
adult or a comparable category of offense committed in another 11914
jurisdiction, the offender is guilty of a felony of the fourth 11915
degree. 11916

(2)(a) In addition to any penalty or sanction imposed under 11917
division (A)(1) of this section or any other provision of law for 11918

a violation of a prohibition in section 2950.04, 2950.041, 11919
2950.05, or 2950.06 of the Revised Code, if the offender or 11920
delinquent child is subject to a community control sanction, is on 11921
parole, is subject to one or more post-release control sanctions, 11922
or is subject to any other type of supervised release at the time 11923
of the violation, the violation shall constitute a violation of 11924
the terms and conditions of the community control sanction, 11925
parole, post-release control sanction, or other type of supervised 11926
release. 11927

(b) In addition to any penalty or sanction imposed under 11928
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 11929
provision of law for a violation of a prohibition in section 11930
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 11931
offender previously has been convicted of or pleaded guilty to, or 11932
previously has been adjudicated a delinquent child for committing, 11933
a violation of a prohibition in section 2950.04, 2950.041, 11934
2950.05, or 2950.06 of the Revised Code when the most serious 11935
sexually oriented offense or child-victim oriented offense that 11936
was the basis of the requirement that was violated under the 11937
prohibition is a felony if committed by an adult or a comparable 11938
category of offense committed in another jurisdiction, the court 11939
imposing a sentence upon the offender shall impose a definite 11940
prison term of no less than three years. The definite prison term 11941
imposed under this section is not restricted by division (B) of 11942
section 2929.14 of the Revised Code and, subject to division (C) 11943
of section 2967.19 of the Revised Code, shall not be reduced to 11944
less than three years pursuant to any provision of Chapter 2967. 11945
or any other provision of the Revised Code. 11946

(3) As used in division (A)(1) of this section, "comparable 11947
category of offense committed in another jurisdiction" means a 11948
sexually oriented offense or child-victim oriented offense that 11949
was the basis of the registration, notice of intent to reside, 11950

change of address notification, or address verification 11951
requirement that was violated, that is a violation of an existing 11952
or former law of another state or the United States, an existing 11953
or former law applicable in a military court or in an Indian 11954
tribal court, or an existing or former law of any nation other 11955
than the United States, and that, if it had been committed in this 11956
state, would constitute or would have constituted aggravated 11957
murder or murder for purposes of division (A)(1)(a)(i) of this 11958
section, a felony of the first, second, third, or fourth degree 11959
for purposes of division (A)(1)(a)(ii) of this section, a felony 11960
of the fifth degree or a misdemeanor for purposes of division 11961
(A)(1)(a)(iii) of this section, aggravated murder or murder for 11962
purposes of division (A)(1)(b)(i) of this section, a felony of the 11963
first, second, or third degree for purposes of division 11964
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 11965
degree for purposes of division (A)(1)(b)(iii) of this section, or 11966
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 11967
section. 11968

(B) If a person violates a prohibition in section 2950.04, 11969
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 11970
the person as a result of the person being adjudicated a 11971
delinquent child and being classified a juvenile offender 11972
registrant or an out-of-state juvenile offender registrant, both 11973
of the following apply: 11974

(1) If the violation occurs while the person is under 11975
eighteen years of age, the person is subject to proceedings under 11976
Chapter 2152. of the Revised Code based on the violation. 11977

(2) If the violation occurs while the person is eighteen 11978
years of age or older, the person is subject to criminal 11979
prosecution based on the violation. 11980

(C) Whoever violates division (C) of section 2950.13 of the 11981
Revised Code is guilty of a misdemeanor of the first degree. 11982

<u>Sec. 2951.022. (A) As used in this section:</u>	11983
<u>(1) "Concurrent supervision offender" means any offender who</u>	11984
<u>has been sentenced to community control for one or more</u>	11985
<u>misdemeanor violations, is a parolee or releasee, or has been</u>	11986
<u>placed under a community control sanction pursuant to section</u>	11987
<u>2929.16, 2929.17, 2929.18, or 2929.20 of the Revised Code and who</u>	11988
<u>is simultaneously subject to supervision by any of the following:</u>	11989
<u>(a) Two or more municipal courts or county courts in this</u>	11990
<u>state;</u>	11991
<u>(b) Two or more courts of common pleas in this state;</u>	11992
<u>(c) One or more courts of common pleas in this state and one</u>	11993
<u>or more municipal courts or county courts in this state;</u>	11994
<u>(d) One or more municipal or county courts or courts of</u>	11995
<u>common pleas in this state and the adult parole authority.</u>	11996
<u>"Concurrent supervision offender" does not include an</u>	11997
<u>offender subject to the joint supervision of a court of common</u>	11998
<u>pleas and the adult parole authority pursuant to an agreement</u>	11999
<u>entered into under section 2967.29 of the Revised Code.</u>	12000
<u>(2) "Parolee" and "releasee" have the same meanings as in</u>	12001
<u>section 2967.01 of the Revised Code.</u>	12002
<u>(B)(1) Except as otherwise provided in divisions (B)(2), (3),</u>	12003
<u>(4), and (5) of this section, a concurrent supervision offender</u>	12004
<u>shall be supervised by the court that imposed the longest possible</u>	12005
<u>sentence and shall not be supervised by any other authority.</u>	12006
<u>(2) In the case of a concurrent supervision offender subject</u>	12007
<u>to supervision by two or more municipal or county courts in the</u>	12008
<u>same county, the municipal or county court in the territorial</u>	12009
<u>jurisdiction in which the offender resides shall supervise the</u>	12010
<u>offender. In the case of a concurrent supervision offender subject</u>	12011
<u>to supervision by a municipal court or county court and a court of</u>	12012

common pleas for two or more equal possible sentences, the 12013
municipal or county court shall supervise the offender. In the 12014
case of a concurrent supervision offender subject to supervision 12015
by two or more courts of common pleas in separate counties in this 12016
state, the court that lies within the same territorial 12017
jurisdiction in which the offender resides shall supervise the 12018
offender. 12019

(3) Separate courts within the same county may enter into an 12020
agreement or adopt local rules of procedure specifying, generally, 12021
that concurrent supervision offenders will be supervised in a 12022
manner other than that provided for in divisions (B)(1) and (2) of 12023
this section. 12024

(4)(a) The judges of the various courts of this state having 12025
jurisdiction over a concurrent supervision offender may agree by 12026
journal entry to transfer jurisdiction over a concurrent 12027
supervision offender from one court to another court in any manner 12028
the courts consider appropriate, if the offender is supervised by 12029
only a single supervising authority at all times. An agreement to 12030
transfer supervision of an offender under division (B)(4)(a) of 12031
this section shall not take effect until approved by every court 12032
having authority to supervise the offender and may provide for the 12033
transfer of supervision to the offender's jurisdiction of 12034
residence whether or not the offender was subject to supervision 12035
in that jurisdiction prior to transfer. In the case of a 12036
subsequent conviction in a court other than the supervising court, 12037
the supervising court may agree to accept a transfer of 12038
jurisdiction from the court of conviction prior to sentencing and 12039
proceed to sentence the offender according to law. 12040

(b) If the judges of the various courts of this state having 12041
authority to supervise a concurrent supervision offender cannot 12042
reach agreement with respect to the supervision of the offender, 12043
the offender may be subject to concurrent supervision in the 12044

interest of justice upon the courts' consideration of the 12045
provisions set forth in division (C) of this section. 12046

(5) Notwithstanding any other provision of this section, the 12047
adult parole authority shall remain solely responsible for 12048
addressing any alleged violations by a parolee or releasee of the 12049
terms of supervision of that parolee or releasee. 12050

(C) In determining whether a court maintains authority to 12051
supervise an offender or transfers authority to supervise the 12052
offender pursuant to division (B)(3) or (4) of this section, the 12053
court shall consider all of the following: 12054

(1) The safety of the community; 12055

(2) The risk that the offender might reoffend; 12056

(3) The nature of the offenses committed by the offender; 12057

(4) The likelihood that the offender will remain in the 12058
jurisdiction; 12059

(5) The ability of the offender to travel to and from the 12060
offender's residence and place of employment or school to the 12061
offices of the supervising authority; 12062

(6) The resources for residential and nonresidential 12063
sanctions or rehabilitative treatment available to the various 12064
courts having supervising authority; 12065

(7) Any other factors consistent with the purposes of 12066
sentencing. 12067

(D) The court having sole authority over a concurrent 12068
supervision offender pursuant to this section shall enforce any 12069
financial obligations imposed by any other court, shall set a 12070
payment schedule consistent with the offender's ability to pay, 12071
and shall cause collections of the offender's financial 12072
obligations to be distributed in proportion to the total amounts 12073
ordered by all sentencing courts, or as otherwise agreed by the 12074

sentencing courts. Financial obligations include financial 12075
sanctions imposed pursuant to sections 2929.18 and 2929.28 of the 12076
Revised Code, court costs, and any other financial order or fee 12077
imposed by a sentencing court. A supervision fee may be charged 12078
only by the agency providing supervision of the case. 12079

(E) Unless the local residential sanction is suspended, the 12080
offender shall complete any local residential sanction before 12081
jurisdiction is transferred in accordance with this section. The 12082
supervising court shall respect all conditions of supervision 12083
established by a sentencing court, but any conflicting or 12084
inconsistent order of the supervising court shall supersede any 12085
other order of a sentencing court. In the case of a concurrent 12086
supervision offender, the supervising court shall determine when 12087
supervision will be terminated but shall not terminate supervision 12088
until all financial obligations are paid pursuant to sections 12089
2929.18 and 2929.28 of the Revised Code. 12090

Sec. 2951.041. (A)(1) If an offender is charged with a 12091
criminal offense, including but not limited to a violation of 12092
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 12093
the Revised Code, and the court has reason to believe that drug or 12094
alcohol usage by the offender was a factor leading to the 12095
offender's criminal offense with which the offender is charged or 12096
that, at the time of committing that offense, the offender had a 12097
mental illness or was a mentally retarded person and that the 12098
mental illness or status as a mentally retarded person was a 12099
factor leading to the offender's criminal behavior, the court may 12100
accept, prior to the entry of a guilty plea, the offender's 12101
request for intervention in lieu of conviction. The request shall 12102
include a statement from the offender as to whether the offender 12103
is alleging that drug or alcohol usage by the offender was a 12104
factor leading to the criminal offense with which the offender is 12105
charged or is alleging that, at the time of committing that 12106

offense, the offender had a mental illness or was a mentally 12107
retarded person and that the mental illness or status as a 12108
mentally retarded person was a factor leading to the criminal 12109
offense with which the offender is charged. The request also shall 12110
include a waiver of the defendant's right to a speedy trial, the 12111
preliminary hearing, the time period within which the grand jury 12112
may consider an indictment against the offender, and arraignment, 12113
unless the hearing, indictment, or arraignment has already 12114
occurred. The court may reject an offender's request without a 12115
hearing. If the court elects to consider an offender's request, 12116
the court shall conduct a hearing to determine whether the 12117
offender is eligible under this section for intervention in lieu 12118
of conviction and shall stay all criminal proceedings pending the 12119
outcome of the hearing. If the court schedules a hearing, the 12120
court shall order an assessment of the offender for the purpose of 12121
determining the offender's eligibility for intervention in lieu of 12122
conviction and recommending an appropriate intervention plan. 12123

If the offender alleges that drug or alcohol usage by the 12124
offender was a factor leading to the criminal offense with which 12125
the offender is charged, the court may order that the offender be 12126
assessed by a program certified pursuant to section 3793.06 of the 12127
Revised Code or a properly credentialed professional for the 12128
purpose of determining the offender's eligibility for intervention 12129
in lieu of conviction and recommending an appropriate intervention 12130
plan. The program or the properly credentialed professional shall 12131
provide a written assessment of the offender to the court. 12132

(2) The victim notification provisions of division (C) of 12133
section 2930.08 of the Revised Code apply in relation to any 12134
hearing held under division (A)(1) of this section. 12135

(B) An offender is eligible for intervention in lieu of 12136
conviction if the court finds all of the following: 12137

(1) The offender previously has not been convicted of or 12138

pleaded guilty to a felony offense of violence or previously has 12139
been convicted of or pleaded guilty to any felony that is not an 12140
offense of violence and the prosecuting attorney recommends that 12141
the offender be found eligible for participation in intervention 12142
in lieu of treatment under this section, previously has not been 12143
through intervention in lieu of conviction under this section or 12144
any similar regimen, and is charged with a felony for which the 12145
court, upon conviction, would impose sentence under division 12146
(B)(2)(b) of section 2929.13 of the Revised Code or with a 12147
misdemeanor. 12148

(2) The offense is not a felony of the first, second, or 12149
third degree, is not an offense of violence, is not a violation of 12150
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 12151
not a violation of division (A)(1) of section 2903.08 of the 12152
Revised Code, is not a violation of division (A) of section 12153
4511.19 of the Revised Code or a municipal ordinance that is 12154
substantially similar to that division, and is not an offense for 12155
which a sentencing court is required to impose a mandatory prison 12156
term, a mandatory term of local incarceration, or a mandatory term 12157
of imprisonment in a jail. 12158

(3) The offender is not charged with a violation of section 12159
2925.02, ~~2925.03~~, 2925.04, or 2925.06 of the Revised Code, is not 12160
charged with a violation of section 2925.03 of the Revised Code 12161
that is a felony of the first, second, third, or fourth degree, 12162
and is not charged with a violation of section 2925.11 of the 12163
Revised Code that is a felony of the first, second, or third 12164
degree. 12165

~~(4) The offender is not charged with a violation of section~~ 12166
~~2925.11 of the Revised Code that is a felony of the fourth degree,~~ 12167
~~or the offender is charged with a violation of that section that~~ 12168
~~is a felony of the fourth degree and the prosecutor in the case~~ 12169
~~has recommended that the offender be classified as being eligible~~ 12170

~~for intervention in lieu of conviction under this section.~~ 12171

~~(5) The If an offender alleges that drug or alcohol usage by 12172
the offender was a factor leading to the criminal offense with 12173
which the offender is charged, the court has ordered that the 12174
offender has been be assessed by an appropriately licensed 12175
provider, certified facility, or licensed and credentialed 12176
professional, including, but not limited to, a program licensed by 12177
the department of alcohol and drug addiction services pursuant to 12178
section 3793.11 of the Revised Code, a program certified by that 12179
department pursuant to section 3793.06 of the Revised Code, a 12180
public or private hospital, the United States department of 12181
veterans affairs, another appropriate agency of the government of 12182
the United States, or a licensed physician, psychiatrist, 12183
psychologist, independent social worker, professional counselor, 12184
or chemical dependency counselor or a properly credentialed 12185
professional for the purpose of determining the offender's 12186
eligibility for intervention in lieu of conviction and 12187
recommending an appropriate intervention plan, the offender has 12188
been assessed by a program of that nature or a properly 12189
credentialed professional in accordance with the court's order, 12190
and the program or properly credentialed professional has filed 12191
the written assessment of the offender with the court. 12192~~

~~(5) If an offender alleges that, at the time of committing 12193
the criminal offense with which the offender is charged, the 12194
offender had a mental illness or was a mentally retarded person 12195
and that the mental illness or status as a mentally retarded 12196
person was a factor leading to that offense, the offender has been 12197
assessed by a psychiatrist, psychologist, independent social 12198
worker, or professional clinical counselor for the purpose of 12199
determining the offender's eligibility for intervention in lieu of 12200
conviction and recommending an appropriate intervention plan. 12201~~

~~(6) The offender's drug ~~or~~ usage, alcohol usage, mental 12202~~

illness, or mental retardation, whichever is applicable, was a 12203
factor leading to the criminal offense with which the offender is 12204
charged, intervention in lieu of conviction would not demean the 12205
seriousness of the offense, and intervention would substantially 12206
reduce the likelihood of any future criminal activity. 12207

(7) The alleged victim of the offense was not sixty-five 12208
years of age or older, permanently and totally disabled, under 12209
thirteen years of age, or a peace officer engaged in the officer's 12210
official duties at the time of the alleged offense. 12211

(8) If the offender is charged with a violation of section 12212
2925.24 of the Revised Code, the alleged violation did not result 12213
in physical harm to any person, and the offender previously has 12214
not been treated for drug abuse. 12215

(9) The offender is willing to comply with all terms and 12216
conditions imposed by the court pursuant to division (D) of this 12217
section. 12218

(C) At the conclusion of a hearing held pursuant to division 12219
(A) of this section, the court shall enter its determination as to 12220
whether the offender is eligible for intervention in lieu of 12221
conviction and as to whether to grant the offender's request. If 12222
the court finds under division (B) of this section that the 12223
offender is eligible for intervention in lieu of conviction and 12224
grants the offender's request, the court shall accept the 12225
offender's plea of guilty and waiver of the defendant's right to a 12226
speedy trial, the preliminary hearing, the time period within 12227
which the grand jury may consider an indictment against the 12228
offender, and arraignment, unless the hearing, indictment, or 12229
arraignment has already occurred. In addition, the court then may 12230
stay all criminal proceedings and order the offender to comply 12231
with all terms and conditions imposed by the court pursuant to 12232
division (D) of this section. If the court finds that the offender 12233
is not eligible or does not grant the offender's request, the 12234

criminal proceedings against the offender shall proceed as if the 12235
offender's request for intervention in lieu of conviction had not 12236
been made. 12237

(D) If the court grants an offender's request for 12238
intervention in lieu of conviction, the court shall place the 12239
offender under the general control and supervision of the county 12240
probation department, the adult parole authority, or another 12241
appropriate local probation or court services agency, if one 12242
exists, as if the offender was subject to a community control 12243
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 12244
Revised Code. The court shall establish an intervention plan for 12245
the offender. The terms and conditions of the intervention plan 12246
shall require the offender, for at least one year from the date on 12247
which the court grants the order of intervention in lieu of 12248
conviction, to abstain from the use of illegal drugs and alcohol, 12249
to participate in treatment and recovery support services, and to 12250
submit to regular random testing for drug and alcohol use and may 12251
include any other treatment terms and conditions, or terms and 12252
conditions similar to community control sanctions, which may 12253
include community service or restitution, that are ordered by the 12254
court. 12255

(E) If the court grants an offender's request for 12256
intervention in lieu of conviction and the court finds that the 12257
offender has successfully completed the intervention plan for the 12258
offender, including the requirement that the offender abstain from 12259
using illegal drugs and alcohol for a period of at least one year 12260
from the date on which the court granted the order of intervention 12261
in lieu of conviction, the requirement that the offender 12262
participate in treatment and recovery support services, and all 12263
other terms and conditions ordered by the court, the court shall 12264
dismiss the proceedings against the offender. Successful 12265
completion of the intervention plan and period of abstinence under 12266

this section shall be without adjudication of guilt and is not a 12267
criminal conviction for purposes of any disqualification or 12268
disability imposed by law and upon conviction of a crime, and the 12269
court may order the sealing of records related to the offense in 12270
question in the manner provided in sections 2953.31 to 2953.36 of 12271
the Revised Code. 12272

(F) If the court grants an offender's request for 12273
intervention in lieu of conviction and the offender fails to 12274
comply with any term or condition imposed as part of the 12275
intervention plan for the offender, the supervising authority for 12276
the offender promptly shall advise the court of this failure, and 12277
the court shall hold a hearing to determine whether the offender 12278
failed to comply with any term or condition imposed as part of the 12279
plan. If the court determines that the offender has failed to 12280
comply with any of those terms and conditions, it shall enter a 12281
finding of guilty and shall impose an appropriate sanction under 12282
Chapter 2929. of the Revised Code. If the court sentences the 12283
offender to a prison term, the court, after consulting with the 12284
department of rehabilitation and correction regarding the 12285
availability of services, may order continued court-supervised 12286
activity and treatment of the offender during the prison term and, 12287
upon consideration of reports received from the department 12288
concerning the offender's progress in the program of activity and 12289
treatment, may consider judicial release under section 2929.20 of 12290
the Revised Code. 12291

(G) As used in this section: 12292

(1) "Community control sanction" has the same meaning as in 12293
section 2929.01 of the Revised Code. 12294

(2) "Intervention in lieu of conviction" means any 12295
court-supervised activity that complies with this section. 12296

(3) "Peace officer" has the same meaning as in section 12297

2935.01 of the Revised Code. 12298

(4) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 12299
12300

(5) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 12301
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(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 12303
12304

Sec. 2951.08. (A) During a period of community control, any 12305
field officer or probation officer may arrest the person under a 12306
community control sanction without a warrant and bring the person 12307
before the judge or magistrate before whom the cause was pending. 12308
During a period of community control, any peace officer may arrest 12309
the person under a community control sanction without a warrant 12310
upon the written order of the chief probation officer of the 12311
probation agency if the person under a community control sanction 12312
is under the supervision of that probation agency or on the order 12313
of an officer of the adult parole authority created pursuant to 12314
section 5149.02 of the Revised Code if the person under a 12315
community control sanction is under the supervision of the 12316
authority. During a period of community control, any peace officer 12317
may arrest the person under a community control sanction on the 12318
warrant of the judge or magistrate before whom the cause was 12319
pending. 12320

During a period of community control, any peace officer may 12321
arrest the person under a community control sanction without a 12322
warrant if the peace officer has reasonable ground to believe that 12323
the person has violated or is violating any of the following that 12324
is a condition of the person's community control sanction: 12325

(1) A condition that prohibits ownership, possession, or use 12326
of a firearm, deadly weapon, ammunition, or dangerous ordnance; 12327

- (2) A condition that prohibits the person from being within a specified structure or geographic area; 12328
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- (3) A condition that confines the person to a residence, facility, or other structure; 12330
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- (4) A condition that prohibits the person from contacting or communicating with any specified individual; 12332
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- (5) A condition that prohibits the person from associating with a specified individual; 12334
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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. 12336
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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. 12343
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- (C) Nothing in this section limits the powers of arrest granted to certain law enforcement officers and citizens under sections 2935.03 and 2935.04 of the Revised Code. 12355
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12357
- (D) A probation officer shall receive the actual and 12358

necessary expenses incurred in the performance of the officer's 12359
duties. 12360

(E) As used in this section, "random drug testing" has the 12361
same meaning as in section 5120.63 of the Revised Code. 12362

Sec. 2967.05. (A) As used in this section: 12363

(1) "Imminent danger of death" means that the inmate has a 12364
medically diagnosable condition that will cause death to occur 12365
within a short period of time. 12366

As used in division (A)(1) of this section, "within a short 12367
period of time" means generally within six months. 12368

(2)(a) "Medically incapacitated" means any diagnosable 12369
medical condition, including mental dementia and severe, permanent 12370
medical or cognitive disability, that prevents the inmate from 12371
completing activities of daily living without significant 12372
assistance, that incapacitates the inmate to the extent that 12373
institutional confinement does not offer additional restrictions, 12374
that is likely to continue throughout the entire period of parole, 12375
and that is unlikely to improve noticeably. 12376

(b) "Medically incapacitated" does not include conditions 12377
related solely to mental illness unless the mental illness is 12378
accompanied by injury, disease, or organic defect. 12379

(3)(a) "Terminal illness" means a condition that satisfies 12380
all of the following criteria: 12381

(i) The condition is irreversible and incurable and is caused 12382
by disease, illness, or injury from which the inmate is unlikely 12383
to recover. 12384

(ii) In accordance with reasonable medical standards and a 12385
reasonable degree of medical certainty, the condition is likely to 12386
cause death to the inmate within twelve months. 12387

(iii) Institutional confinement of the inmate does not offer 12388
additional protections for public safety or against the inmate's 12389
risk to reoffend. 12390

(b) The department of rehabilitation and correction shall 12391
adopt rules pursuant to Chapter 119. of the Revised Code to 12392
implement the definition of "terminal illness" in division 12393
(A)(3)(a) of this section. 12394

(B)(1) Upon the recommendation of the director of 12395
rehabilitation and correction, accompanied by a certificate of the 12396
attending physician that an inmate is terminally ill, medically 12397
incapacitated, or in imminent danger of death, the governor may 12398
order the inmate's release ~~as if~~ on indefinite parole on or after 12399
a specified date, reserving the right to return the inmate to the 12400
institution pursuant to this section. ~~If~~ An inmate ordered to be 12401
released under this section may be released to a skilled nursing 12402
facility or may be released under a general release that is not to 12403
a skilled nursing facility. 12404

(2) An inmate who is to be released under this section to a 12405
skilled nursing facility shall not be released until an 12406
appropriate placement in a skilled nursing facility has been 12407
secured for the inmate and the skilled nursing facility has 12408
secured a funding source for the placement. When an inmate is to 12409
be released under this section to a skilled nursing facility, the 12410
department of job and family services shall give priority to the 12411
processing and determination of an inmate's eligibility for 12412
initial or continued medicaid funding under this section. When an 12413
inmate is to be released under this section to a skilled nursing 12414
facility, the department of job and family services' processing 12415
and determination of the inmate's eligibility may be based solely 12416
on identifying information provided by the department of 12417
rehabilitation and correction. In addition to the reimbursement 12418
otherwise provided to a skilled nursing facility under Chapter 12419

5111. of the Revised Code, the department of job and family services, through the medicaid program, shall reimburse a skilled nursing facility that provides care to inmates under this section for reasonable additional costs incurred by the facility in providing the security required by division (D)(1)(e) of this section and will take all necessary steps to implement the payment of these additional costs. An inmate shall not be released to a skilled nursing facility used for the placement of inmates under this division until the inmate has undergone preadmission screening and resident review and the level of care review and determination process established under the Administrative Code and has been determined to meet the criteria for skilled nursing care. A skilled nursing facility shall meet the requirements set forth in division (D) of this section.

(3) If an inmate is released under this section to a skilled nursing facility or is released under this section under a general release that is not to a skilled nursing facility, and if,
subsequent to the inmate's release, the inmate's health improves so that the inmate is no longer terminally ill, medically incapacitated, or in imminent danger of death, the inmate shall be returned, by order of the governor, to the institution from which the inmate was released. If the inmate violates any rules or conditions applicable to the inmate, the inmate may be returned to an institution under the control of the department of rehabilitation and correction. The governor may direct the adult parole authority to investigate or cause to be investigated the inmate and make a recommendation in the manner set forth in section 2967.03 of the Revised Code. An inmate released under this section shall be subject to supervision by the adult parole authority in accordance with any recommendation of the adult parole authority that is approved by the governor. The adult parole authority shall adopt rules pursuant to section 119.03 of the Revised Code to establish the procedure for medical release of

an inmate when an inmate is terminally ill, medically 12453
incapacitated, or in imminent danger of death. 12454

(C)(1) No inmate is eligible for release under this section 12455
to a skilled nursing facility if the inmate is serving a death 12456
sentence, a sentence of life without parole, or a sentence under 12457
Chapter 2971. of the Revised Code for a felony of the first or 12458
second degree. 12459

(2) No inmate is eligible for release under this section 12460
under a general release that is not to a skilled nursing facility 12461
if the inmate is serving any type of sentence identified in 12462
division (C)(1) of this section or is serving a sentence for 12463
aggravated murder or murder, or a mandatory prison term for an 12464
offense of violence or any specification described in Chapter 12465
2941. of the Revised Code. 12466

(D)(1) An inmate shall not be released to a skilled nursing 12467
facility under this section unless the skilled nursing facility 12468
meets all of the following requirements: 12469

(a) The skilled nursing facility is certified as a skilled 12470
nursing facility under Title XVIII or XIX of the "Social Security 12471
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and has 12472
obtained any approval or authorization needed for its operation as 12473
described in division (E) of this section. 12474

(b) The skilled nursing facility is under contract with the 12475
department of rehabilitation and correction solely for the care of 12476
inmates released under this section, is certified by the 12477
department, and does not house any person who is not an inmate 12478
released under this section. 12479

(c) The skilled nursing facility is located in Ohio, and the 12480
facility's location presents a minimal risk to public safety. 12481

(d) The skilled nursing facility is operated by a licensed 12482
nursing home administrator who has a minimum of six years of 12483

active licensure, a master's degree in healthcare administration, 12484
and experience in the administration of an assisted living 12485
program, a home care program, a skilled nursing facility, a 12486
hospice care program, and a long term acute care hospital. 12487

(e) Employees of the facility or a contractor provide 12488
security to the skilled nursing facility. The security staff shall 12489
be directed by a person with at least thirty years of experience 12490
as a law enforcement officer with a law enforcement agency 12491
employing a minimum of five hundred law enforcement officers, 12492
whose experience includes a minimum of five years of supervisory 12493
experience. 12494

(2) The department of health shall issue a certificate of 12495
need to the operator of a skilled nursing facility that accepts 12496
inmates under this section. 12497

(E) The department of job and family services shall apply to 12498
the centers for medicare and medicaid services of the United 12499
States department of health and human services for any approval or 12500
other authorization needed for the operation of the skilled 12501
nursing facility to be used to provide care to inmates under this 12502
section, and for a statement of the applicable parameters for 12503
operation of the facility. The department shall notify the 12504
facility and the department of rehabilitation and correction of 12505
the grant by the centers of any such approval or authorization 12506
needed for the facility and of the applicable parameters for its 12507
operation. 12508

(F) Sections 3721.10 to 3721.18 of the Revised Code do not 12509
apply to an inmate receiving care in a skilled nursing facility 12510
under divisions (B) to (D) of this section. 12511

Sec. 2967.14. (A) The department of rehabilitation and 12512
correction or the adult parole authority may require or allow a 12513
parolee or, a releasee, or a prisoner otherwise released from a 12514

state correctional institution to reside in a halfway house or 12515
other suitable community residential center that has been licensed 12516
by the division of parole and community services pursuant to 12517
division (C) of this section during a part or for the entire 12518
period of the offender's or parolee's conditional release or of 12519
the releasee's term of post-release control. The court of common 12520
pleas that placed an offender under a sanction consisting of a 12521
term in a halfway house or in an alternative residential sanction 12522
may require the offender to reside in a halfway house or other 12523
suitable community residential center that is designated by the 12524
court and that has been licensed by the division pursuant to 12525
division (C) of this section during a part or for the entire 12526
period of the offender's residential sanction. 12527

(B) The division of parole and community services may 12528
negotiate and enter into agreements with any public or private 12529
agency or a department or political subdivision of the state that 12530
operates a halfway house, reentry center, or community residential 12531
center that has been licensed by the division pursuant to division 12532
(C) of this section. An agreement under this division shall 12533
provide for the purchase of beds, shall set limits of supervision 12534
and levels of occupancy, and shall determine the scope of services 12535
for all eligible offenders, including those subject to a 12536
residential sanction, as defined in rules adopted by the director 12537
of rehabilitation and correction in accordance with Chapter 119. 12538
of the Revised Code, or those released from prison without 12539
supervision. ~~The payments for beds and services shall be equal to~~ 12540
~~the halfway house's or community residential center's average~~ 12541
~~daily per capita costs with its facility at full occupancy.~~ The 12542
payments for beds and services shall not exceed the total 12543
operating costs of the halfway house, reentry center, or community 12544
residential center during the term of an agreement. The director 12545
of rehabilitation and correction shall adopt rules in accordance 12546
with Chapter 119. of the Revised Code for determining includable 12547

and excludable costs and income to be used in computing the 12548
agency's average daily per capita costs with its facility at full 12549
occupancy. 12550

The department of rehabilitation and correction may use no 12551
more than ten per cent of the amount appropriated to the 12552
department each fiscal year for the halfway house, reentry center, 12553
and community residential center program to pay for contracts for 12554
nonresidential services for offenders under the supervision of the 12555
adult parole authority. The nonresidential services may include, 12556
but are not limited to, treatment for substance abuse, mental 12557
health counseling, ~~and~~ counseling for sex offenders, and 12558
electronic monitoring services. 12559

(C) The division of parole and community services may license 12560
a halfway house, reentry center, or community residential center 12561
as a suitable facility for the care and treatment of adult 12562
offenders, including offenders sentenced under section 2929.16 or 12563
2929.26 of the Revised Code, only if the halfway house, reentry 12564
center, or community residential center complies with the 12565
standards that the division adopts in accordance with Chapter 119. 12566
of the Revised Code for the licensure of halfway houses, reentry 12567
centers, and community residential centers. The division shall 12568
annually inspect each licensed halfway house, licensed reentry 12569
center, and licensed community residential center to determine if 12570
it is in compliance with the licensure standards. 12571

Sec. 2967.19. (A) As used in this section: 12572

(1) "Deadly weapon" and "dangerous ordnance" have the same 12573
meanings as in section 2923.11 of the Revised. 12574

(2) "Disqualifying prison term" means any of the following: 12575

(a) A prison term imposed for aggravated murder, murder, 12576
voluntary manslaughter, involuntary manslaughter, felonious 12577

<u>assault, kidnapping, rape, aggravated arson, or aggravated</u>	12578
<u>robbery;</u>	12579
<u>(b) A prison term imposed for complicity in, an attempt to</u>	12580
<u>commit, or conspiracy to commit any offense listed in division</u>	12581
<u>(A)(2)(a) of this section;</u>	12582
<u>(c) A prison term of life imprisonment, including any term of</u>	12583
<u>life imprisonment that has parole eligibility;</u>	12584
<u>(d) A prison term imposed for any felony other than carrying</u>	12585
<u>a concealed weapon an essential element of which is any conduct or</u>	12586
<u>failure to act expressly involving any deadly weapon or dangerous</u>	12587
<u>ordnance;</u>	12588
<u>(e) A prison term imposed for any violation of section</u>	12589
<u>2925.03 of the Revised Code that is a felony of the first or</u>	12590
<u>second degree;</u>	12591
<u>(f) A prison term imposed for engaging in a pattern of</u>	12592
<u>corrupt activity in violation of section 2923.32 of the Revised</u>	12593
<u>Code;</u>	12594
<u>(g) A prison term imposed pursuant to section 2971.03 of the</u>	12595
<u>Revised Code;</u>	12596
<u>(h) A prison term imposed for any sexually oriented offense.</u>	12597
<u>(3) "Eligible prison term" means any prison term that is not</u>	12598
<u>a disqualifying prison term and is not a restricting prison term.</u>	12599
<u>(4) "Restricting prison term" means any of the following:</u>	12600
<u>(a) A mandatory prison term imposed under division (D)(1)(a),</u>	12601
<u>(D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of</u>	12602
<u>the Revised Code for a specification of the type described in that</u>	12603
<u>division;</u>	12604
<u>(b) In the case of an offender who has been sentenced to a</u>	12605
<u>mandatory prison term for a specification of the type described in</u>	12606
<u>division (A)(4)(a) of this section, the prison term imposed for</u>	12607

the felony offense for which the specification was stated at the 12608
end of the body of the indictment, count in the indictment, or 12609
information charging the offense; 12610

(c) A prison term imposed for any offense that is described 12611
in division (A)(4)(c)(i) of this section if division (A)(4)(c)(ii) 12612
of this section applies to the offender: 12613

(i) The offense is a felony of the first or second degree 12614
that is an offense of violence and that is not described in 12615
division (A)(2)(a) or (b) of this section, an attempt to commit a 12616
felony of the first or second degree that is an offense of 12617
violence and that is not described in division (A)(2)(a) or (b) of 12618
this section if the attempt is a felony of the first or second 12619
degree, or an offense under an existing or former law of this 12620
state, another state, or the United States that is or was 12621
substantially equivalent to any other offense described in this 12622
division. 12623

(ii) The offender previously was convicted of or pleaded 12624
guilty to any offense listed in division (A)(4)(c)(i) of this 12625
section. 12626

(B) The director of rehabilitation and correction may 12627
petition the sentencing court for the release from prison of any 12628
offender confined in a state correctional institution under a 12629
stated prison term who is eligible under division (C) of this 12630
section for a release under this section, who has one year or more 12631
of that stated prison term that remains to be served after the 12632
offender becomes eligible as described in that division, and who 12633
has served at least eighty-five per cent of that stated prison 12634
term that remains to be served after the offender becomes eligible 12635
as described in that division. If the director wishes to submit a 12636
petition for release under this section, the director shall submit 12637
the petition not earlier than ninety days prior to the date on 12638
which the offender has served eighty-five per cent of the 12639

offender's stated prison term that remains to be served after the 12640
offender becomes eligible as described in division (C) of this 12641
section. The director's submission of a petition for release under 12642
this section constitutes a recommendation by the director that the 12643
court strongly consider release of the offender consistent with 12644
the purposes and principles of sentencing set forth in section 12645
2929.13 of the Revised Code. 12646

(C) Except as otherwise provided in this division, an 12647
offender serving a stated prison term of one year or more is 12648
eligible for release from prison under this section upon the 12649
offender's commencement of service of that stated prison term. An 12650
offender serving a stated prison term that includes a 12651
disqualifying prison term is not eligible for release from prison 12652
under this section. An offender serving a stated prison term that 12653
consists solely of one or more restricting prison terms is not 12654
eligible for release under this section. An offender serving a 12655
stated prison term that includes one or more restricting prison 12656
terms and one or more eligible prison terms becomes eligible for 12657
release under this section after having fully served each 12658
restricting prison term. For purposes of determining an offender's 12659
eligibility for release under this section, if the offender's 12660
stated prison term includes consecutive prison terms, any 12661
restricting prison terms shall be deemed served prior to any 12662
eligible prison terms that run consecutively to the restricting 12663
prison terms, and the eligible prison terms are deemed to commence 12664
after all of the restricting prison terms have been fully served. 12665

An offender serving a stated prison term that includes a 12666
mandatory prison term that is not a disqualifying prison term and 12667
is not a restricting prison term is not automatically ineligible 12668
as a result of the offender's service of that mandatory term for 12669
release from prison under this section, and the offender's 12670
eligibility for release from prison under this section is 12671

determined in accordance with this division. 12672

If an offender confined in a state correctional institution 12673
under a stated prison term is eligible for release under this 12674
section as described in this division, if the offender has one 12675
year or more of that stated prison term that remains to be served 12676
after the offender becomes eligible, and if the offender has 12677
served at least eighty-five per cent of that stated prison term 12678
that remains to be served after the offender becomes eligible, the 12679
director of rehabilitation and correction may petition the 12680
sentencing court pursuant to division (B) of this section for the 12681
release from prison of the offender. 12682

(D) The director shall include with any petition submitted to 12683
the sentencing court under this section an institutional summary 12684
report that covers the offender's participation while confined in 12685
a state correctional institution in school, training, work, 12686
treatment, and other rehabilitative activities and any 12687
disciplinary action taken against the offender while so confined. 12688
The director shall include with the petition a post-release 12689
control assessment and placement plan, when relevant, and any 12690
other documentation requested by the court, if available. 12691

(E) When the director submits a petition under this section 12692
for release of an offender, the department promptly shall give 12693
notice of the petition to the prosecuting attorney of the county 12694
in which the offender was indicted and to any victim of the 12695
offender or victim's representative of any victim of the offender 12696
who is registered with the office of victim's services. 12697

The department also shall post notice of the petition on the 12698
database it maintains under section 5120.66 of the Revised Code 12699
and include information on where a person may send comments 12700
regarding the petition. 12701

(F) Upon receipt of a petition for release of an offender 12702

submitted by the director under this section, the court may deny 12703
the petition without a hearing. The court shall not grant a 12704
petition for release of an offender without a hearing. If a court 12705
denies a petition for release of an offender without a hearing, 12706
the court may later consider release of that offender on a 12707
subsequent petition. The court shall enter its ruling within 12708
thirty days after the petition is filed. 12709

(G) If the court grants a hearing on a petition for release 12710
of an offender submitted under this section, the court shall 12711
notify the head of the state correctional institution in which the 12712
offender is confined of the hearing prior to the hearing. If the 12713
court makes a journal entry ordering the offender to be conveyed 12714
to the hearing, except as otherwise provided in this division, the 12715
head of the correctional institution shall deliver the offender to 12716
the sheriff of the county in which the hearing is to be held, and 12717
the sheriff shall convey the offender to and from the hearing. 12718
Upon the court's own motion or the motion of the offender or the 12719
prosecuting attorney of the county in which the offender was 12720
indicted, the court may permit the offender to appear at the 12721
hearing by video conferencing equipment if equipment of that 12722
nature is available and compatible. 12723

Upon receipt of notice from a court of a hearing on the 12724
release of an offender under this division, the head of the state 12725
correctional institution in which the offender is confined 12726
immediately shall notify the appropriate person at the department 12727
of rehabilitation and correction of the hearing, and the 12728
department within twenty-four hours after receipt of the notice 12729
shall post on the database it maintains pursuant to section 12730
5120.66 of the Revised Code the offender's name and all of the 12731
information specified in division (A)(1)(c)(i) of that section. If 12732
the court grants a hearing on a petition for release of an 12733
offender under this section, the court promptly shall give notice 12734

of the hearing to the prosecuting attorney of the county in which 12735
the offender was indicted. Upon receipt of the notice from the 12736
court, the prosecuting attorney shall notify pursuant to section 12737
2930.16 of the Revised Code any victim of the offender or the 12738
victim's representative of the hearing. 12739

(H) If the court grants a hearing on a petition for release 12740
of an offender under this section, at the hearing, the court shall 12741
afford the offender and the offender's attorney an opportunity to 12742
present written information and, if present, oral information 12743
relevant to the motion. The court shall afford a similar 12744
opportunity to the prosecuting attorney, victim or victim's 12745
representative, as defined in section 2930.01 of the Revised Code, 12746
and any other person the court determines is likely to present 12747
additional relevant information. If the court pursuant to division 12748
(G) of this section permits the offender to appear at the hearing 12749
by video conferencing equipment, the offender's opportunity to 12750
present oral information shall be as a part of the video 12751
conferencing. The court shall consider any statement of a victim 12752
made under section 2930.14 or 2930.17 of the Revised Code, any 12753
victim impact statement prepared under 2947.051 of the Revised 12754
Code, and any report, plan, and other documentation submitted by 12755
the director under division (D) of this section. After ruling on 12756
the motion, the court shall notify the victim in accordance with 12757
sections 2930.03 and 2930.16 of the Revised Code. 12758

(I) If the court grants a petition for release of an offender 12759
under this section, it shall order the offender's release under 12760
the supervision of the adult parole authority. The court shall not 12761
make a release under this section effective prior to the date on 12762
which the offender has served at least eighty-five per cent of the 12763
offender's stated prison term that remains to be served after the 12764
offender becomes eligible as described in division (C) of this 12765
section. If the sentence under which the offender is confined in a 12766

state correctional institution and from which the offender is 12767
being released was imposed for a felony of the first or second 12768
degree, the court shall order that the offender be monitored by 12769
means of a global positioning device, with the cost of monitoring 12770
borne by the offender through the imposition of supervision fees 12771
under section 5120.56 of the Revised Code. If the offender is 12772
indigent, the cost shall be paid by the department of 12773
rehabilitation and correction. The initial period of supervision 12774
by the adult parole authority and the monitoring of the offender 12775
by means of a global positioning device when ordered shall 12776
conclude on the date of expiration of the stated prison term from 12777
which the offender was released. If the parole board imposed a 12778
period of post-release control on the offender under section 12779
2967.28 of the Revised Code, upon the conclusion of that initial 12780
period of supervision and that initial period of monitoring when 12781
ordered, the offender shall be placed on post-release control in 12782
accordance with the post-release control sanctions the board 12783
imposed on the offender under that section. 12784

If the court grants a petition for release of an offender 12785
under this section, it shall notify the appropriate person at the 12786
department of rehabilitation and correction of the release, and 12787
the department shall post notice of the release on the database it 12788
maintains pursuant to section 5120.66 of the Revised Code. 12789

(J) Within ninety days after the effective date of this 12790
section, the chair of the parole board or the chair's designee 12791
shall review the cases of all parole-eligible inmates who are age 12792
sixty-five or older and who have had a statutory first parole 12793
consideration hearing. 12794

(K) Upon completion of the review described in division (J) 12795
of this section, the chair of the parole board shall present to 12796
the board the cases of the offenders described in that division. 12797
Upon presentation of the case of an offender, the board, by 12798

majority vote, may choose to rehear the offender's case for 12799
possible release on parole. 12800

(L) The department shall adopt under Chapter 119. of the 12801
Revised Code any rules necessary to implement this section. 12802

Sec. 2967.193. (A) Except as provided in division (C) of this 12803
section or in division (B) of section 2929.143 or section 2929.13, 12804
2929.14, or 2967.13 of the Revised Code and subject to the maximum 12805
total specified in this section, a person confined in a state 12806
correctional institution may earn one day or five days of credit, 12807
determined based on the category set forth in division (D)(1), 12808
(2), (3), or (4) of this section in which the person is included, 12809
as a deduction from the person's stated prison term for each ~~full~~ 12810
~~completed~~ month during which the person productively participates 12811
in an education program, vocational training, employment in prison 12812
industries, or treatment for substance abuse, ~~treatment as a sex~~ 12813
~~offender, or any other constructive program as~~ developed by the 12814
department with specific standards for performance by prisoners. 12815
~~At the end of each calendar month in which a prisoner productively~~ 12816
~~participates in a program or activity listed in this division, the~~ 12817
~~department of rehabilitation and correction shall deduct one day~~ 12818
~~from the date on which the prisoner's stated prison term will~~ 12819
~~expire. The total number of days of credit that a person may earn~~ 12820
under this section shall not exceed eight per cent of the total 12821
number of days in the person's stated prison term. If the prisoner 12822
violates prison rules, the department may deny the prisoner a 12823
credit that otherwise could have been awarded to the prisoner or 12824
may withdraw one or more credits previously earned by the 12825
prisoner. 12826

~~If a prisoner is released before the expiration of the~~ 12827
~~prisoner's stated prison term by reason of credit earned under~~ 12828
~~this section, the department shall retain control of the prisoner~~ 12829

~~by means of an appropriate post release control sanction imposed 12830
by the parole board until the end of the stated prison term if the 12831
parole board imposes a post release control sanction pursuant to 12832
section 2967.28 of the Revised Code. If the parole board is not 12833
required to impose a post release control sanction under section 12834
2967.28 of the Revised Code, the parole board may elect not to 12835
impose a post release control sanction on the prisoner. 12836~~

(B) The department of rehabilitation and correction shall 12837
adopt rules that specify the programs or activities for which 12838
credit may be earned under this section, the criteria for 12839
determining productive participation in the programs or activities 12840
and for awarding credit, and the criteria for denying or 12841
withdrawing previously earned credit as a result of a violation of 12842
prison rules. 12843

(C) No person who is serving a sentence of life imprisonment 12844
without parole imposed pursuant to section 2929.03 or 2929.06 of 12845
the Revised Code ~~or~~, who is serving a prison term or a term of 12846
life imprisonment without parole imposed pursuant to section 12847
2971.03 of the Revised Code, or who is serving a sentence for a 12848
sexually oriented offense that was imposed for a conviction 12849
occurring or guilty plea entered on or after the effective date of 12850
this amendment shall be awarded any days of credit under division 12851
(A) of this section. 12852

(D) The determination of whether a person confined in a state 12853
correctional institution may earn one day of credit or five days 12854
of credit under division (A) of this section for each completed 12855
month during which the person productively participates in a 12856
program specified under that division shall be made in accordance 12857
with the following: 12858

(1) The offender may earn one day of credit under division 12859
(A) of this section, except as provided in division (C) of this 12860
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 12861

Code, if the most serious offense for which the offender is 12862
confined is any of the following that is a felony of the first or 12863
second degree: 12864

(a) A violation of division (A) of section 2903.04 or of 12865
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 12866
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 12867
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 12868
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 12869
of the Revised Code; 12870

(b) A conspiracy or attempt to commit, or complicity in 12871
committing, aggravated murder, murder, any other offense for which 12872
the maximum penalty is death or imprisonment for life, or any 12873
offense listed in division (D)(1)(a) of this section. 12874

(2) The offender may earn one day of credit under division 12875
(A) of this section, except as provided in division (C) of this 12876
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 12877
Code, if the most serious offense for which the offender is 12878
confined is a sexually oriented offense and the offender was 12879
convicted of or pleaded guilty to that offense prior to the 12880
effective date of this amendment. 12881

(3) The offender may earn one day of credit under division 12882
(A) of this section, except as provided in division (C) of this 12883
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 12884
Code, if the offense for which the offender is confined is any 12885
felony other than carrying a concealed weapon an essential element 12886
of which is any conduct or failure to act expressly involving any 12887
deadly weapon or dangerous ordnance. 12888

(4) The offender may earn five days of credit under division 12889
(A) of this section, except as provided in division (C) of this 12890
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 12891
Code, if the most serious offense for which the offender is 12892

confined is a felony of the first or second degree and divisions 12893
(D)(1), (2), and (3) of this section do not apply to the offender. 12894

(5) The offender may earn five days of credit under division 12895
(A) of this section, except as provided in division (C) of this 12896
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 12897
Code, if the most serious offense for which the offender is 12898
confined is a felony of the third, fourth, or fifth degree or an 12899
unclassified felony and neither division (D)(2) nor (3) of this 12900
section applies to the offender. 12901

(E) As used in this section, "sexually oriented offense" has 12902
the same meaning as in section 2950.01 of the Revised Code. 12903

Sec. 2967.28. (A) As used in this section: 12904

(1) "Monitored time" means the monitored time sanction 12905
specified in section 2929.17 of the Revised Code. 12906

(2) "Deadly weapon" and "dangerous ordnance" have the same 12907
meanings as in section 2923.11 of the Revised Code. 12908

(3) "Felony sex offense" means a violation of a section 12909
contained in Chapter 2907. of the Revised Code that is a felony. 12910

(B) Each sentence to a prison term for a felony of the first 12911
degree, for a felony of the second degree, for a felony sex 12912
offense, or for a felony of the third degree that is not a felony 12913
sex offense and in the commission of which the offender caused or 12914
threatened to cause physical harm to a person shall include a 12915
requirement that the offender be subject to a period of 12916
post-release control imposed by the parole board after the 12917
offender's release from imprisonment. If a court imposes a 12918
sentence including a prison term of a type described in this 12919
division on or after July 11, 2006, the failure of a sentencing 12920
court to notify the offender pursuant to division (B)(3)(c) of 12921
section 2929.19 of the Revised Code of this requirement or to 12922

include in the judgment of conviction entered on the journal a 12923
statement that the offender's sentence includes this requirement 12924
does not negate, limit, or otherwise affect the mandatory period 12925
of supervision that is required for the offender under this 12926
division. Section 2929.191 of the Revised Code applies if, prior 12927
to July 11, 2006, a court imposed a sentence including a prison 12928
term of a type described in this division and failed to notify the 12929
offender pursuant to division (B)(3)(c) of section 2929.19 of the 12930
Revised Code regarding post-release control or to include in the 12931
judgment of conviction entered on the journal or in the sentence 12932
pursuant to division (F)(1) of section 2929.14 of the Revised Code 12933
a statement regarding post-release control. Unless reduced by the 12934
parole board pursuant to division (D) of this section when 12935
authorized under that division, a period of post-release control 12936
required by this division for an offender shall be of one of the 12937
following periods: 12938

(1) For a felony of the first degree or for a felony sex 12939
offense, five years; 12940

(2) For a felony of the second degree that is not a felony 12941
sex offense, three years; 12942

(3) For a felony of the third degree that is not a felony sex 12943
offense and in the commission of which the offender caused or 12944
threatened physical harm to a person, three years. 12945

(C) Any sentence to a prison term for a felony of the third, 12946
fourth, or fifth degree that is not subject to division (B)(1) or 12947
(3) of this section shall include a requirement that the offender 12948
be subject to a period of post-release control of up to three 12949
years after the offender's release from imprisonment, if the 12950
parole board, in accordance with division (D) of this section, 12951
determines that a period of post-release control is necessary for 12952
that offender. Section 2929.191 of the Revised Code applies if, 12953
prior to July 11, 2006, a court imposed a sentence including a 12954

prison term of a type described in this division and failed to 12955
notify the offender pursuant to division (B)(3)(d) of section 12956
2929.19 of the Revised Code regarding post-release control or to 12957
include in the judgment of conviction entered on the journal or in 12958
the sentence pursuant to division (F)(2) of section 2929.14 of the 12959
Revised Code a statement regarding post-release control. Pursuant 12960
to an agreement entered into under section 2967.29 of the Revised 12961
Code, a court of common pleas or parole board may impose sanctions 12962
or conditions on an offender who is placed on post-release control 12963
under this division. 12964

(D)(1) Before the prisoner is released from imprisonment, the 12965
parole board or, pursuant to an agreement under section 2967.29 of 12966
the Revised Code, the court shall impose upon a prisoner described 12967
in division (B) of this section, may impose upon a prisoner 12968
described in division (C) of this section, and shall impose upon a 12969
prisoner described in division (B)(2)(b) of section 5120.031 or in 12970
division (B)(1) of section 5120.032 of the Revised Code, one or 12971
more post-release control sanctions to apply during the prisoner's 12972
period of post-release control. Whenever the board or court 12973
imposes one or more post-release control sanctions upon a 12974
prisoner, the board or court, in addition to imposing the 12975
sanctions, also shall include as a condition of the post-release 12976
control that the offender not leave the state without permission 12977
of the court or the offender's parole or probation officer and 12978
that the offender abide by the law. The board or court may impose 12979
any other conditions of release under a post-release control 12980
sanction that the board or court considers appropriate, and the 12981
conditions of release may include any community residential 12982
sanction, community nonresidential sanction, or financial sanction 12983
that the sentencing court was authorized to impose pursuant to 12984
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 12985
to the release of a prisoner for whom it will impose one or more 12986
post-release control sanctions under this division, the parole 12987

board or court shall review the prisoner's criminal history, 12988
results from the single validated risk assessment tool selected by 12989
the department of rehabilitation and correction under section 12990
5120.114 of the Revised Code, all juvenile court adjudications 12991
finding the prisoner, while a juvenile, to be a delinquent child, 12992
and the record of the prisoner's conduct while imprisoned. The 12993
parole board or court shall consider any recommendation regarding 12994
post-release control sanctions for the prisoner made by the office 12995
of victims' services. After considering those materials, the board 12996
or court shall determine, for a prisoner described in division (B) 12997
of this section, division (B)(2)(b) of section 5120.031, or 12998
division (B)(1) of section 5120.032 of the Revised Code, which 12999
post-release control sanction or combination of post-release 13000
control sanctions is reasonable under the circumstances or, for a 13001
prisoner described in division (C) of this section, whether a 13002
post-release control sanction is necessary and, if so, which 13003
post-release control sanction or combination of post-release 13004
control sanctions is reasonable under the circumstances. In the 13005
case of a prisoner convicted of a felony of the fourth or fifth 13006
degree other than a felony sex offense, the board or court shall 13007
presume that monitored time is the appropriate post-release 13008
control sanction unless the board or court determines that a more 13009
restrictive sanction is warranted. A post-release control sanction 13010
imposed under this division takes effect upon the prisoner's 13011
release from imprisonment. 13012

Regardless of whether the prisoner was sentenced to the 13013
prison term prior to, on, or after July 11, 2006, prior to the 13014
release of a prisoner for whom it will impose one or more 13015
post-release control sanctions under this division, the parole 13016
board shall notify the prisoner that, if the prisoner violates any 13017
sanction so imposed or any condition of post-release control 13018
described in division (B) of section 2967.131 of the Revised Code 13019
that is imposed on the prisoner, the parole board may impose a 13020

prison term of up to one-half of the stated prison term originally 13021
imposed upon the prisoner. 13022

(2) If a prisoner who is placed on post-release control under 13023
this section is released before the expiration of the prisoner's 13024
stated prison term by reason of credit earned under section 13025
2967.193 of the Revised Code and if the prisoner earned sixty or 13026
more days of credit, the adult parole authority shall supervise 13027
the offender with an active global positioning system device for 13028
the first fourteen days after the offender's release from 13029
imprisonment. This division does not prohibit or limit the 13030
imposition of any post-release control sanction otherwise 13031
authorized by this section. 13032

(3) At any time after a prisoner is released from 13033
imprisonment and during the period of post-release control 13034
applicable to the releasee, the adult parole authority or, 13035
pursuant to an agreement under section 2967.29 of the Revised 13036
Code, the court may review the releasee's behavior under the 13037
post-release control sanctions imposed upon the releasee under 13038
this section. The authority or court may determine, based upon the 13039
review and in accordance with the standards established under 13040
division (E) of this section, that a more restrictive or a less 13041
restrictive sanction is appropriate and may impose a different 13042
sanction. The authority also may recommend that the parole board 13043
or court increase or reduce the duration of the period of 13044
post-release control imposed by the court. If the authority 13045
recommends that the board or court increase the duration of 13046
post-release control, the board or court shall review the 13047
releasee's behavior and may increase the duration of the period of 13048
post-release control imposed by the court up to eight years. If 13049
the authority recommends that the board or court reduce the 13050
duration of control for an offense described in division (B) or 13051
(C) of this section, the board or court shall review the 13052

releasee's behavior and may reduce the duration of the period of 13053
control imposed by the court. In no case shall the board or court 13054
reduce the duration of the period of control imposed for an 13055
offense described in division (B)(1) of this section to a period 13056
less than the length of the stated prison term originally imposed, 13057
and in no case shall the board or court permit the releasee to 13058
leave the state without permission of the court or the releasee's 13059
parole or probation officer. 13060

(E) The department of rehabilitation and correction, in 13061
accordance with Chapter 119. of the Revised Code, shall adopt 13062
rules that do all of the following: 13063

(1) Establish standards for the imposition by the parole 13064
board of post-release control sanctions under this section that 13065
are consistent with the overriding purposes and sentencing 13066
principles set forth in section 2929.11 of the Revised Code and 13067
that are appropriate to the needs of releasees; 13068

(2) Establish standards by which the parole board can 13069
determine which prisoners described in division (C) of this 13070
section should be placed under a period of post-release control; 13071

(3) Establish standards to be used by the parole board in 13072
reducing the duration of the period of post-release control 13073
imposed by the court when authorized under division (D) of this 13074
section, in imposing a more restrictive post-release control 13075
sanction than monitored time upon a prisoner convicted of a felony 13076
of the fourth or fifth degree other than a felony sex offense, or 13077
in imposing a less restrictive control sanction upon a releasee 13078
based on the releasee's activities including, but not limited to, 13079
remaining free from criminal activity and from the abuse of 13080
alcohol or other drugs, successfully participating in approved 13081
rehabilitation programs, maintaining employment, and paying 13082
restitution to the victim or meeting the terms of other financial 13083
sanctions; 13084

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	13085 13086 13087
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	13088 13089 13090 13091
(a) Classify violations according to the degree of seriousness;	13092 13093
(b) Define the circumstances under which formal action by the parole board is warranted;	13094 13095
(c) Govern the use of evidence at violation hearings;	13096
(d) Ensure procedural due process to an alleged violator;	13097
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	13098 13099
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	13100 13101
(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	13102 13103 13104 13105 13106 13107 13108 13109 13110 13111 13112 13113 13114

directly to the adult parole authority or to the officer of the 13115
authority who supervises the offender. The authority's officers 13116
may treat the offender as if the offender were on parole and in 13117
violation of the parole, and otherwise shall comply with this 13118
section. 13119

(2) If the adult parole authority or, pursuant to an 13120
agreement under section 2967.29 of the Revised Code, the court 13121
determines that a releasee has violated a post-release control 13122
sanction or any conditions described in division (A) of section 13123
2967.131 of the Revised Code imposed upon the releasee and that a 13124
more restrictive sanction is appropriate, the authority or court 13125
may impose a more restrictive sanction upon the releasee, in 13126
accordance with the standards established under division (E) of 13127
this section or in accordance with the agreement made under 13128
section 2967.29 of the Revised Code, or may report the violation 13129
to the parole board for a hearing pursuant to division (F)(3) of 13130
this section. The authority or court may not, pursuant to this 13131
division, increase the duration of the releasee's post-release 13132
control or impose as a post-release control sanction a residential 13133
sanction that includes a prison term, but the authority or court 13134
may impose on the releasee any other residential sanction, 13135
nonresidential sanction, or financial sanction that the sentencing 13136
court was authorized to impose pursuant to sections 2929.16, 13137
2929.17, and 2929.18 of the Revised Code. 13138

(3) The parole board or, pursuant to an agreement under 13139
section 2967.29 of the Revised Code, the court may hold a hearing 13140
on any alleged violation by a releasee of a post-release control 13141
sanction or any conditions described in division (A) of section 13142
2967.131 of the Revised Code that are imposed upon the releasee. 13143
If after the hearing the board or court finds that the releasee 13144
violated the sanction or condition, the board or court may 13145
increase the duration of the releasee's post-release control up to 13146

the maximum duration authorized by division (B) or (C) of this 13147
section or impose a more restrictive post-release control 13148
sanction. When appropriate, the board or court may impose as a 13149
post-release control sanction a residential sanction that includes 13150
a prison term. The board or court shall consider a prison term as 13151
a post-release control sanction imposed for a violation of 13152
post-release control when the violation involves a deadly weapon 13153
or dangerous ordnance, physical harm or attempted serious physical 13154
harm to a person, or sexual misconduct, or when the releasee 13155
committed repeated violations of post-release control sanctions. 13156
Unless a releasee's stated prison term was reduced pursuant to 13157
section 5120.032 of the Revised Code, the period of a prison term 13158
that is imposed as a post-release control sanction under this 13159
division shall not exceed nine months, and the maximum cumulative 13160
prison term for all violations under this division shall not 13161
exceed one-half of the stated prison term originally imposed upon 13162
the offender as part of this sentence. If a releasee's stated 13163
prison term was reduced pursuant to section 5120.032 of the 13164
Revised Code, the period of a prison term that is imposed as a 13165
post-release control sanction under this division and the maximum 13166
cumulative prison term for all violations under this division 13167
shall not exceed the period of time not served in prison under the 13168
sentence imposed by the court. The period of a prison term that is 13169
imposed as a post-release control sanction under this division 13170
shall not count as, or be credited toward, the remaining period of 13171
post-release control. 13172

If an offender is imprisoned for a felony committed while 13173
under post-release control supervision and is again released on 13174
post-release control for a period of time determined by division 13175
(F)(4)(d) of this section, the maximum cumulative prison term for 13176
all violations under this division shall not exceed one-half of 13177
the total stated prison terms of the earlier felony, reduced by 13178
any prison term administratively imposed by the parole board or 13179

court, plus one-half of the total stated prison term of the new 13180
felony. 13181

(4) Any period of post-release control shall commence upon an 13182
offender's actual release from prison. If an offender is serving 13183
an indefinite prison term or a life sentence in addition to a 13184
stated prison term, the offender shall serve the period of 13185
post-release control in the following manner: 13186

(a) If a period of post-release control is imposed upon the 13187
offender and if the offender also is subject to a period of parole 13188
under a life sentence or an indefinite sentence, and if the period 13189
of post-release control ends prior to the period of parole, the 13190
offender shall be supervised on parole. The offender shall receive 13191
credit for post-release control supervision during the period of 13192
parole. The offender is not eligible for final release under 13193
section 2967.16 of the Revised Code until the post-release control 13194
period otherwise would have ended. 13195

(b) If a period of post-release control is imposed upon the 13196
offender and if the offender also is subject to a period of parole 13197
under an indefinite sentence, and if the period of parole ends 13198
prior to the period of post-release control, the offender shall be 13199
supervised on post-release control. The requirements of parole 13200
supervision shall be satisfied during the post-release control 13201
period. 13202

(c) If an offender is subject to more than one period of 13203
post-release control, the period of post-release control for all 13204
of the sentences shall be the period of post-release control that 13205
expires last, as determined by the parole board or court. Periods 13206
of post-release control shall be served concurrently and shall not 13207
be imposed consecutively to each other. 13208

(d) The period of post-release control for a releasee who 13209
commits a felony while under post-release control for an earlier 13210

felony shall be the longer of the period of post-release control 13211
specified for the new felony under division (B) or (C) of this 13212
section or the time remaining under the period of post-release 13213
control imposed for the earlier felony as determined by the parole 13214
board or court. 13215

Sec. 2981.07. (A) No person shall destroy, damage, remove, or 13216
transfer property that is subject to forfeiture or otherwise take 13217
any action in regard to property that is subject to forfeiture 13218
with purpose to do any of the following: 13219

(1) Prevent or impair the state's or political subdivision's 13220
lawful authority to take the property into its custody or control 13221
under this chapter or to continue holding the property under its 13222
lawful custody or control; 13223

(2) Impair or defeat the court's continuing jurisdiction over 13224
the person and property; 13225

(3) Devalue property that the person knows, or has reasonable 13226
cause to believe, is subject to forfeiture proceedings under this 13227
chapter. 13228

(B)(1) Whoever violates this section is guilty of 13229
interference with or diminishing forfeitable property. 13230

(2) Except as otherwise provided in divisions (B)(3), (4), 13231
and (5) of this section, interference with or diminishing 13232
forfeitable property is a misdemeanor of the first degree. 13233

(3) If the value of the property is ~~five hundred~~ one thousand 13234
dollars or more but less than ~~five~~ seven thousand ~~five hundred~~ 13235
dollars, interference with or diminishing forfeitable property is 13236
a felony of the fifth degree. 13237

(4) If the value of the property is ~~five~~ seven thousand ~~five~~ 13238
hundred dollars or more but less than one hundred fifty thousand 13239
dollars, interference with or diminishing forfeitable property is 13240

a felony of the fourth degree. 13241

(5) If the value of the property is one hundred fifty 13242
thousand dollars or more, interference with or diminishing 13243
forfeitable property is a felony of the third degree. 13244

Sec. 4507.51. (A)(1) Every application for an identification 13245
card or duplicate shall be made on a form furnished by the 13246
registrar of motor vehicles, shall be signed by the applicant, and 13247
by the applicant's parent or guardian if the applicant is under 13248
eighteen years of age, and shall contain the following information 13249
pertaining to the applicant: name, date of birth, sex, general 13250
description including the applicant's height, weight, hair color, 13251
and eye color, address, and social security number. The 13252
application also shall state whether an applicant wishes to 13253
certify willingness to make an anatomical gift under section 13254
2108.05 of the Revised Code and shall include information about 13255
the requirements of sections 2108.01 to 2108.29 of the Revised 13256
Code that apply to persons who are less than eighteen years of 13257
age. The statement regarding willingness to make such a donation 13258
shall be given no consideration in the decision of whether to 13259
issue an identification card. Each applicant shall be photographed 13260
in color at the time of making application. 13261

(2)(a) The application also shall state whether the applicant 13262
has executed a valid durable power of attorney for health care 13263
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 13264
executed a declaration governing the use or continuation, or the 13265
withholding or withdrawal, of life-sustaining treatment pursuant 13266
to sections 2133.01 to 2133.15 of the Revised Code and, if the 13267
applicant has executed either type of instrument, whether the 13268
applicant wishes the identification card issued to indicate that 13269
the applicant has executed the instrument. 13270

(b) On and after October 7, 2009, the application also shall 13271

state whether the applicant is a veteran, active duty, or 13272
reservist of the armed forces of the United States and, if the 13273
applicant is such, whether the applicant wishes the identification 13274
card issued to indicate that the applicant is a veteran, active 13275
duty, or reservist of the armed forces of the United States by a 13276
military designation on the identification card. 13277

(3) The registrar or deputy registrar, in accordance with 13278
section 3503.11 of the Revised Code, shall register as an elector 13279
any person who applies for an identification card or duplicate if 13280
the applicant is eligible and wishes to be registered as an 13281
elector. The decision of an applicant whether to register as an 13282
elector shall be given no consideration in the decision of whether 13283
to issue the applicant an identification card or duplicate. 13284

(B) The application for an identification card or duplicate 13285
shall be filed in the office of the registrar or deputy registrar. 13286
Each applicant shall present documentary evidence as required by 13287
the registrar of the applicant's age and identity, and the 13288
applicant shall swear that all information given is true. An 13289
identification card issued by the department of rehabilitation and 13290
correction under section 5120.59 of the Revised Code shall be 13291
sufficient documentary evidence under this division upon 13292
verification of the applicant's social security number by the 13293
registrar or a deputy registrar. Upon issuing an identification 13294
card under this section for a person who has been issued an 13295
identification card under section 5120.59 of the Revised Code, the 13296
registrar or deputy registrar shall destroy the identification 13297
card issued under section 5120.59 of the Revised Code. 13298

All applications for an identification card or duplicate 13299
shall be filed in duplicate, and if submitted to a deputy 13300
registrar, a copy shall be forwarded to the registrar. The 13301
registrar shall prescribe rules for the manner in which a deputy 13302
registrar is to file and maintain applications and other records. 13303

The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

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

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

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

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

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

(1) A process and funding system for the reentry of offenders seeking alcohol and drug addiction services; 13335
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(2) The planning, development, implementation, outcomes, monitoring, regulation, and evaluation of a statewide system for clinically appropriate alcohol and drug addiction services. 13337
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Sec. 5120.036. (A) The department of rehabilitation and correction shall provide risk reduction programming and treatment for inmates whom a court under section 2929.143 of the Revised Code recommends serve a risk reduction sentence and who meet the eligibility criteria described in division (B) of this section. 13340
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(B) If an offender is sentenced to a term of imprisonment in a state correctional institution and the sentencing court recommended that the offender serve a risk reduction sentence, the department of rehabilitation and correction shall conduct a validated and objective assessment of the person's needs and risk of reoffending. If the offender cooperates with the risk assessment and agrees to participate in any programming or treatment ordered by the department, the department shall provide programming and treatment to the offender to address the risks and needs identified in the assessment. 13345
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(C) If the department determines that an offender serving a term of incarceration for whom the sentencing court recommended a risk reduction sentence under section 2929.143 of the Revised Code has successfully completed the assessment and treatment or programming required by the department under division (B) of this section, the department shall release the offender to supervised release after the offender has served a minimum of seventy-five per cent of that term of incarceration. The department shall notify the sentencing court that the offender has successfully completed the terms of the risk reduction sentence at least thirty days prior to the date upon which the offender is to be released. 13355
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Sec. 5120.07. (A) There is hereby created the ex-offender	13366
reentry coalition consisting of the following seventeen members or	13367
their designees:	13368
(1) The director of rehabilitation and correction;	13369
(2) The director of aging;	13370
(3) The director of alcohol and drug addiction services;	13371
(4) The director of development;	13372
(5) The superintendent of public instruction;	13373
(6) The director of health;	13374
(7) The director of job and family services;	13375
(8) The director of mental health;	13376
(9) The director of developmental disabilities;	13377
(10) The director of public safety;	13378
(11) The director of youth services;	13379
(12) The chancellor of the Ohio board of regents;	13380
(13) The director <u>A representative or member</u> of the	13381
governor's office of external affairs and economic opportunity	13382
<u>staff</u> ;	13383
(14) The director of the governor's office of faith based and	13384
community initiatives;	13385
(15) The director of the rehabilitation services commission;	13386
(16) <u>(15)</u> The director of the department of commerce;	13387
(17) <u>(16)</u> The executive director of a health care licensing	13388
board created under Title XLVII of the Revised Code, as appointed	13389
by the chairperson of the coalition;	13390
<u>(17) The director of veterans services.</u>	13391
(B) The members of the coalition shall serve without	13392

compensation. The director of rehabilitation and correction or the 13393
director's designee shall be the chairperson of the coalition. 13394

(C) In consultation with persons interested and involved in 13395
the reentry of ex-offenders into the community, including but not 13396
limited to, service providers, community-based organizations, and 13397
local governments, the coalition shall identify and examine social 13398
service barriers and other obstacles to the reentry of 13399
ex-offenders into the community. Not later than one year after 13400
April 7, 2009, and on or before the same date of each year 13401
thereafter, the coalition shall submit to the speaker of the house 13402
of representatives and the president of the senate a report, 13403
including recommendations for legislative action, the activities 13404
of the coalition, and the barriers affecting the successful 13405
reentry of ex-offenders into the community. The report shall 13406
analyze the effects of those barriers on ex-offenders and on their 13407
children and other family members in various areas, including but 13408
not limited to, the following: 13409

- (1) Admission to public and other housing; 13410
- (2) Child support obligations and procedures; 13411
- (3) Parental incarceration and family reunification; 13412
- (4) Social security benefits, veterans' benefits, food 13413
stamps, and other forms of public assistance; 13414
- (5) Employment; 13415
- (6) Education programs and financial assistance; 13416
- (7) Substance abuse, mental health, and sex offender 13417
treatment programs and financial assistance; 13418
- (8) Civic and political participation; 13419
- (9) Other collateral consequences under the Revised Code or 13420
the Ohio administrative code law that may result from a criminal 13421
conviction. 13422

<u>(D)(1) The report shall also include the following</u>	13423
<u>information:</u>	13424
<u>(a) Identification of state appropriations for reentry</u>	13425
<u>programs;</u>	13426
<u>(b) Identification of other funding sources for reentry</u>	13427
<u>programs that are not funded by the state;</u>	13428
<u>(2) The coalition shall gather information about reentry</u>	13429
<u>programs in a repository maintained and made available by the</u>	13430
<u>coalition. Where available , the information shall include the</u>	13431
<u>following:</u>	13432
<u>(a) The amount of funding received;</u>	13433
<u>(b) The number of program participants;</u>	13434
<u>(c) The composition of the program, including program goals,</u>	13435
<u>methods for measuring success, and program success rate;</u>	13436
<u>(d) The type of post-program tracking that is utilized;</u>	13437
<u>(e) Information about employment rates and recidivism rates</u>	13438
<u>of ex-offenders.</u>	13439
<u>(E) The coalition shall cease to exist on December 31, 2014.</u>	13440
Sec. 5120.10. (A)(1) The director of rehabilitation and	13441
correction, by rule, shall promulgate minimum standards for jails	13442
in Ohio, including minimum security jails dedicated under section	13443
341.34 or 753.21 of the Revised Code. Whenever the director files	13444
a rule or an amendment to a rule in final form with both the	13445
secretary of state and the director of the legislative service	13446
commission pursuant to section 111.15 of the Revised Code, the	13447
director of rehabilitation and correction promptly shall send a	13448
copy of the rule or amendment, if the rule or amendment pertains	13449
to minimum jail standards, by ordinary mail to the political	13450
subdivisions or affiliations of political subdivisions that	13451

operate jails to which the standards apply. 13452

(2) The rules promulgated in accordance with division (A)(1) 13453
of this section shall serve as criteria for the investigative and 13454
supervisory powers and duties vested by division (D) of this 13455
section in the division of parole and community services of the 13456
department of rehabilitation and correction or in another division 13457
of the department to which those powers and duties are assigned. 13458

(B) The director may initiate an action in the court of 13459
common pleas of the county in which a facility that is subject to 13460
the rules promulgated under division (A)(1) of this section is 13461
situated to enjoin compliance with the minimum standards for jails 13462
or with the minimum standards and minimum renovation, 13463
modification, and construction criteria for minimum security 13464
jails. 13465

(C) Upon the request of an administrator of a jail facility, 13466
the chief executive of a municipal corporation, or a board of 13467
county commissioners, the director of rehabilitation and 13468
correction or the director's designee shall grant a variance from 13469
the minimum standards for jails in Ohio for a facility that is 13470
subject to one of those minimum standards when the director 13471
determines that strict compliance with the minimum standards would 13472
cause unusual, practical difficulties or financial hardship, that 13473
existing or alternative practices meet the intent of the minimum 13474
standards, and that granting a variance would not seriously affect 13475
the security of the facility, the supervision of the inmates, or 13476
the safe, healthful operation of the facility. If the director or 13477
the director's designee denies a variance, the applicant may 13478
appeal the denial pursuant to section 119.12 of the Revised Code. 13479

(D) The following powers and duties shall be exercised by the 13480
division of parole and community services unless assigned to 13481
another division by the director: 13482

(1) The investigation and supervision of county and municipal jails, workhouses, minimum security jails, and other correctional institutions and agencies;	13483 13484 13485
(2) The review and approval of plans submitted to the department of rehabilitation and correction pursuant to division (E) of this section;	13486 13487 13488
(3) The management and supervision of the adult parole authority created by section 5149.02 of the Revised Code;	13489 13490
(4) The review and approval of proposals for community-based correctional facilities and programs and district community-based correctional facilities and programs that are submitted pursuant to division (B) of section 2301.51 of the Revised Code;	13491 13492 13493 13494
(5) The distribution of funds made available to the division for purposes of assisting in the renovation, maintenance, and operation of community-based correctional facilities and programs and district community-based correctional facilities and programs in accordance with section 5120.112 of the Revised Code;	13495 13496 13497 13498 13499
(6) The performance of the duty imposed upon the department of rehabilitation and correction in section 5149.31 of the Revised Code to establish and administer a program of subsidies to eligible municipal corporations, counties, and groups of contiguous counties for the development, implementation, and operation of community-based corrections programs;	13500 13501 13502 13503 13504 13505
(7) Licensing halfway houses and community residential centers for the care and treatment of adult offenders in accordance with section 2967.14 of the Revised Code;	13506 13507 13508
(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons	13509 13510 13511 13512 13513

under transitional control, and other eligible offenders in 13514
accordance with section 2967.14 of the Revised Code. 13515

Other powers and duties may be assigned by the director of 13516
rehabilitation and correction to the division of parole and 13517
community services. This section does not apply to the department 13518
of youth services or its institutions or employees. 13519

(E) No plan for any new jail, workhouse, or lockup, and no 13520
plan for a substantial addition or alteration to an existing jail, 13521
workhouse, or lockup, shall be adopted unless the officials 13522
responsible for adopting the plan have submitted the plan to the 13523
department of rehabilitation and correction for approval, and the 13524
department has approved the plan as provided in division (D)(2) of 13525
this section. 13526

(F) The division of parole and community services shall 13527
review, approve, and certify proposals for community alternative 13528
sentencing centers and district community alternative sentencing 13529
centers that are submitted pursuant to section 307.932 of the 13530
Revised Code. 13531

Sec. 5120.111. With respect to community-based correctional 13532
facilities and programs and district community-based correctional 13533
facilities and programs authorized under section 2301.51 of the 13534
Revised Code and to community alternative sentencing centers and 13535
district community alternative sentencing centers authorized under 13536
section 307.932 of the Revised Code, the department of 13537
rehabilitation and correction shall do all of the following: 13538

(A) Adopt rules, under Chapter 119. of the Revised Code, that 13539
serve as criteria for the operation of community-based 13540
correctional facilities and programs and district community-based 13541
correctional facilities and programs approved in accordance with 13542
sections 2301.51 and 5120.10 of the Revised Code; 13543

(B) Adopt rules, under Chapter 119. of the Revised Code, 13544
governing the procedures for the submission of proposals for the 13545
establishment of community-based correctional facilities and 13546
programs and district community-based correctional facilities and 13547
programs to the division of parole and community services under 13548
division (B) of section 2301.51 of the Revised Code or for the 13549
establishment and operation of community alternative sentencing 13550
centers and district community alternative sentencing centers 13551
under section 307.932 of the Revised Code and adopt rules under 13552
Chapter 119. of the Revised Code that establish certification 13553
guidelines for community alternative sentencing centers and 13554
district community alternative sentencing centers under section 13555
307.932 of the Revised Code; 13556

(C) Prescribe forms that are to be used by facility governing 13557
boards of community-based correctional facilities and programs and 13558
district community-based correctional facilities and programs in 13559
making application for state financial assistance under section 13560
2301.56 of the Revised Code; 13561

(D) Adopt rules, under Chapter 119. of the Revised Code, that 13562
prescribe the standards of operation for the facilities and 13563
programs that must be satisfied for ~~the~~ community-based 13564
correctional facilities and programs and district community-based 13565
correctional facilities and programs to be eligible for state 13566
financial assistance; 13567

(E) Through the division of parole and community services, 13568
accept and review proposals for the establishment of ~~the~~ 13569
community-based correctional facilities and programs and district 13570
community-based correctional facilities and programs and approve 13571
those proposals that satisfy the minimum requirements contained in 13572
section 2301.52 of the Revised Code; and administer the program 13573
for state financial assistance to the facilities and programs in 13574
accordance with section 5120.112 of the Revised Code; 13575

(F) Accept, through the division of parole and community services, and review proposals for the establishment and operation of community alternative sentencing centers and district community alternative sentencing centers and approve and certify those proposals that satisfy the requirements contained in section 307.932 of the Revised Code. 13576
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Sec. 5120.113. (A) For each inmate committed to the department of rehabilitation and correction, except as provided in division (B) of this section, the department shall prepare a written reentry plan for the inmate to help guide the inmate's rehabilitation program during imprisonment, to assist in the inmate's reentry into the community, and to assess the inmate's needs upon release. 13582
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(B) Division (A) of this section does not apply to an inmate who has been sentenced to life imprisonment without parole or who has been sentenced to death. Division (A) of this section does not apply to any inmate who is expected to be imprisoned for thirty days or less, but the department may prepare a written reentry plan of the type described in that division if the department determines that the plan is needed. 13589
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(C) The department may collect, if available, any social and other information that will aid in the preparation of reentry plans under this section. 13596
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(D) In the event the department does not prepare a written reentry plan as specified in division (A) of this section, or makes a decision to not prepare a written reentry plan under division (B) of this section or to not collect information under division (C) of this section, that fact does not give rise to a claim for damages against the state, the department, the director of the department, or any employee of the department. 13599
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<u>Sec. 5120.114. (A) The department of rehabilitation and</u>	13606
<u>correction shall select a single validated risk assessment tool.</u>	13607
<u>This assessment tool shall be used by the following entities:</u>	13608
<u>(1) Municipal courts;</u>	13609
<u>(2) Common pleas courts;</u>	13610
<u>(3) County courts;</u>	13611
<u>(4) Municipal court departments of probation;</u>	13612
<u>(5) County departments of probation;</u>	13613
<u>(6) Probation departments established by two or more</u>	13614
<u>counties;</u>	13615
<u>(7) State and local correctional institutions;</u>	13616
<u>(8) Private correctional facilities;</u>	13617
<u>(9) Community-based correctional facilities;</u>	13618
<u>(10) The adult parole authority;</u>	13619
<u>(11) The parole board.</u>	13620
<u>(B) All employees of entities required to use the assessment</u>	13621
<u>tool shall be trained and certified by a trainer who is certified</u>	13622
<u>by the department. Each entity utilizing the assessment tool shall</u>	13623
<u>develop policies and protocols regarding all of the following</u>	13624
<u>activities:</u>	13625
<u>(1) Application and integration of the assessment tool into</u>	13626
<u>operations, supervision, and case planning;</u>	13627
<u>(2) Administrative oversight of the use of the assessment</u>	13628
<u>tool;</u>	13629
<u>(3) Staff training;</u>	13630
<u>(4) Quality assurance;</u>	13631
<u>(5) Data collection and sharing as described under section</u>	13632

5120.115 of the Revised Code. 13633

Sec. 5120.115. (A) Each authorized user of the single 13634
validated risk assessment tool described in section 5120.114 of 13635
the Revised Code shall have access to all reports generated by the 13636
risk assessment tool and all data stored in the risk assessment 13637
tool. An authorized user may disclose any report generated by the 13638
risk assessment tool to law enforcement agencies, halfway houses, 13639
and medical, mental health, and substance abuse treatment 13640
providers for penological and rehabilitative purposes. The user 13641
shall make the disclosure in a manner calculated to maintain the 13642
report's confidentiality. 13643

(B) All reports generated by or data collected in the risk 13644
assessment tool are confidential information and are not a public 13645
record. No person shall disclose any report generated by or data 13646
collected in the risk assessment tool except as provided in 13647
division (A) of this section. 13648

(C) As used in this section, "public record" has the same 13649
meaning as in section 149.43 of the Revised Code. 13650

Sec. 5120.16. (A) Persons sentenced to any institution, 13651
division, or place under the control of the department of 13652
rehabilitation and correction are committed to the control, care, 13653
and custody of the department. Subject to division (B) of this 13654
section, the director of rehabilitation and correction or the 13655
director's designee may direct that persons sentenced to the 13656
department, or to any institution or place within the department, 13657
shall be conveyed initially to an appropriate facility established 13658
and maintained by the department for reception, examination, 13659
observation, and classification of the persons so sentenced. If a 13660
presentence investigation report was not prepared pursuant to 13661
section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 13662

32.2 regarding any person sentenced to the department or to any 13663
institution or place within the department, the director or the 13664
director's designee may order the department's field staff to 13665
conduct an offender background investigation and prepare an 13666
offender background investigation report regarding the person. The 13667
investigation and report shall be conducted in accordance with 13668
division (A) of section 2951.03 of the Revised Code and the report 13669
shall contain the same information as a presentence investigation 13670
report prepared pursuant to that section. 13671

When the examination, observation, and classification of the 13672
person have been completed by the facility and a written report of 13673
the examination, observation, and classification is filed with the 13674
commitment papers, the director or the director's designee, 13675
subject to division (B) of this section, shall assign the person 13676
to a suitable state institution or place maintained by the state 13677
within the director's department or shall designate that the 13678
person is to be housed in a county, multicounty, municipal, 13679
municipal-county, or multicounty-municipal jail or workhouse, if 13680
authorized by section 5120.161 of the Revised Code, there to be 13681
confined, cared for, treated, trained, and rehabilitated until 13682
paroled, released in accordance with section 2929.20, 2967.26, ~~or~~ 13683
2967.28, or 5120.036 of the Revised Code, or otherwise released 13684
under the order of the court that imposed the person's sentence. 13685
No person committed by a probate court, a trial court pursuant to 13686
section 2945.40, 2945.401, or 2945.402 of the Revised Code 13687
subsequent to a finding of not guilty by reason of insanity, or a 13688
juvenile court shall be assigned to a state correctional 13689
institution. 13690

If a person is sentenced, committed, or assigned for the 13691
commission of a felony to any one of the institutions or places 13692
maintained by the department or to a county, multicounty, 13693
municipal, municipal-county, or multicounty-municipal jail or 13694

workhouse, the department, by order duly recorded and subject to 13695
division (B) of this section, may transfer the person to any other 13696
institution, or, if authorized by section 5120.161 of the Revised 13697
Code, to a county, multicounty, municipal, municipal-county, or 13698
multicounty-municipal jail or workhouse. 13699

(B) If the case of a child who is alleged to be a delinquent 13700
child is transferred for criminal prosecution to the appropriate 13701
court having jurisdiction of the offense pursuant to section 13702
2152.12 of the Revised Code, if the child is convicted of or 13703
pleads guilty to a felony in that case, if the child is sentenced 13704
to a prison term, as defined in section 2901.01 of the Revised 13705
Code, and if the child is under eighteen years of age when 13706
delivered to the custody of the department of rehabilitation and 13707
correction, all of the following apply regarding the housing of 13708
the child: 13709

(1) Until the child attains eighteen years of age, subject to 13710
divisions (B)(2), (3), and (4) of this section, the department 13711
shall house the child in a housing unit in a state correctional 13712
institution separate from inmates who are eighteen years of age or 13713
older. 13714

(2) The department is not required to house the child in the 13715
manner described in division (B)(1) of this section if the child 13716
does not observe the rules and regulations of the institution or 13717
the child otherwise creates a security risk by being housed 13718
separately. 13719

(3) If the department receives too few inmates who are under 13720
eighteen years of age to fill a housing unit in a state 13721
correctional institution separate from inmates who are eighteen 13722
years of age or older, as described in division (B)(1) of this 13723
section, the department may house the child in a housing unit in a 13724
state correctional institution that includes both inmates who are 13725
under eighteen years of age and inmates who are eighteen years of 13726

age or older and under twenty-one years of age. 13727

(4) Upon the child's attainment of eighteen years of age, the 13728
department may house the child with the adult population of the 13729
state correctional institution. 13730

(C) The director or the director's designee shall develop a 13731
policy for dealing with problems related to infection with the 13732
human immunodeficiency virus. The policy shall include methods of 13733
identifying individuals committed to the custody of the department 13734
who are at high risk of infection with the virus and counseling 13735
those individuals. 13736

Arrangements for housing individuals diagnosed as having AIDS 13737
or an AIDS-related condition shall be made by the department based 13738
on security and medical considerations and in accordance with 13739
division (B) of this section, if applicable. 13740

Sec. 5120.331. (A) Not later than the first day of April of 13741
each year, the department of rehabilitation and correction shall 13742
prepare an annual report covering the preceding calendar year that 13743
does all of the following: 13744

(1) Indicates the total number of persons sentenced to any 13745
institution, division, or place under its control and management 13746
who are delivered within that calendar year to its custody and 13747
control; 13748

(2) Indicates the total number of persons who, during that 13749
calendar year, were released from a prison term on any of the 13750
following bases: 13751

(a) On judicial release under section 2929.20 of the Revised 13752
Code; 13753

(b) On transitional control under section 2967.26 of the 13754
Revised Code; 13755

(c) As a result of successfully completing a risk reduction 13756

<u>sentence under section 5120.036 of the Revised Code;</u>	13757
<u>(d)</u> On parole;	13758
(d) <u>(e)</u> Due to the expiration of the stated prison term imposed;	13759 13760
(e) <u>(f)</u> On any basis not described in divisions (A)(2)(a) to (d) <u>(e)</u> of this section.	13761 13762
(3) Lists each offense, by Revised Code section number and, if applicable, by designated name, for which at least one person who was released from a prison term in that calendar year was serving a prison term at the time of release;	13763 13764 13765 13766
(4) For each offense included in the list described in division (A)(3) of this section, indicates all of the following:	13767 13768
(a) The total number of persons released from a prison term in that calendar year who were serving a prison term for that offense at the time of release;	13769 13770 13771
(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;	13772 13773 13774 13775
(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;	13776 13777 13778 13779 13780
(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;	13781 13782 13783 13784
(e) The shortest, longest, and average prison term that had been imposed for that offense upon the persons in each category	13785 13786

described in division (A)(4)(d) of this section and that they were 13787
serving at the time of release; 13788

(f) The shortest, longest, and average period of imprisonment 13789
actually served by the persons in each category described in 13790
division (A)(4)(d) of this section under a prison term that had 13791
been imposed for that offense upon them and that they were serving 13792
at the time of release. 13793

(B) No report prepared under division (A) of this section 13794
shall identify or enable the identification of any person released 13795
from a prison term in the preceding calendar year. 13796

(C) Each annual report prepared under division (A) of this 13797
section shall be distributed to each member of the general 13798
assembly. 13799

(D) As used in this section, "prison term" and "stated prison 13800
term" have the same meanings as in section 2929.01 of the Revised 13801
Code. 13802

Sec. 5120.48. (A) If a prisoner escapes from a state 13803
correctional institution, the managing officer of the institution, 13804
after consultation with and upon the advice of appropriate law 13805
enforcement officials, shall assign and deploy into the community 13806
appropriate staff persons necessary to apprehend the prisoner. 13807
Correctional officers and officials may carry firearms when 13808
required in the discharge of their duties in apprehending, taking 13809
into custody, or transporting to a place of confinement a prisoner 13810
who has escaped from a state correctional institution. 13811

(B) If a prisoner is released from a state correctional 13812
institution prior to the lawful end of the person's prison term or 13813
term of imprisonment, whether by error, inadvertence, fraud, or 13814
any other cause except a lawful parole or judicial release granted 13815
pursuant to section 2929.20 of the Revised Code or the successful 13816

completion of a risk reduction sentence under section 5120.036 of 13817
the Revised Code, the managing officer of the institution, after 13818
consulting with the bureau of sentence computation, shall notify 13819
the chief of the adult parole authority, the office of victim 13820
services of the division of parole and community services, and the 13821
sentencing court of the mistaken release. Upon the direction of 13822
the chief, or the chief's designee, field officers of the 13823
authority may arrest the prisoner without a warrant and return the 13824
prisoner to the state correctional institution to complete the 13825
balance of the prisoner's sentence. The chief of the adult parole 13826
authority, or the chief's designee, may require the assistance of 13827
any peace officer or law enforcement officer in the apprehension 13828
of a prisoner of that nature. 13829

Sec. 5120.59. Before a prisoner is released from a state 13830
correctional institution, the department of rehabilitation and 13831
correction shall attempt to verify the prisoner's identification 13832
and social security number. If the department is not able to 13833
verify the prisoner's identification and social security number, 13834
if the prisoner has no other documentary evidence required by the 13835
registrar of motor vehicles for the issuance of an identification 13836
card under section 4507.50 of the Revised Code, and if the 13837
department determines that the prisoner is legally living in the 13838
United States, the department shall issue to the prisoner upon the 13839
prisoner's release an identification card that the prisoner may 13840
present to the registrar or a deputy registrar of motor vehicles 13841
~~to obtain an identification card under section 4507.50 of the~~ 13842
~~Revised Code. The director of rehabilitation and correction may~~ 13843
~~adopt rules for the implementation of this section.~~ 13844

Sec. 5120.60. (A) There is hereby created in the division of 13845
parole and community services the office of ~~victims~~ victim 13846
services. 13847

(B) The office shall provide assistance to victims of crime, 13848
victims' representatives designated under section 2930.02 of the 13849
Revised Code, and members of the victim's family. The assistance 13850
shall include, but not be limited to, providing information about 13851
the policies and procedures of the department of rehabilitation 13852
and correction and the status of offenders under the department's 13853
jurisdiction. 13854

(C) The office shall also make available publications that 13855
will assist victims in contacting staff of the department about 13856
problems with offenders under the supervision of the adult parole 13857
authority or confined in state correctional institutions under the 13858
department's jurisdiction. 13859

(D) The office shall employ a ~~victims~~ victim coordinator who 13860
shall administer the office's functions. The ~~victims~~ victim 13861
coordinator shall be in the unclassified civil service and report 13862
directly to the chief of the division. 13863

(E) The office shall also employ at least three persons in 13864
the unclassified civil service whose primary duties shall be to 13865
help parole board hearing officers identify victims' issues and to 13866
make recommendations to the parole board in accordance with rules 13867
adopted by the department. The member of the parole board 13868
appointed pursuant to division (B) of section 5149.10 of the 13869
Revised Code shall approve the hiring of the employees of the 13870
office. 13871

(F) The office shall coordinate its activities with the 13872
member of the parole board appointed pursuant to division (B) of 13873
section 5149.10 of the Revised Code. The ~~victims~~ victim 13874
coordinator and other employees of the office shall have full 13875
access to records of prisoners under the department's 13876
jurisdiction. 13877

(G) Information provided to the office of victim services by 13878

victims of crime or a victim representative designated under 13879
section 2930.02 of the Revised Code for the purpose of program 13880
participation, of receiving services, or to communicate acts of an 13881
inmate or person under the supervision of the adult parole 13882
authority that threaten the safety and security of the victim 13883
shall be confidential and is not a public record under section 13884
149.43 of the Revised Code. 13885

(H)(1) If a person who was convicted of or pleaded guilty to 13886
an offense of violence that is a felony escapes from a 13887
correctional institution under the control of the department of 13888
rehabilitation and correction or otherwise escapes from the 13889
custody of the department, the office of victim services shall 13890
notify each victim of the offense or offenses committed by that 13891
person of that person's escape and, if applicable, of that 13892
person's subsequent apprehension. The office shall give this 13893
notice as soon as practicable after the escape and the office 13894
identifies and locates the victim. The office shall give this 13895
notice to each victim of the escaped person, regardless of whether 13896
the victim is registered for notification with the office, unless 13897
the victim has specifically notified the office that the victim 13898
does not wish to be notified regarding the person. 13899

The office may give the notice required by this division by 13900
telephone, in person, or by e-mail or other electronic means. If 13901
the office cannot locate a victim to whom notice is to be provided 13902
under this division, the office shall send the notice in writing 13903
to the last known address of that victim. 13904

(2) If a person escapes as described in division (H)(1) of 13905
this section, the office of victim services may request assistance 13906
from the prosecuting attorney of the county in which the person 13907
was convicted of or pleaded guilty to the offense in identifying 13908
and locating the victim of the offense. 13909

(I) Any reference in any Revised Code section other than this 13910

section to the "office of victims' services" of the division of 13911
parole and community services or of the department of 13912
rehabilitation and correction shall be construed as being a 13913
reference to, and meaning, the office of victim services created 13914
by division (A) of this section. 13915

(J) As used in this section, "crime," "member of the victim's 13916
family," and "victim" have the meanings given in section 2930.01 13917
of the Revised Code. 13918

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 13919
but not before January 1, 2006, the department of rehabilitation 13920
and correction shall establish and operate on the internet a 13921
database that contains all of the following: 13922

(1) For each inmate in the custody of the department under a 13923
sentence imposed for a conviction of or plea of guilty to any 13924
offense, all of the following information: 13925

(a) The inmate's name; 13926

(b) For each offense for which the inmate was sentenced to a 13927
prison term or term of imprisonment and is in the department's 13928
custody, the name of the offense, the Revised Code section of 13929
which the offense is a violation, the gender of each victim of the 13930
offense if those facts are known, whether each victim of the 13931
offense was an adult or child if those facts are known, the range 13932
of the possible prison terms or term of imprisonment that could 13933
have been imposed for the offense, the actual prison term or term 13934
of imprisonment imposed for the offense, the county in which the 13935
offense was committed, the date on which the inmate began serving 13936
the prison term or term of imprisonment imposed for the offense, 13937
and either the date on which the inmate will be eligible for 13938
parole relative to the offense if the prison term or term of 13939
imprisonment is an indefinite term or life term or the date on 13940
which the term ends if the prison term is a definite term; 13941

(c) All of the following information that is applicable 13942
regarding the inmate: 13943

(i) If known to the department prior to the conduct of any 13944
hearing for judicial release of the defendant pursuant to section 13945
2929.20 of the Revised Code in relation to any prison term or term 13946
of imprisonment the inmate is serving for any offense or any 13947
hearing for release of the defendant pursuant to section 2967.19 13948
of the Revised Code in relation to any such term, notice of the 13949
fact that the inmate will be having a hearing regarding a possible 13950
grant of judicial release or release, the date of the hearing, and 13951
the right of any person pursuant to division (J) of ~~that~~ section 13952
2929.20 or division (H) of section 2967.19 of the Revised Code, 13953
whichever is applicable, to submit to the court a written 13954
statement regarding the possible judicial release; or release. The 13955
department also shall post notice of the filing of any petition 13956
for release of the inmate pursuant to section 2967.19 of the 13957
Revised Code, as required by division (E) of that section. 13958

(ii) If the inmate is serving a prison term pursuant to 13959
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 13960
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 13961
Code, prior to the conduct of any hearing pursuant to section 13962
2971.05 of the Revised Code to determine whether to modify the 13963
requirement that the inmate serve the entire prison term in a 13964
state correctional facility in accordance with division (C) of 13965
that section, whether to continue, revise, or revoke any existing 13966
modification of that requirement, or whether to terminate the 13967
prison term in accordance with division (D) of that section, 13968
notice of the fact that the inmate will be having a hearing 13969
regarding those determinations and of the date of the hearing; 13970

(iii) At least three weeks before the adult parole authority 13971
recommends a pardon or commutation of sentence for the inmate or 13972
at least three weeks prior to a hearing before the adult parole 13973

authority regarding a grant of parole to the inmate in relation to 13974
any prison term or term of imprisonment the inmate is serving for 13975
any offense, notice of the fact that the inmate might be under 13976
consideration for a pardon or commutation of sentence or will be 13977
having a hearing regarding a possible grant of parole, of the date 13978
of any hearing regarding a possible grant of parole, and of the 13979
right of any person to submit a written statement regarding the 13980
pending action; 13981

(iv) At least three weeks before the inmate is transferred to 13982
transitional control under section 2967.26 of the Revised Code in 13983
relation to any prison term or term of imprisonment the inmate is 13984
serving for any offense, notice of the pendency of the transfer, 13985
of the date of the possible transfer, and of the right of any 13986
person to submit a statement regarding the possible transfer; 13987

(v) Prompt notice of the inmate's escape from any facility in 13988
which the inmate was incarcerated and of the capture of the inmate 13989
after an escape; 13990

(vi) Notice of the inmate's death while in confinement; 13991

(vii) Prior to the release of the inmate from confinement, 13992
notice of the fact that the inmate will be released, of the date 13993
of the release, and, if applicable, of the standard terms and 13994
conditions of the release; 13995

(viii) Notice of the inmate's judicial release pursuant to 13996
section 2929.20 of the Revised Code or release pursuant to section 13997
2967.19 of the Revised Code. 13998

(2) Information as to where a person can send written 13999
statements of the types referred to in divisions (A)(1)(c)(i), 14000
(iii), and (iv) of this section. 14001

(B)(1) The department shall update the database required 14002
under division (A) of this section every twenty-four hours to 14003
ensure that the information it contains is accurate and current. 14004

(2) The database required under division (A) of this section 14005
is a public record open for inspection under section 149.43 of the 14006
Revised Code. The department shall make the database searchable by 14007
inmate name and by the county and zip code where the offender 14008
intends to reside after release from a state correctional 14009
institution if this information is known to the department. 14010

(3) The database required under division (A) of this section 14011
may contain information regarding inmates who are listed in the 14012
database in addition to the information described in that 14013
division. 14014

(4) No information included on the database required under 14015
division (A) of this section shall identify or enable the 14016
identification of any victim of any offense committed by an 14017
inmate. 14018

(C) The failure of the department to comply with the 14019
requirements of division (A) or (B) of this section does not give 14020
any rights or any grounds for appeal or post-conviction relief to 14021
any inmate. 14022

(D) This section, and the related provisions of sections 14023
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 14024
in the act in which this section was enacted, shall be known as 14025
"Laura's Law." 14026

Sec. 5139.01. (A) As used in this chapter: 14027

(1) "Commitment" means the transfer of the physical custody 14028
of a child or youth from the court to the department of youth 14029
services. 14030

(2) "Permanent commitment" means a commitment that vests 14031
legal custody of a child in the department of youth services. 14032

(3) "Legal custody," insofar as it pertains to the status 14033
that is created when a child is permanently committed to the 14034

department of youth services, means a legal status in which the 14035
department has the following rights and responsibilities: the 14036
right to have physical possession of the child; the right and duty 14037
to train, protect, and control the child; the responsibility to 14038
provide the child with food, clothing, shelter, education, and 14039
medical care; and the right to determine where and with whom the 14040
child shall live, subject to the minimum periods of, or periods 14041
of, institutional care prescribed in sections 2152.13 to 2152.18 14042
of the Revised Code; provided, that these rights and 14043
responsibilities are exercised subject to the powers, rights, 14044
duties, and responsibilities of the guardian of the person of the 14045
child, and subject to any residual parental rights and 14046
responsibilities. 14047

(4) Unless the context requires a different meaning, 14048
"institution" means a state facility that is created by the 14049
general assembly and that is under the management and control of 14050
the department of youth services or a private entity with which 14051
the department has contracted for the institutional care and 14052
custody of felony delinquents. 14053

(5) "Full-time care" means care for twenty-four hours a day 14054
for over a period of at least two consecutive weeks. 14055

(6) "Placement" means the conditional release of a child 14056
under the terms and conditions that are specified by the 14057
department of youth services. The department shall retain legal 14058
custody of a child released pursuant to division (C) of section 14059
2152.22 of the Revised Code or division (C) of section 5139.06 of 14060
the Revised Code until the time that it discharges the child or 14061
until the legal custody is terminated as otherwise provided by 14062
law. 14063

(7) "Home placement" means the placement of a child in the 14064
home of the child's parent or parents or in the home of the 14065
guardian of the child's person. 14066

- (8) "Discharge" means that the department of youth services' legal custody of a child is terminated. 14067
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- (9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release. 14069
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- (10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 14073
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- (11) "Felony delinquent" means any child who is at least ten years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony. 14075
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- (12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 14083
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- (13) "Public safety beds" means all of the following: 14085
- (a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility; 14086
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- (b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be 14093
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a misdemeanor or a felony;	14098
(c) Children who satisfy all of the following:	14099
(i) They are at least ten years of age but less than eighteen years of age.	14100 14101
(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.	14102 14103
(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.	14104 14105 14106 14107
(iv) They are in the care and custody of an institution or a community corrections facility.	14108 14109
(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution are serving disciplinary time for having committed an act described in division (A)(18)(a), (b), or (c) of this section, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code.	14110 14111 14112 14113 14114 14115 14116
(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to divisions (A) and (B) of section 2152.17 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.	14117 14118 14119 14120 14121 14122
(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release to court supervision under division (B) of section 2152.22 of the Revised Code or a judicial release to the department of youth services supervision under division (C) of	14123 14124 14125 14126 14127

that section from the commitment to the department of youth 14128
services for the act described in divisions (A)(13)(a) to (e) of 14129
this section, who have violated the terms and conditions of that 14130
release, and who, pursuant to an order of the court of the county 14131
in which the particular felony delinquent was placed on release 14132
that is issued pursuant to division (D) of section 2152.22 of the 14133
Revised Code, have been returned to the department for 14134
institutionalization or institutionalization in a secure facility. 14135

(g) Felony delinquents who have been committed to the custody 14136
of the department of youth services, who have been granted 14137
supervised release from the commitment pursuant to section 5139.51 14138
of the Revised Code, who have violated the terms and conditions of 14139
that supervised release, and who, pursuant to an order of the 14140
court of the county in which the particular child was placed on 14141
supervised release issued pursuant to division (F) of section 14142
5139.52 of the Revised Code, have had the supervised release 14143
revoked and have been returned to the department for 14144
institutionalization. A felony delinquent described in this 14145
division shall be a public safety bed only for the time during 14146
which the felony delinquent is institutionalized as a result of 14147
the revocation subsequent to the initial thirty-day period of 14148
institutionalization required by division (F) of section 5139.52 14149
of the Revised Code. 14150

(14) Unless the context requires a different meaning, 14151
"community corrections facility" means a county or multicounty 14152
rehabilitation center for felony delinquents who have been 14153
committed to the department of youth services and diverted from 14154
care and custody in an institution and placed in the 14155
rehabilitation center pursuant to division (E) of section 5139.36 14156
of the Revised Code. 14157

(15) "Secure facility" means any facility that is designed 14158
and operated to ensure that all of its entrances and exits are 14159

under the exclusive control of its staff and to ensure that, 14160
because of that exclusive control, no child who has been 14161
institutionalized in the facility may leave the facility without 14162
permission or supervision. 14163

(16) "Community residential program" means a program that 14164
satisfies both of the following: 14165

(a) It is housed in a building or other structure that has no 14166
associated major restraining construction, including, but not 14167
limited to, a security fence. 14168

(b) It provides twenty-four-hour care, supervision, and 14169
programs for felony delinquents who are in residence. 14170

(17) "~~Category one offense" and "category two offense" have~~ 14171
~~the same meanings as in section 2151.26 of the Revised Code~~ means 14172
any of the following: 14173

(a) A violation of section 2903.01 or 2903.02 of the Revised 14174
Code; 14175

(b) A violation of section 2923.02 of the Revised Code 14176
involving an attempt to commit aggravated murder or murder. 14177

(18) "Disciplinary time" means additional time that the 14178
department of youth services requires a felony delinquent to serve 14179
in an institution, that delays the felony delinquent's planned 14180
release, and that the department imposes upon the felony 14181
delinquent following the conduct of an internal due process 14182
hearing for having committed any of the following acts while 14183
committed to the department and in the care and custody of an 14184
institution: 14185

(a) An act that if committed by an adult would be a felony; 14186

(b) An act that if committed by an adult would be a 14187
misdemeanor; 14188

(c) An act that is not described in division (A)(18)(a) or 14189

(b) of this section and that violates an institutional rule of conduct of the department.	14190 14191
(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	14192 14193
(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.	14194 14195 14196 14197
(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	14198 14199 14200
(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.	14201 14202 14203 14204 14205 14206
(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.	14207 14208 14209 14210 14211 14212
(24) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.	14213 14214 14215 14216 14217 14218
(25) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other	14219 14220

relative, or legal guardian of a child but does not include a 14221
person charged with, convicted of, or adjudicated a delinquent 14222
child for committing a criminal or delinquent act against the 14223
victim or another criminal or delinquent act arising out of the 14224
same conduct, criminal or delinquent episode, or plan as the 14225
criminal or delinquent act committed against the victim. 14226

(26) "Judicial release to court supervision" means a release 14227
of a child from institutional care or institutional care in a 14228
secure facility that is granted by a court pursuant to division 14229
(B) of section 2152.22 of the Revised Code during the period 14230
specified in that division. 14231

(27) "Judicial release to department of youth services 14232
supervision" means a release of a child from institutional care or 14233
institutional care in a secure facility that is granted by a court 14234
pursuant to division (C) of section 2152.22 of the Revised Code 14235
during the period specified in that division. 14236

(28) "Juvenile justice system" includes all of the functions 14237
of the juvenile courts, the department of youth services, any 14238
public or private agency whose purposes include the prevention of 14239
delinquency or the diversion, adjudication, detention, or 14240
rehabilitation of delinquent children, and any of the functions of 14241
the criminal justice system that are applicable to children. 14242

(29) "Metropolitan county criminal justice services agency" 14243
means an agency that is established pursuant to division (A) of 14244
section 5502.64 of the Revised Code. 14245

(30) "Administrative planning district" means a district that 14246
is established pursuant to division (A) or (B) of section 5502.66 14247
of the Revised Code. 14248

(31) "Criminal justice coordinating council" means a criminal 14249
justice services agency that is established pursuant to division 14250
(D) of section 5502.66 of the Revised Code. 14251

(32) "Comprehensive plan" means a document that coordinates, 14252
evaluates, and otherwise assists, on an annual or multi-year 14253
basis, all of the functions of the juvenile justice systems of the 14254
state or a specified area of the state, that conforms to the 14255
priorities of the state with respect to juvenile justice systems, 14256
and that conforms with the requirements of all federal criminal 14257
justice acts. These functions include, but are not limited to, all 14258
of the following: 14259

(a) Delinquency; 14260

(b) Identification, detection, apprehension, and detention of 14261
persons charged with delinquent acts; 14262

(c) Assistance to crime victims or witnesses, except that the 14263
comprehensive plan does not include the functions of the attorney 14264
general pursuant to sections 109.91 and 109.92 of the Revised 14265
Code; 14266

(d) Adjudication or diversion of persons charged with 14267
delinquent acts; 14268

(e) Custodial treatment of delinquent children; 14269

(f) Institutional and noninstitutional rehabilitation of 14270
delinquent children. 14271

(33) "Category two offense" means any of the following: 14272

(a) A violation of section 2903.03, 2905.01, 2907.02, 14273
2909.02, 2911.01, or 2911.11 of the Revised Code; 14274

(b) A violation of section 2903.04 of the Revised Code that 14275
is a felony of the first degree; 14276

(c) A violation of section 2907.12 of the Revised Code as it 14277
existed prior to September 3, 1996. 14278

(B) There is hereby created the department of youth services. 14279
The governor shall appoint the director of the department with the 14280
advice and consent of the senate. The director shall hold office 14281

during the term of the appointing governor but subject to removal 14282
at the pleasure of the governor. Except as otherwise authorized in 14283
section 108.05 of the Revised Code, the director shall devote the 14284
director's entire time to the duties of the director's office and 14285
shall hold no other office or position of trust or profit during 14286
the director's term of office. 14287

The director is the chief executive and administrative 14288
officer of the department and has all the powers of a department 14289
head set forth in Chapter 121. of the Revised Code. The director 14290
may adopt rules for the government of the department, the conduct 14291
of its officers and employees, the performance of its business, 14292
and the custody, use, and preservation of the department's 14293
records, papers, books, documents, and property. The director 14294
shall be an appointing authority within the meaning of Chapter 14295
124. of the Revised Code. Whenever this or any other chapter or 14296
section of the Revised Code imposes a duty on or requires an 14297
action of the department, the duty or action shall be performed by 14298
the director or, upon the director's order, in the name of the 14299
department. 14300

Sec. 5139.05. (A) The juvenile court may commit any child to 14301
the department of youth services as authorized in Chapter 2152. of 14302
the Revised Code, provided that any child so committed shall be at 14303
least ten years of age at the time of the child's delinquent act, 14304
and, if the child is ten or eleven years of age, the delinquent 14305
act is a violation of section 2909.03 of the Revised Code or would 14306
be aggravated murder, murder, or a first or second degree felony 14307
offense of violence if committed by an adult. Any order to commit 14308
a child to an institution under the control and management of the 14309
department shall have the effect of ordering that the child be 14310
committed to the department and assigned to an institution as 14311
follows: 14312

(1) For an indefinite term consisting of the prescribed 14313
minimum period specified by the court under division (A)(1)(b), 14314
(c), (d), or (e) of section 2152.16 of the Revised Code and a 14315
maximum period not to exceed the child's attainment of twenty-one 14316
years of age, if the child was committed pursuant to section 14317
2152.16 of the Revised Code; 14318

(2) Until the child's attainment of twenty-one years of age, 14319
if the child was committed for aggravated murder or murder 14320
pursuant to section 2152.16 of the Revised Code; 14321

(3) For a definite period of commitment ~~that~~ specified by the 14322
court under section 2152.17 of the Revised Code if the child was 14323
committed pursuant to that section, which definite period shall be 14324
in addition to, and shall be served consecutively with and prior 14325
to, a the period of commitment described in division (A)(1) or (2) 14326
of this section, ~~if the child was committed pursuant to section~~ 14327
~~2152.17 of the Revised Code;~~ that is imposed for the child's 14328
underlying delinquent act. The child shall be eligible for 14329
judicial release during the commitments in accordance with section 14330
2152.22 of the Revised Code. 14331

(4) If the child is ten or eleven years of age, to an 14332
institution, a residential care facility, a residential facility, 14333
or a facility licensed by the department of job and family 14334
services that the department of youth services considers best 14335
designated for the training and rehabilitation of the child and 14336
protection of the public. The child shall be housed separately 14337
from children who are twelve years of age or older until the child 14338
is released or discharged or until the child attains twelve years 14339
of age, whichever occurs first. Upon the child's attainment of 14340
twelve years of age, if the child has not been released or 14341
discharged, the department is not required to house the child 14342
separately. 14343

(B)(1) Except as otherwise provided in section 5139.54 of the 14344

Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the prescribed minimum period specified of institutionalization or institutionalization in a secure facility imposed under division (A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code and after the expiration of any term of commitment imposed under division (A), (B), (C), or (D) of section 2152.17 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child,

or upon petition of the department, terminates the department's 14376
legal custody of the child. 14377

(c) The committing court grants the child a judicial release 14378
to court supervision under section 2152.22 of the Revised Code. 14379

(d) The department's legal custody of the child is terminated 14380
automatically by the child attaining twenty-one years of age. 14381

(e) If the child is subject to a serious youthful offender 14382
dispositional sentence, the adult portion of that dispositional 14383
sentence is imposed under section 2152.14 of the Revised Code. 14384

(C) When a child is committed to the department of youth 14385
services, the department may assign the child to a hospital for 14386
mental, physical, and other examination, inquiry, or treatment for 14387
the period of time that is necessary. The department may remove 14388
any child in its custody to a hospital for observation, and a 14389
complete report of every observation at the hospital shall be made 14390
in writing and shall include a record of observation, treatment, 14391
and medical history and a recommendation for future treatment, 14392
custody, and maintenance. The department shall thereupon order the 14393
placement and treatment that it determines to be most conducive to 14394
the purposes of Chapters 2151. and 5139. of the Revised Code. The 14395
committing court and all public authorities shall make available 14396
to the department all pertinent data in their possession with 14397
respect to the case. 14398

(D) Records maintained by the department of youth services 14399
pertaining to the children in its custody shall be accessible only 14400
to department employees, except by consent of the department, upon 14401
the order of the judge of a court of record, or as provided in 14402
divisions (D)(1) and (2) of this section. These records shall not 14403
be considered "public records," as defined in section 149.43 of 14404
the Revised Code. 14405

(1) Except as otherwise provided by a law of this state or 14406

the United States, the department of youth services may release 14407
records that are maintained by the department of youth services 14408
and that pertain to children in its custody to the department of 14409
rehabilitation and correction regarding persons who are under the 14410
jurisdiction of the department of rehabilitation and correction 14411
and who have previously been committed to the department of youth 14412
services. The department of rehabilitation and correction may use 14413
those records for the limited purpose of carrying out the duties 14414
of the department of rehabilitation and correction. Records 14415
released by the department of youth services to the department of 14416
rehabilitation and correction shall remain confidential and shall 14417
not be considered public records as defined in section 149.43 of 14418
the Revised Code. 14419

(2) The department of youth services shall provide to the 14420
superintendent of the school district in which a child discharged 14421
or released from the custody of the department is entitled to 14422
attend school under section 3313.64 or 3313.65 of the Revised Code 14423
the records described in divisions (D)(4)(a) to (d) of section 14424
2152.18 of the Revised Code. Subject to the provisions of section 14425
3319.321 of the Revised Code and the Family Educational Rights and 14426
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 14427
the superintendent shall remain confidential and shall not be 14428
considered public records as defined in section 149.43 of the 14429
Revised Code. 14430

(E)(1) When a child is committed to the department of youth 14431
services, the department, orally or in writing, shall notify the 14432
parent, guardian, or custodian of a child that the parent, 14433
guardian, or custodian may request at any time from the 14434
superintendent of the institution in which the child is located 14435
any of the information described in divisions (E)(1)(a), (b), (c), 14436
and (d) of this section. The parent, guardian, or custodian may 14437
provide the department with the name, address, and telephone 14438

number of the parent, guardian, or custodian, and, until the 14439
department is notified of a change of name, address, or telephone 14440
number, the department shall use the name, address, and telephone 14441
number provided by the parent, guardian, or custodian to provide 14442
notices or answer inquiries concerning the following information: 14443

(a) When the department of youth services makes a permanent 14444
assignment of the child to a facility, the department, orally or 14445
in writing and on or before the third business day after the day 14446
the permanent assignment is made, shall notify the parent, 14447
guardian, or custodian of the child of the name of the facility to 14448
which the child has been permanently assigned. 14449

If a parent, guardian, or custodian of a child who is 14450
committed to the department of youth services requests, orally or 14451
in writing, the department to provide the parent, guardian, or 14452
custodian with the name of the facility in which the child is 14453
currently located, the department, orally or in writing and on or 14454
before the next business day after the day on which the request is 14455
made, shall provide the name of that facility to the parent, 14456
guardian, or custodian. 14457

(b) If a parent, guardian, or custodian of a child who is 14458
committed to the department of youth services, orally or in 14459
writing, asks the superintendent of the institution in which the 14460
child is located whether the child is being disciplined by the 14461
personnel of the institution, what disciplinary measure the 14462
personnel of the institution are using for the child, or why the 14463
child is being disciplined, the superintendent or the 14464
superintendent's designee, on or before the next business day 14465
after the day on which the request is made, shall provide the 14466
parent, guardian, or custodian with written or oral responses to 14467
the questions. 14468

(c) If a parent, guardian, or custodian of a child who is 14469
committed to the department of youth services, orally or in 14470

writing, asks the superintendent of the institution in which the child is held whether the child is receiving any medication from personnel of the institution, what type of medication the child is receiving, or what condition of the child the medication is intended to treat, the superintendent or the superintendent's designee, on or before the next business day after the day on which the request is made, shall provide the parent, guardian, or custodian with oral or written responses to the questions.

(d) When a major incident occurs with respect to a child who is committed to the department of youth services, the department, as soon as reasonably possible after the major incident occurs, shall notify the parent, guardian, or custodian of the child that a major incident has occurred with respect to the child and of all the details of that incident that the department has ascertained.

(2) The failure of the department of youth services to provide any notification required by or answer any requests made pursuant to division (E) of this section does not create a cause of action against the state.

(F) The department of youth services, as a means of punishment while the child is in its custody, shall not prohibit a child who is committed to the department from seeing that child's parent, guardian, or custodian during standard visitation periods allowed by the department of youth services unless the superintendent of the institution in which the child is held determines that permitting that child to visit with the child's parent, guardian, or custodian would create a safety risk to that child, that child's parents, guardian, or custodian, the personnel of the institution, or other children held in that institution.

(G) As used in this section:

(1) "Permanent assignment" means the assignment or transfer for an extended period of time of a child who is committed to the

department of youth services to a facility in which the child will 14502
receive training or participate in activities that are directed 14503
toward the child's successful rehabilitation. "Permanent 14504
assignment" does not include the transfer of a child to a facility 14505
for judicial release hearings pursuant to section 2152.22 of the 14506
Revised Code or for any other temporary assignment or transfer to 14507
a facility. 14508

(2) "Major incident" means the escape or attempted escape of 14509
a child who has been committed to the department of youth services 14510
from the facility to which the child is assigned; the return to 14511
the custody of the department of a child who has escaped or 14512
otherwise fled the custody and control of the department without 14513
authorization; the allegation of any sexual activity with a child 14514
committed to the department; physical injury to a child committed 14515
to the department as a result of alleged abuse by department 14516
staff; an accident resulting in injury to a child committed to the 14517
department that requires medical care or treatment outside the 14518
institution in which the child is located; the discovery of a 14519
controlled substance upon the person or in the property of a child 14520
committed to the department; a suicide attempt by a child 14521
committed to the department; a suicide attempt by a child 14522
committed to the department that results in injury to the child 14523
requiring emergency medical services outside the institution in 14524
which the child is located; the death of a child committed to the 14525
department; an injury to a visitor at an institution under the 14526
control of the department that is caused by a child committed to 14527
the department; and the commission or suspected commission of an 14528
act by a child committed to the department that would be an 14529
offense if committed by an adult. 14530

(3) "Sexual activity" has the same meaning as in section 14531
2907.01 of the Revised Code. 14532

(4) "Controlled substance" has the same meaning as in section 14533

3719.01 of the Revised Code. 14534

(5) "Residential care facility" and "residential facility" 14535
have the same meanings as in section 2151.011 of the Revised Code. 14536

Sec. 5139.06. (A) When a child has been committed to the 14537
department of youth services, the department shall do both of the 14538
following: 14539

(1) Place the child in an appropriate institution under the 14540
condition that it considers best designed for the training and 14541
rehabilitation of the child and the protection of the public, 14542
provided that the institutional placement shall be consistent with 14543
the order committing the child to its custody; 14544

(2) Maintain the child in institutional care or institutional 14545
care in a secure facility for the required period of 14546
institutionalization in a manner consistent with division (A)(1) 14547
of section 2152.16 and divisions (A) to (F) of section 2152.17 of 14548
the Revised Code, whichever are applicable, and with section 14549
5139.38 or division (B) or (C) of section 2152.22 of the Revised 14550
Code. 14551

(B) When a child has been committed to the department of 14552
youth services and has not been institutionalized or 14553
institutionalized in a secure facility for the prescribed minimum 14554
period of time, ~~including, but not limited to, a imposed under~~ 14555
division (A)(1)(b), (c), (d), or (e) of section 2152.16 of the 14556
Revised Code, the prescribed period of time under division 14557
(A)(1)(a) of section 2152.16 of the Revised Code, or the definite 14558
period or periods of commitment imposed under division (A), (B), 14559
(C), or (D) of section 2152.17 of the Revised Code plus the 14560
prescribed minimum period of time imposed under division 14561
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised 14562
Code, whichever is applicable, the department, the child, or the 14563
child's parent may request the court that committed the child to 14564

order a judicial release to court supervision or a judicial 14565
release to department of youth services supervision in accordance 14566
with division (B) or (C) of section 2152.22 of the Revised Code, 14567
and the child may be released from institutionalization or 14568
institutionalization in a secure facility in accordance with the 14569
applicable division. A child in those circumstances shall not be 14570
released from institutionalization or institutionalization in a 14571
secure facility except in accordance with section 2152.22 or 14572
5139.38 of the Revised Code. When a child is released pursuant to 14573
a judicial release to court supervision under division (B) of 14574
section 2152.22 of the Revised Code, the department shall comply 14575
with division (B)(3) of that section and, if the court requests, 14576
shall send the committing court a report on the child's progress 14577
in the institution and recommendations for conditions of 14578
supervision by the court after release. When a child is released 14579
pursuant to a judicial release to department of youth services 14580
supervision under division (C) of section 2152.22 of the Revised 14581
Code, the department shall comply with division (C)(3) of that 14582
section relative to the child and shall send the committing court 14583
and the juvenile court of the county in which the child is placed 14584
a copy of the treatment and rehabilitation plan described in that 14585
division and the conditions that it fixed. The court of the county 14586
in which the child is placed may adopt the conditions as an order 14587
of the court and may add any additional consistent conditions it 14588
considers appropriate, provided that the court may not add any 14589
condition that decreases the level or degree of supervision 14590
specified by the department in its plan, that substantially 14591
increases the financial burden of supervision that will be 14592
experienced by the department, or that alters the placement 14593
specified by the department in its plan. Any violations of the 14594
conditions of the child's judicial release or early release shall 14595
be handled pursuant to division (D) of section 2152.22 of the 14596
Revised Code. 14597

(C) When a child has been committed to the department of youth services, the department may do any of the following:

(1) Notwithstanding the provisions of this chapter, Chapter 2151., or Chapter 2152. of the Revised Code that prescribe required periods of institutionalization, transfer the child to any other state institution, whenever it appears that the child by reason of mental illness, mental retardation, or other developmental disability ought to be in another state institution. Before transferring a child to any other state institution, the department shall include in the minutes a record of the order of transfer and the reason for the transfer and, at least seven days prior to the transfer, shall send a certified copy of the order to the person shown by its record to have had the care or custody of the child immediately prior to the child's commitment. Except as provided in division (C)(2) of this section, no person shall be transferred from a benevolent institution to a correctional institution or to a facility or institution operated by the department of youth services.

(2) Notwithstanding the provisions of this chapter, Chapter 2151., or Chapter 2152. of the Revised Code that prescribe required periods of institutionalization, transfer the child under section 5120.162 of the Revised Code to a correctional medical center established by the department of rehabilitation and correction, whenever the child has an illness, physical condition, or other medical problem and it appears that the child would benefit from diagnosis or treatment at the center for that illness, condition, or problem. Before transferring a child to a center, the department of youth services shall include in the minutes a record of the order of transfer and the reason for the transfer and, except in emergency situations, at least seven days prior to the transfer, shall send a certified copy of the order to the person shown by its records to have had the care or custody of

the child immediately prior to the child's commitment. If the 14630
transfer of the child occurs in an emergency situation, as soon as 14631
possible after the decision is made to make the transfer, the 14632
department of youth services shall send a certified copy of the 14633
order to the person shown by its records to have had the care or 14634
custody of the child immediately prior to the child's commitment. 14635
A transfer under this division shall be in accordance with the 14636
terms of the agreement the department of youth services enters 14637
into with the department of rehabilitation and correction under 14638
section 5120.162 of the Revised Code and shall continue only as 14639
long as the child reasonably appears to receive benefit from 14640
diagnosis or treatment at the center for an illness, physical 14641
condition, or other medical problem. 14642

(3) Revoke or modify any order of the department except an 14643
order of discharge as often as conditions indicate it to be 14644
desirable; 14645

(4) If the child was committed pursuant to division 14646
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 14647
and has been institutionalized or institutionalized in a secure 14648
facility for the prescribed minimum periods of time under ~~those~~ 14649
divisions the division pursuant to which the commitment was made, 14650
assign the child to a family home, a group care facility, or other 14651
place maintained under public or private auspices, within or 14652
without this state, for necessary treatment and rehabilitation, 14653
the costs of which may be paid by the department, provided that 14654
the department shall notify the committing court, in writing, of 14655
the place and terms of the assignment at least fifteen days prior 14656
to the scheduled date of the assignment~~†~~. A child may not be 14657
assigned to a home, facility, or place under this division until 14658
after the expiration of any term of commitment imposed on the 14659
child under division (A), (B), (C), or (D) of section 2152.17 of 14660
the Revised Code. 14661

(5) Release the child from an institution in accordance with 14662
sections 5139.51 to 5139.54 of the Revised Code in the 14663
circumstances described in those sections. 14664

(D) The department of youth services shall notify the 14665
committing court of any order transferring the physical location 14666
of any child committed to it in accordance with section 5139.35 of 14667
the Revised Code. Upon the discharge from its custody and control, 14668
the department may petition the court for an order terminating its 14669
custody and control. 14670

Sec. 5139.20. (A) Notwithstanding any other provision of the 14671
Revised Code that sets forth the minimum periods or period for 14672
which a child committed to the department of youth services is to 14673
be institutionalized or institutionalized in a secure facility or 14674
the procedures for the judicial release to court supervision or 14675
judicial release to department of youth services supervision, the 14676
department may grant emergency releases to children confined in 14677
state juvenile institutions if the governor, upon request of the 14678
director of the department authorizes the director, in writing, to 14679
issue a declaration that an emergency overcrowding condition 14680
exists in all of the institutions in which males are confined, or 14681
in all of the institutions in which females are confined, that are 14682
under the control of the department. If the governor authorizes 14683
the issuance of a declaration, the director may issue the 14684
declaration. If the director issues the declaration, the director 14685
shall file a copy of it with the secretary of state, which copy 14686
shall be a public record. Upon the filing of the copy, the 14687
department is authorized to grant emergency releases to children 14688
within its custody subject to division (B) of this section. The 14689
authority to grant the emergency releases shall continue until the 14690
expiration of thirty days from the day on which the declaration 14691
was filed. The director shall not issue a declaration that an 14692
emergency overcrowding condition exists unless the director 14693

determines that no other method of alleviating the overcrowding 14694
condition is available. 14695

(B)(1) If the department is authorized under division (A) of 14696
this section to grant emergency releases to children within its 14697
custody, the department shall determine which, if any, children to 14698
release under that authority only in accordance with this division 14699
and divisions (C), (D), and (E) of this section. The department, 14700
in determining which, if any, children to release, initially shall 14701
classify each child within its custody according to the degree of 14702
offense that the act for which the child is serving the period of 14703
institutionalization would have been if committed by an adult. The 14704
department then shall scrutinize individual children for emergency 14705
release, based upon their degree of offense, in accordance with 14706
the categories and the order of consideration set forth in 14707
division (B)(2) of this section. After scrutiny of all children 14708
within the particular category under consideration, the department 14709
shall designate individual children within that category to whom 14710
it wishes to grant an emergency release. 14711

(2) The categories of children in the custody of the 14712
department that may be considered for emergency release under this 14713
section, and the order in which the categories shall be 14714
considered, are as follows: 14715

(a) Initially, only children who are not serving a period of 14716
institutionalization for an act that would have been aggravated 14717
murder, murder, or a felony of the first, second, third, or fourth 14718
degree if committed by an adult or for an act that was committed 14719
before July 1, 1996, and that would have been an aggravated felony 14720
of the first, second, or third degree if committed by an adult may 14721
be considered. 14722

(b) When all children in the category described in division 14723
(B)(2)(a) of this section have been scrutinized and all children 14724

in that category who have been designated for emergency release 14725
under division (B)(1) of this section have been so released, then 14726
all children who are not serving a period of institutionalization 14727
for an act that would have been aggravated murder, murder, or a 14728
felony of the first or second degree if committed by an adult or 14729
for an act that was committed before July 1, 1996, and that would 14730
have been an aggravated felony of the first or second degree if 14731
committed by an adult may be considered. 14732

(c) When all children in the categories described in 14733
divisions (B)(2)(a) and (b) of this section have been scrutinized 14734
and all children in those categories who have been designated for 14735
emergency release under division (B)(1) of this section have been 14736
released, then all children who are not serving a term of 14737
institutionalization for an act that would have been aggravated 14738
murder, murder, or a felony of the first degree if committed by an 14739
adult or for an act that was committed before July 1, 1996, and 14740
that would have been an aggravated felony of the first or second 14741
degree if committed by an adult may be considered. 14742

(d) In no case shall the department consider for emergency 14743
release any child who is serving a term of institutionalization 14744
for an act that would have been aggravated murder, murder, or a 14745
felony of the first degree if committed by an adult or for an act 14746
that was committed before July 1, 1996, and that would have been 14747
an aggravated felony of the first degree if committed by an adult, 14748
and in no case shall the department grant an emergency release to 14749
any such child pursuant to this section. 14750

(C) An emergency release granted pursuant to this section 14751
shall consist of one of the following: 14752

(1) A supervised release under terms and conditions that the 14753
department believes conducive to law-abiding conduct; 14754

(2) A discharge of the child from the custody and control of 14755

the department if the department is satisfied that the discharge 14756
is consistent with the welfare of the individual and protection of 14757
the public; 14758

(3) An assignment to a family home, a group care facility, or 14759
other place maintained under public or private auspices, within or 14760
without this state, for necessary treatment or rehabilitation, the 14761
costs of which may be paid by the department. 14762

(D) If a child is granted an emergency release pursuant to 14763
this section, the child thereafter shall be considered to have 14764
been institutionalized or institutionalized in a secure facility 14765
for the prescribed minimum period of time under division 14766
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised 14767
Code, or divisions all definite periods of commitment imposed 14768
under division (A) and, (B), (C), or (D) of section 2152.17 of the 14769
Revised Code plus the prescribed minimum period of time imposed 14770
under division (A)(1)(b), (c), (d), or (e) of section 2152.16 of 14771
the Revised Code, whichever is applicable. The department shall 14772
retain legal custody of a child so released until it discharges 14773
the child or until its custody is terminated as otherwise provided 14774
by law. 14775

(E)(1) If a child is granted an emergency release so that the 14776
child is released on supervised release or assigned to a family 14777
home, group care facility, or other place for treatment or 14778
rehabilitation, the department shall prepare a written treatment 14779
and rehabilitation plan for the child in accordance with division 14780
(E) of section 2152.22 of the Revised Code, which shall include 14781
the conditions of the child's release or assignment, and shall 14782
send the committing court and the juvenile court of the county in 14783
which the child is placed a copy of the plan and the conditions 14784
that it fixed. The court of the county in which the child is 14785
placed may adopt the conditions as an order of the court and may 14786
add any additional consistent conditions it considers appropriate. 14787

If a child is released on supervised release or is assigned 14788
subject to specified conditions and the court of the county in 14789
which the child is placed has reason to believe that the child's 14790
department is not in accordance with any post-release conditions 14791
established by the court in its journal entry, the court of the 14792
county in which the child is placed, in its discretion, may 14793
schedule a time for a hearing on whether the child violated any of 14794
the post-release conditions. If that court conducts a hearing and 14795
determines at the hearing that the child violated any of the 14796
post-release conditions established in its journal entry, the 14797
court, if it determines that the violation of the conditions was a 14798
serious violation, may order the child to be returned to the 14799
department of youth services for institutionalization or, in any 14800
case, may make any other disposition of the child authorized by 14801
law that the court considers proper. If the court of the county in 14802
which the child is placed orders the child to be returned to a 14803
department of youth services institution, the child shall remain 14804
institutionalized for a minimum period of three months. 14805

(2) The department also shall file a written progress report 14806
with the committing court regarding each child granted an 14807
emergency release pursuant to this section at least once every 14808
thirty days unless specifically directed otherwise by the court. 14809
The report shall include the information required of reports 14810
described in division (F) of section 2152.22 of the Revised Code. 14811

Sec. 5139.43. (A) The department of youth services shall 14812
operate a felony delinquent care and custody program that shall be 14813
operated in accordance with the formula developed pursuant to 14814
section 5139.41 of the Revised Code, subject to the conditions 14815
specified in this section. 14816

(B)(1) Each juvenile court shall use the moneys disbursed to 14817
it by the department of youth services pursuant to division (B) of 14818

section 5139.41 of the Revised Code in accordance with the 14819
applicable provisions of division (B)(2) of this section and shall 14820
transmit the moneys to the county treasurer for deposit in 14821
accordance with this division. The county treasurer shall create 14822
in the county treasury a fund that shall be known as the felony 14823
delinquent care and custody fund and shall deposit in that fund 14824
the moneys disbursed to the juvenile court pursuant to division 14825
(B) of section 5139.41 of the Revised Code. The county treasurer 14826
also shall deposit into that fund the state subsidy funds granted 14827
to the county pursuant to section 5139.34 of the Revised Code. The 14828
moneys disbursed to the juvenile court pursuant to division (B) of 14829
section 5139.41 of the Revised Code and deposited pursuant to this 14830
division in the felony delinquent care and custody fund shall not 14831
be commingled with any other county funds except state subsidy 14832
funds granted to the county pursuant to section 5139.34 of the 14833
Revised Code; shall not be used for any capital construction 14834
projects; upon an order of the juvenile court and subject to 14835
appropriation by the board of county commissioners, shall be 14836
disbursed to the juvenile court for use in accordance with the 14837
applicable provisions of division (B)(2) of this section; shall 14838
not revert to the county general fund at the end of any fiscal 14839
year; and shall carry over in the felony delinquent care and 14840
custody fund from the end of any fiscal year to the next fiscal 14841
year. The maximum balance carry-over at the end of each respective 14842
fiscal year in the felony delinquent care and custody fund in any 14843
county from funds allocated to the county pursuant to sections 14844
5139.34 and 5139.41 of the Revised Code in the previous fiscal 14845
year shall not exceed an amount to be calculated as provided in 14846
the formula set forth in this division, unless that county has 14847
applied for and been granted an exemption by the director of youth 14848
services. Beginning June 30, 2008, the maximum balance carry-over 14849
at the end of each respective fiscal year shall be determined by 14850
the following formula: for fiscal year 2008, the maximum balance 14851

carry-over shall be one hundred per cent of the allocation for 14852
fiscal year 2007, to be applied in determining the fiscal year 14853
2009 allocation; for fiscal year 2009, it shall be fifty per cent 14854
of the allocation for fiscal year 2008, to be applied in 14855
determining the fiscal year 2010 allocation; for fiscal year 2010, 14856
it shall be twenty-five per cent of the allocation for fiscal year 14857
2009, to be applied in determining the fiscal year 2011 14858
allocation; and for each fiscal year subsequent to fiscal year 14859
2010, it shall be twenty-five per cent of the allocation for the 14860
immediately preceding fiscal year, to be applied in determining 14861
the allocation for the next immediate fiscal year. The department 14862
shall withhold from future payments to a county an amount equal to 14863
any moneys in the felony delinquent care and custody fund of the 14864
county that exceed the total maximum balance carry-over that 14865
applies for that county for the fiscal year in which the payments 14866
are being made and shall reallocate the withheld amount. The 14867
department shall adopt rules for the withholding and reallocation 14868
of moneys disbursed under sections 5139.34 and 5139.41 of the 14869
Revised Code and for the criteria and process for a county to 14870
obtain an exemption from the withholding requirement. The moneys 14871
disbursed to the juvenile court pursuant to division (B) of 14872
section 5139.41 of the Revised Code and deposited pursuant to this 14873
division in the felony delinquent care and custody fund shall be 14874
in addition to, and shall not be used to reduce, any usual annual 14875
increase in county funding that the juvenile court is eligible to 14876
receive or the current level of county funding of the juvenile 14877
court and of any programs or services for delinquent children, 14878
unruly children, or juvenile traffic offenders. 14879

(2)(a) A county and the juvenile court that serves the county 14880
shall use the moneys in its felony delinquent care and custody 14881
fund in accordance with rules that the department of youth 14882
services adopts pursuant to division (D) of section 5139.04 of the 14883
Revised Code and as follows: 14884

(i) The moneys in the fund that represent state subsidy funds 14885
granted to the county pursuant to section 5139.34 of the Revised 14886
Code shall be used to aid in the support of prevention, early 14887
intervention, diversion, treatment, and rehabilitation programs 14888
that are provided for alleged or adjudicated unruly children or 14889
delinquent children or for children who are at risk of becoming 14890
unruly children or delinquent children. The county shall not use 14891
for capital improvements more than fifteen per cent of the moneys 14892
in the fund that represent the applicable annual grant of those 14893
state subsidy funds. 14894

(ii) The moneys in the fund that were disbursed to the 14895
juvenile court pursuant to division (B) of section 5139.41 of the 14896
Revised Code and deposited pursuant to division (B)(1) of this 14897
section in the fund shall be used to provide programs and services 14898
for the training, treatment, or rehabilitation of felony 14899
delinquents that are alternatives to their commitment to the 14900
department, including, but not limited to, community residential 14901
programs, day treatment centers, services within the home, and 14902
electronic monitoring, and shall be used in connection with 14903
training, treatment, rehabilitation, early intervention, or other 14904
programs or services for any delinquent child, unruly child, or 14905
juvenile traffic offender who is under the jurisdiction of the 14906
juvenile court. 14907

The fund also may be used for prevention, early intervention, 14908
diversion, treatment, and rehabilitation programs that are 14909
provided for alleged or adjudicated unruly children, delinquent 14910
children, or juvenile traffic offenders or for children who are at 14911
risk of becoming unruly children, delinquent children, or juvenile 14912
traffic offenders. Consistent with division (B)(1) of this 14913
section, a county and the juvenile court of a county shall not use 14914
any of those moneys for capital construction projects. 14915

(iii) Moneys in the fund shall not be used to support 14916

programs or services that do not comply with federal juvenile 14917
justice and delinquency prevention core requirements or to support 14918
programs or services that research has shown to be ineffective. 14919
Moneys in the fund shall be prioritized to research-supported, 14920
outcome-based programs and services. 14921

(iv) The county and the juvenile court that serves the county 14922
may use moneys in the fund to provide out-of-home placement of 14923
children only in detention centers, community rehabilitation 14924
centers, or community corrections facilities approved by the 14925
department pursuant to standards adopted by the department, 14926
licensed by an authorized state agency, or accredited by the 14927
American correctional association or another national organization 14928
recognized by the department. 14929

(b) Each juvenile court shall comply with division (B)(3)(d) 14930
of this section as implemented by the department. If a juvenile 14931
court fails to comply with division (B)(3)(d) of this section, the 14932
department shall not be required to make any disbursements in 14933
accordance with division (C) or (D) of section 5139.41 or division 14934
(C)(2) of section 5139.34 of the Revised Code. 14935

(3) In accordance with rules adopted by the department 14936
pursuant to division (D) of section 5139.04 of the Revised Code, 14937
each juvenile court and the county served by that juvenile court 14938
shall do all of the following that apply: 14939

(a) The juvenile court shall prepare an annual grant 14940
agreement and application for funding that satisfies the 14941
requirements of this section and section 5139.34 of the Revised 14942
Code and that pertains to the use, upon an order of the juvenile 14943
court and subject to appropriation by the board of county 14944
commissioners, of the moneys in its felony delinquent care and 14945
custody fund for specified programs, care, and services as 14946
described in division (B)(2)(a) of this section, shall submit that 14947
agreement and application to the county family and children first 14948

council, the regional family and children first council, or the 14949
local intersystem services to children cluster as described in 14950
sections 121.37 and 121.38 of the Revised Code, whichever is 14951
applicable, and shall file that agreement and application with the 14952
department for its approval. The annual grant agreement and 14953
application for funding shall include a method of ensuring equal 14954
access for minority youth to the programs, care, and services 14955
specified in it. 14956

The department may approve an annual grant agreement and 14957
application for funding only if the juvenile court involved has 14958
complied with the preparation, submission, and filing requirements 14959
described in division (B)(3)(a) of this section. If the juvenile 14960
court complies with those requirements and the department approves 14961
that agreement and application, the juvenile court and the county 14962
served by the juvenile court may expend the state subsidy funds 14963
granted to the county pursuant to section 5139.34 of the Revised 14964
Code only in accordance with division (B)(2)(a) of this section, 14965
the rules pertaining to state subsidy funds that the department 14966
adopts pursuant to division (D) of section 5139.04 of the Revised 14967
Code, and the approved agreement and application. 14968

(b) By the thirty-first day of August of each year, the 14969
juvenile court shall file with the department a report that 14970
contains all of the statistical and other information for each 14971
month of the prior state fiscal year. If the juvenile court fails 14972
to file the report required by division (B)(3)(b) of this section 14973
by the thirty-first day of August of any year, the department 14974
shall not disburse any payment of state subsidy funds to which the 14975
county otherwise is entitled pursuant to section 5139.34 of the 14976
Revised Code and shall not disburse pursuant to division (B) of 14977
section 5139.41 of the Revised Code the applicable allocation 14978
until the juvenile court fully complies with division (B)(3)(b) of 14979
this section. 14980

(c) If the department requires the juvenile court to prepare 14981
monthly statistical reports and to submit the reports on forms 14982
provided by the department, the juvenile court shall file those 14983
reports with the department on the forms so provided. If the 14984
juvenile court fails to prepare and submit those monthly 14985
statistical reports within the department's timelines, the 14986
department shall not disburse any payment of state subsidy funds 14987
to which the county otherwise is entitled pursuant to section 14988
5139.34 of the Revised Code and shall not disburse pursuant to 14989
division (B) of section 5139.41 of the Revised Code the applicable 14990
allocation until the juvenile court fully complies with division 14991
(B)(3)(c) of this section. If the juvenile court fails to prepare 14992
and submit those monthly statistical reports within one hundred 14993
eighty days of the date the department establishes for their 14994
submission, the department shall not disburse any payment of state 14995
subsidy funds to which the county otherwise is entitled pursuant 14996
to section 5139.34 of the Revised Code and shall not disburse 14997
pursuant to division (B) of section 5139.41 of the Revised Code 14998
the applicable allocation, and the state subsidy funds and the 14999
remainder of the applicable allocation shall revert to the 15000
department. If a juvenile court states in a monthly statistical 15001
report that the juvenile court adjudicated within a state fiscal 15002
year five hundred or more children to be delinquent children for 15003
committing acts that would be felonies if committed by adults and 15004
if the department determines that the data in the report may be 15005
inaccurate, the juvenile court shall have an independent auditor 15006
or other qualified entity certify the accuracy of the data on a 15007
date determined by the department. 15008

(d) If the department requires the juvenile court and the 15009
county to participate in a fiscal monitoring program or another 15010
monitoring program that is conducted by the department to ensure 15011
compliance by the juvenile court and the county with division (B) 15012
of this section, the juvenile court and the county shall 15013

participate in the program and fully comply with any guidelines 15014
for the performance of audits adopted by the department pursuant 15015
to that program and all requests made by the department pursuant 15016
to that program for information necessary to reconcile fiscal 15017
accounting. If an audit that is performed pursuant to a fiscal 15018
monitoring program or another monitoring program described in this 15019
division determines that the juvenile court or the county used 15020
moneys in the county's felony delinquent care and custody fund for 15021
expenses that are not authorized under division (B) of this 15022
section, within forty-five days after the department notifies the 15023
county of the unauthorized expenditures, the county either shall 15024
repay the amount of the unauthorized expenditures from the county 15025
general revenue fund to the state's general revenue fund or shall 15026
file a written appeal with the department. If an appeal is timely 15027
filed, the director of the department shall render a decision on 15028
the appeal and shall notify the appellant county or its juvenile 15029
court of that decision within forty-five days after the date that 15030
the appeal is filed. If the director denies an appeal, the 15031
county's fiscal agent shall repay the amount of the unauthorized 15032
expenditures from the county general revenue fund to the state's 15033
general revenue fund within thirty days after receiving the 15034
director's notification of the appeal decision. 15035

(C) The determination of which county a reduction of the care 15036
and custody allocation will be charged against for a particular 15037
youth shall be made as outlined below for all youths who do not 15038
qualify as public safety beds. The determination of which county a 15039
reduction of the care and custody allocation will be charged 15040
against shall be made as follows until each youth is released: 15041

(1) In the event of a commitment, the reduction shall be 15042
charged against the committing county. 15043

(2) In the event of a recommitment, the reduction shall be 15044
charged against the original committing county until the 15045

expiration of the minimum period of institutionalization under the 15046
original order of commitment or until the date on which the youth 15047
is admitted to the department of youth services pursuant to the 15048
order of recommitment, whichever is later. Reductions of the 15049
allocation shall be charged against the county that recommitted 15050
the youth after the minimum expiration date of the original 15051
commitment. 15052

(3) In the event of a revocation of a release on parole, the 15053
reduction shall be charged against the county that revokes the 15054
youth's parole. 15055

(D) A juvenile court is not precluded by its allocation 15056
amount for the care and custody of felony delinquents from 15057
committing a felony delinquent to the department of youth services 15058
for care and custody in an institution or a community corrections 15059
facility when the juvenile court determines that the commitment is 15060
appropriate. 15061

Sec. 5139.51. (A) The release authority of the department of 15062
youth services shall not release a child who is in the custody of 15063
the department of youth services from institutional care or 15064
institutional care in a secure facility and shall not discharge 15065
the child or order the child's release on supervised release prior 15066
to the expiration of the prescribed minimum period of 15067
institutionalization or institutionalization in a secure facility 15068
imposed under division (A)(1)(b), (c), (d), or (e) of section 15069
2152.16 of the Revised Code, prior to the expiration of all 15070
definite periods of commitment imposed under division (A), (B), 15071
(C), or (D) of section 2152.17 of the Revised Code plus the 15072
prescribed minimum period of time imposed under division 15073
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised 15074
Code, or prior to the child's attainment of twenty-one years of 15075
age, whichever is applicable under the order of commitment, other 15076

than as is provided in section 2152.22 of the Revised Code. The 15077
release authority may conduct periodic reviews of the case of each 15078
child who is in the custody of the department and who is eligible 15079
for supervised release or discharge after completing the minimum 15080
period of time or period of time in an institution prescribed by 15081
the committing court. At least thirty days prior to conducting a 15082
periodic review of the case of a child who was committed to the 15083
department regarding the possibility of supervised release or 15084
discharge and at least thirty days prior to conducting a release 15085
review, a release hearing, or a discharge review under division 15086
(E) of this section, the release authority shall give notice of 15087
the review or hearing to the court that committed the child, to 15088
the prosecuting attorney in the case, and to the victim of the 15089
delinquent act for which the child was committed or the victim's 15090
representative. If a child is on supervised release and has had 15091
the child's parole revoked, and if, upon release, there is 15092
insufficient time to provide the notices otherwise required by 15093
this division, the release authority, at least ten days prior to 15094
the child's release, shall provide reasonable notice of the 15095
child's release to the court that committed the child, to the 15096
prosecuting attorney in the case, and to the victim of the 15097
delinquent act for which the child was committed or the victim's 15098
representative. The court or prosecuting attorney may submit to 15099
the release authority written comments regarding, or written 15100
objections to, the supervised release or discharge of that child. 15101
Additionally, if the child was committed for an act that is a 15102
category one or category two offense, the court or prosecuting 15103
attorney orally may communicate to a representative of the release 15104
authority comments regarding, or objections to, the supervised 15105
release or discharge of the child or, if a hearing is held 15106
regarding the possible release or discharge of the child, may 15107
communicate those comments at the hearing. In conducting the 15108

review of the child's case regarding the possibility of supervised 151109
release or discharge, the release authority shall consider any 151110
comments and objections so submitted or communicated by the court 151111
or prosecutor and any statements or comments submitted or 151112
communicated under section 5139.56 of the Revised Code by a victim 151113
of an act for which the child was committed to the legal custody 151114
of the department or by the victim's representative of a victim of 151115
an act of that type. 151116

The release authority shall determine the date on which a 151117
child may be placed on supervised release or discharged. If the 151118
release authority believes that a child should be placed on 151119
supervised release, it shall comply with division (B) of this 151120
section. If the release authority believes that a child should be 151121
discharged, it shall comply with division (C) or (E) of this 151122
section. If the release authority denies the supervised release or 151123
discharge of a child, it shall provide the child with a written 151124
record of the reasons for the decision. 151125

(B)(1) When the release authority decides to place a child on 151126
supervised release, consistent with division (D) of this section, 151127
the department shall prepare a written supervised release plan 151128
that specifies the terms and conditions upon which the child is to 151129
be released from an institution on supervised release and, at 151130
least thirty days prior to the release of the child on the 151131
supervised release, shall send to the committing court and the 151132
juvenile court of the county in which the child will be placed a 151133
copy of the supervised release plan and the terms and conditions 151134
of release. The juvenile court of the county in which the child 151135
will be placed, within fifteen days after its receipt of the copy 151136
of the supervised release plan, may add to the supervised release 151137
plan any additional consistent terms and conditions it considers 151138
appropriate, provided that the court may not add any term or 151139
condition that decreases the level or degree of supervision 151140

specified by the release authority in the plan, that substantially 15141
increases the financial burden of supervision that will be 15142
experienced by the department of youth services, or that alters 15143
the placement specified by the plan. 15144

If, within fifteen days after its receipt of the copy of the 15145
supervised release plan, the juvenile court of the county in which 15146
the child will be placed does not add to the supervised release 15147
plan any additional terms and conditions, the court shall enter 15148
the supervised release plan in its journal within that fifteen-day 15149
period and, within that fifteen-day period, shall send to the 15150
release authority a copy of the journal entry of the supervised 15151
release plan. The journalized plan shall apply regarding the 15152
child's supervised release. 15153

If, within fifteen days after its receipt of the copy of the 15154
supervised release plan, the juvenile court of the county in which 15155
the child will be placed adds to the supervised release plan any 15156
additional terms and conditions, the court shall enter the 15157
supervised release plan and the additional terms and conditions in 15158
its journal and, within that fifteen-day period, shall send to the 15159
release authority a copy of the journal entry of the supervised 15160
release plan and additional terms and conditions. The journalized 15161
supervised release plan and additional terms and conditions added 15162
by the court that satisfy the criteria described in this division 15163
shall apply regarding the child's supervised release. 15164

If, within fifteen days after its receipt of the copy of the 15165
supervised release plan, the juvenile court of the county in which 15166
the child will be placed neither enters in its journal the 15167
supervised release plan nor enters in its journal the supervised 15168
release plan plus additional terms and conditions added by the 15169
court, the court and the department of youth services may attempt 15170
to resolve any differences regarding the plan within three days. 15171
If a resolution is not reached within that three-day period, 15172

thereafter, the supervised release plan shall be enforceable to 15173
the same extent as if the court actually had entered the 15174
supervised release plan in its journal. 15175

(2) When the release authority receives from the court a copy 15176
of the journalized supervised release plan and, if applicable, a 15177
copy of the journalized additional terms and conditions added by 15178
the court, the release authority shall keep the original copy or 15179
copies in the child's file and shall provide a copy of each 15180
document to the child, the employee of the department who is 15181
assigned to supervise and assist the child while on release, and 15182
the committing court. 15183

(C) If a child who is in the custody of the department of 15184
youth services was committed pursuant to division (A)(1)(b), (c), 15185
(d), or (e) of section 2152.16 of the Revised Code and has been 15186
institutionalized or institutionalized in a secure facility for 15187
the prescribed minimum ~~periods~~ period of time under whichever of 15188
those divisions the child was committed or was committed to the 15189
custody of the department pursuant to both division (A), (B), (C), 15190
or (D) of section 2152.17 of the Revised Code and division 15191
(A)(1)(b), (c), (d), or (e) of section 2152.16 of the Revised Code 15192
and has been institutionalized or institutionalized in a secure 15193
facility for all of the definite periods of commitment imposed 15194
under division (A), (B), (C), or (D) of section 2152.17 of the 15195
Revised Code plus the prescribed minimum period of time imposed 15196
under division (A)(1)(b), (c), (d), or (e) of section 2152.16 of 15197
the Revised Code, whichever is applicable, and if the release 15198
authority is satisfied that the discharge of the child without the 15199
child being placed on supervised release would be consistent with 15200
the welfare of the child and protection of the public, the release 15201
authority, without approval of the court that committed the child, 15202
may discharge the child from the department's custody and control 15203
without placing the child on supervised release. Additionally, the 15204

release authority may discharge a child in the department's 15205
custody without the child being placed on supervised release if 15206
the child is removed from the jurisdiction of this state by a 15207
court order of a court of this state, another state, or the United 15208
States, or by any agency of this state, another state, or the 15209
United States, if the child is convicted of or pleads guilty to 15210
any criminal offense, or as otherwise provided by law. At least 15211
fifteen days before the scheduled date of discharge of the child 15212
without the child being placed on supervised release, the 15213
department shall notify the committing court, in writing, that it 15214
is going to discharge the child and of the reason for the 15215
discharge. Upon discharge of the child without the child being 15216
placed on supervised release, the department immediately shall 15217
certify the discharge in writing and shall transmit the 15218
certificate of discharge to the committing court. 15219

(D) In addition to requirements that are reasonably related 15220
to the child's prior pattern of criminal or delinquent behavior 15221
and the prevention of further criminal or delinquent behavior, the 15222
release authority shall specify the following requirements for 15223
each child whom it releases: 15224

(1) The child shall observe the law. 15225

(2) The child shall maintain appropriate contact, as 15226
specified in the written supervised release plan for that child. 15227

(3) The child shall not change residence unless the child 15228
seeks prior approval for the change from the employee of the 15229
department assigned to supervise and assist the child, provides 15230
that employee, at the time the child seeks the prior approval for 15231
the change, with appropriate information regarding the new 15232
residence address at which the child wishes to reside, and obtains 15233
the prior approval of that employee for the change. 15234

(E) The period of a child's supervised release may extend 15235

from the date of release from an institution until the child 15236
attains twenty-one years of age. If the period of supervised 15237
release extends beyond one year after the date of release, the 15238
child may request in writing that the release authority conduct a 15239
discharge review after the expiration of the one-year period or 15240
the minimum period or period. If the child so requests, the 15241
release authority shall conduct a discharge review and give the 15242
child its decision in writing. The release authority shall not 15243
grant a discharge prior to the discharge date if it finds good 15244
cause for retaining the child in the custody of the department 15245
until the discharge date. A child may request an additional 15246
discharge review six months after the date of a previous discharge 15247
review decision, but not more than once during any six-month 15248
period after the date of a previous discharge review decision. 15249

(F) At least two weeks before the release authority places on 15250
supervised release or discharge a child who was committed to the 15251
legal custody of the department, the release authority shall 15252
provide notice of the release or discharge as follows: 15253

(1) In relation to the placement on supervised release or 15254
discharge of a child who was committed to the department for 15255
committing an act that is a category one or category two offense, 15256
the release authority shall notify, by the specified deadline, all 15257
of the following of the release or discharge: 15258

(a) The prosecuting attorney of the county in which the child 15259
was adjudicated a delinquent child and committed to the custody of 15260
the department; 15261

(b) Whichever of the following is applicable: 15262

(i) If upon the supervised release or discharge the child 15263
will reside in a municipal corporation, the chief of police or 15264
other chief law enforcement officer of that municipal corporation; 15265

(ii) If upon the supervised release or discharge the child 15266

will reside in an unincorporated area of a county, the sheriff of 15267
that county. 15268

(2) In relation to the placement on supervised release or 15269
discharge of a child who was committed to the department for 15270
committing any act, the release authority shall notify, by the 15271
specified deadline, each victim of the act for which the child was 15272
committed to the legal custody of the department who, pursuant to 15273
section 5139.56 of the Revised Code, has requested to be notified 15274
of the placement of the child on supervised release or the 15275
discharge of the child, provided that, if any victim has 15276
designated a person pursuant to that section to act on the 15277
victim's behalf as a victim's representative, the notification 15278
required by this division shall be provided to that victim's 15279
representative. 15280

Sec. 5149.01. As used in Chapter 5149. of the Revised Code: 15281

(A) "Authority" means the adult parole authority created by 15282
section 5149.02 of the Revised Code. 15283

(B) "State correctional institution," "pardon," 15284
"commutation," "reprieve," "parole," "head of a state correctional 15285
institution," "convict," "prisoner," "parolee," "final release," 15286
and "parole violator" have the same meanings as in section 2967.01 15287
of the Revised Code. 15288

(C) "Full board hearing" means a parole board hearing 15289
conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as 15290
described in section 5149.101 of the Revised Code. 15291

Sec. 5149.10. (A)(1) The parole board shall consist of up to 15292
twelve members, one of whom shall be designated as chairperson by 15293
the director of the department of rehabilitation and correction 15294
and who shall continue as chairperson until a successor is 15295
designated, and any other personnel that are necessary for the 15296

orderly performance of the duties of the board. In addition to the 15297
rules authorized by section 5149.02 of the Revised Code, the chief 15298
of the adult parole authority, subject to the approval of the 15299
chief of the division of parole and community services and subject 15300
to this section, shall adopt rules governing the proceedings of 15301
the parole board. The rules shall provide for the convening of 15302
full board hearings, the procedures to be followed in full board 15303
hearings, and general procedures to be followed in other hearings 15304
of the board and by the board's hearing officers. The rules also 15305
shall require agreement by a majority of all the board members to 15306
any recommendation of clemency transmitted to the governor. 15307

(2) When the board members sit as a full board, the 15308
chairperson shall preside. The chairperson shall also allocate the 15309
work of the parole board among the board members. The full board 15310
shall meet at least once each month. In the case of a tie vote on 15311
the full board, the chief of the adult parole authority shall cast 15312
the deciding vote. The chairperson may designate a person to serve 15313
in the chairperson's place. 15314

(3)(a) Except for the chairperson, except for the member 15315
appointed under division (B) of this section, and except as 15316
otherwise provided in division (A)(3)(b) of this section, a member 15317
appointed to the parole board shall be appointed to a six-year 15318
term. A member shall hold office from the date of appointment 15319
until the end of the term for which the member was appointed. A 15320
member is eligible for reappointment for another six-year term 15321
that may or may not be consecutive to the first six-year term. A 15322
member is not eligible for reappointment after serving two 15323
six-year terms whether or not served consecutively. Vacancies 15324
shall be filled in the same manner provided for original 15325
appointments. Any member appointed under this division to fill a 15326
vacancy occurring prior to the expiration date of the term for 15327
which the member's predecessor was appointed shall begin that 15328

member's first six-year term upon appointment, regardless of the 15329
time remaining in the term of the member's predecessor. A member 15330
appointed under this division shall continue in office subsequent 15331
to the expiration date of the member's term until the member's 15332
successor takes office or until a period of sixty days has 15333
elapsed, whichever occurs first. 15334

(b) A member of the parole board on the effective date of 15335
this amendment who has served on the board less than six years 15336
shall have the time so served applied toward a six-year term and 15337
at the end of that six-year term shall be eligible for 15338
reappointment to an additional six-year term. A member of the 15339
parole board on the effective date of this amendment who has 15340
served on the board at least six years but less than twelve years 15341
shall have six of the years so served applied toward the first 15342
six-year term and the remaining time so served applied toward a 15343
second six-year term, shall serve the remainder of that second 15344
six-year term, and at the end of that second six-year term shall 15345
not be eligible for reappointment. A member of the parole board on 15346
the effective date of this amendment who has served on the board 15347
twelve years or longer shall serve until a successor member is 15348
appointed or a period of six months after the effective date of 15349
this amendment has elapsed, whichever occurs first, and after the 15350
end of that service shall be eligible for reappointment to an 15351
additional six-year term. 15352

(4) Except as otherwise provided in division (B) of this 15353
section, no person shall be appointed a member of the board who is 15354
not qualified by education or experience in correctional work, 15355
including law enforcement, prosecution of offenses, advocating for 15356
the rights of victims of crime, probation, or parole, in law, in 15357
social work, or in a combination of the three categories. 15358

(B) The director of rehabilitation and correction, in 15359
consultation with the governor, shall appoint one member of the 15360

board, who shall be a person who has been a victim of crime or who 15361
is a member of a victim's family or who represents an organization 15362
that advocates for the rights of victims of crime. After 15363
appointment, this member shall be an unclassified employee of the 15364
department of rehabilitation and correction. 15365

The initial appointment shall be for a term ending four years 15366
after July 1, 1996. Thereafter, the term of office of the member 15367
appointed under this division shall be for four years, with each 15368
term ending on the same day of the same month as did the term that 15369
it succeeds. The member shall hold office from the date of 15370
appointment until the end of the term for which the member was 15371
appointed and may be reappointed. Vacancies shall be filled in the 15372
manner provided for original appointments. Any member appointed 15373
under this division to fill a vacancy occurring prior to the 15374
expiration date of the term for which the member's predecessor was 15375
appointed shall hold office as a member for the remainder of that 15376
term. The member appointed under this division shall continue in 15377
office subsequent to the expiration date of the member's term 15378
until the member's successor takes office or until a period of 15379
sixty days has elapsed, whichever occurs first. 15380

The member appointed under this division shall be compensated 15381
in the same manner as other board members and shall be reimbursed 15382
for actual and necessary expenses incurred in the performance of 15383
the ~~members'~~ member's duties. The member may vote on all cases 15384
heard by the full board under section 5149.101 of the Revised 15385
Code, has such duties as are assigned by the chairperson of the 15386
board, and shall coordinate the member's activities with the 15387
office of victims' services created under section 5120.60 of the 15388
Revised Code. 15389

As used in this division, "crime," "member of the victim's 15390
family," and "victim" have the meanings given in section 2930.01 15391
of the Revised Code. 15392

(C) The chairperson shall submit all recommendations for or 15393
against clemency directly to the governor. 15394

(D) The chairperson shall transmit to the chief of the adult 15395
parole authority all determinations for or against parole made by 15396
the board. Parole determinations are final and are not subject to 15397
review or change by the chief. 15398

(E) In addition to its duties pertaining to parole and 15399
clemency, if an offender is sentenced to a prison term pursuant to 15400
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 15401
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 15402
Code, the parole board shall have control over the offender's 15403
service of the prison term during the entire term unless the board 15404
terminates its control in accordance with section 2971.04 of the 15405
Revised Code. The parole board may terminate its control over the 15406
offender's service of the prison term only in accordance with 15407
section 2971.04 of the Revised Code. 15408

Sec. 5149.31. (A) The department of rehabilitation and 15409
correction shall do all of the following: 15410

~~(A)~~(1) Establish and administer a program of subsidies for 15411
eligible counties and groups of counties for felony offenders and 15412
a program of subsidies for eligible municipal corporations, 15413
counties, and groups of counties for misdemeanor offenders for the 15414
development, implementation, and operation of community 15415
corrections programs. Department expenditures for administration 15416
of both programs of subsidies shall not exceed ten per cent of the 15417
moneys appropriated for each of the purposes of this division. 15418

~~(B)~~(2) Adopt and promulgate rules, under Chapter 119. of the 15419
Revised Code, providing standards for community corrections 15420
programs. The standards shall be designed to improve the quality 15421
and efficiency of the programs and to reduce the number of persons 15422
committed to state correctional institutions and to county, 15423

multicounty, municipal, municipal-county, or multicounty-municipal 15424
jails or workhouses for offenses for which community control 15425
sanctions are authorized under section 2929.13, 2929.15, or 15426
2929.25 of the Revised Code. In developing the standards, the 15427
department shall consult with, and seek the advice of, local 15428
corrections agencies, law enforcement agencies, and other public 15429
and private agencies concerned with corrections. The department 15430
shall conduct, and permit participation by local corrections 15431
planning boards established under section 5149.34 of the Revised 15432
Code and joint county corrections planning boards established 15433
under section 5149.35 of the Revised Code in, an annual review of 15434
the standards to measure their effectiveness in promoting the 15435
purposes specified in this division and shall amend or rescind any 15436
existing rule providing a standard or adopt and promulgate 15437
additional rules providing standards, under Chapter 119. of the 15438
Revised Code, if the review indicates that the standards fail to 15439
promote the purposes. 15440

~~(C)~~(3) Accept and use any funds, goods, or services from the 15441
federal government or any other public or private source for the 15442
support of the subsidy programs established under division (A) of 15443
this section. The department may comply with any conditions and 15444
enter into any agreements that it considers necessary to obtain 15445
these funds, goods, or services. 15446

~~(D)~~(4) Adopt rules, in accordance with Chapter 119. of the 15447
Revised Code, and do all other things necessary to implement 15448
sections 5149.30 to 5149.37 of the Revised Code; 15449

~~(E)~~(5) Evaluate or provide for the evaluation of community 15450
corrections programs funded by the subsidy programs established 15451
under division (A)(1) of this section and establish means of 15452
measuring their effectiveness; 15453

~~(F)~~(6) Prepare an annual report evaluating the subsidy 15454
programs established under division (A)(1) of this section. The 15455

report shall include, but need not be limited to, analyses of the 15456
structure of the programs and their administration by the 15457
department, the effectiveness of the programs in the development 15458
and implementation of community corrections programs, the specific 15459
standards adopted and promulgated under division ~~(B)~~(A)(2) of this 15460
section and their effectiveness in promoting the purposes of the 15461
programs, and the findings of the evaluations conducted under 15462
division ~~(E)~~(A)(5) of this section. The director of rehabilitation 15463
and correction shall review and certify the accuracy of the report 15464
and provide copies of it, upon request, to members of the general 15465
assembly. 15466

~~(G)~~(7) Provide training or assistance, upon the request of a 15467
local corrections planning board or a joint county corrections 15468
planning board, to any local unit of government, subject to 15469
available resources of the department. 15470

(B)(1) In order to be eligible for the subsidies under this 15471
section, counties, groups of counties, and municipal corporations 15472
shall satisfy all applicable requirements under sections 2301.27 15473
and 2301.30 of the Revised Code and shall utilize the single 15474
validated risk assessment tool selected by the department under 15475
section 5120.114 of the Revised Code. 15476

(2) The department shall give any county, group of counties, 15477
or municipal corporation found to be noncompliant with the 15478
requirements described in division (B)(1) of this section a 15479
reasonable period of time to come into compliance. If the 15480
noncompliant county, group of counties, or municipal corporation 15481
does not become compliant after a reasonable period of time, the 15482
department shall reduce or eliminate the subsidy granted to that 15483
county, group of counties, or municipal corporation. 15484

Sec. 5149.311. (A) The department of rehabilitation and 15485
correction shall establish and administer the probation 15486

improvement grant and the probation incentive grant for court of 15487
common pleas probation departments that supervise felony 15488
offenders. 15489

(B)(1) The probation improvement grant shall provide funding 15490
to court of common pleas probation departments to adopt policies 15491
and practices based on the latest research on how to reduce the 15492
number of felony offenders on probation supervision who violate 15493
the conditions of their supervision. 15494

(2) The department shall adopt rules for the distribution of 15495
the probation improvement grant, including the formula for the 15496
allocation of the subsidy based on the number of felony offenders 15497
placed on probation annually in each jurisdiction. 15498

(C)(1) The probation incentive grant shall provide a 15499
performance-based level of funding to court of common pleas 15500
probation departments that are successful in reducing the number 15501
of felony offenders on probation supervision whose terms of 15502
supervision are revoked. 15503

(2) The department shall calculate annually any cost savings 15504
realized by the state from a reduction in the percentage of people 15505
who are incarcerated because their terms of supervised probation 15506
were revoked. The cost savings estimate shall be calculated for 15507
each county and be based on the difference from fiscal year 2010 15508
and the fiscal year under examination. 15509

(3) The department shall adopt rules that specify the subsidy 15510
amount to be appropriated to court of common pleas probation 15511
departments that successfully reduce the percentage of people on 15512
probation who are incarcerated because their terms of supervision 15513
are revoked. 15514

(D) The following stipulations apply to both the probation 15515
improvement grant and the probation incentive grant: 15516

(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 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. 15517
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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. 15523
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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. 15527
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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. 15532
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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: 15538
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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; 15542
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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, 15544
15545
15546

or other means; 15547

(C) Demonstrate that the comprehensive plan for the county in 15548
which the municipal corporation is located, for the county, or for 15549
each county of the group of counties, as adopted under section 15550
5149.34 of the Revised Code, has been approved by the director of 15551
rehabilitation and correction; 15552

(D) Deliver programming that addresses the assessed needs of 15553
high risk offenders as established by the single validated risk 15554
assessment tool described in section 5120.114 of the Revised Code 15555
and that may be delivered through available and acceptable 15556
resources within the municipal corporation, county, or group of 15557
counties or through the department of rehabilitation and 15558
correction; 15559

(E) If a subsidy was received in any prior fiscal year from a 15560
subsidy program established under division (A)(1) of section 15561
5149.31 of the Revised Code, demonstrate that the subsidy was 15562
expended in a good faith effort to improve the quality and 15563
efficiency of its community corrections programs and to reduce the 15564
number of persons committed to state correctional institutions and 15565
to county, multicounty, municipal, municipal-county, or 15566
multicounty-municipal jails or workhouses. 15567

Sec. 5149.33. No municipal corporation, county, or group of 15568
counties receiving a subsidy under division (A)(1) of section 15569
5149.31 of the Revised Code shall reduce, by the amount of the 15570
subsidy it receives or by a greater or lesser amount, the amount 15571
of local, nonfederal funds it expends for corrections, including, 15572
but not limited to, the amount of local, nonfederal funds it 15573
expends for the operation of the county, multicounty, municipal, 15574
municipal-county, or multicounty-municipal jail or workhouse, for 15575
any county or municipal probation department, or for any community 15576
corrections program. Each subsidy shall be used to make 15577

corrections expenditures in excess of those being made from local, 15578
nonfederal funds. No subsidy or portion of a subsidy shall be used 15579
to make capital improvements. If a recipient violates this 15580
section, the department of rehabilitation and correction ~~shall~~ may 15581
discontinue subsidy payments to the recipient. 15582

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy 15583
from a subsidy program established under division (A)(1) of 15584
section 5149.31 of the Revised Code for community corrections 15585
programs as described in division ~~(B)~~(A)(2) of that section, the 15586
board of county commissioners of the county shall establish, by a 15587
resolution as described in this division, and maintain a local 15588
corrections planning board that, except as provided in division 15589
(A)(2) of this section, shall include an administrator of a 15590
county, multicounty, municipal, municipal-county, or 15591
multicounty-municipal jail or workhouse located in the county_{7i} a 15592
county commissioner of that county_{7i} a judge of the court of 15593
common pleas of that county_{7i} a judge of a municipal court or 15594
county court of that county_{7i} an attorney whose practice of law 15595
primarily involves the representation of criminal defendants_{7i} the 15596
chief law enforcement officer of the largest municipal corporation 15597
located in the county_{7i} the county sheriff_{7i} one or more 15598
prosecutors, as defined in section 2935.01 of the Revised Code_{7i} 15599
the executive director of the board of alcohol, drug addiction, 15600
and mental health services serving that county or the executive 15601
director's designee, or the executive directors of both the 15602
community mental health board and the alcohol and drug addiction 15603
services board serving that county or their designees, whichever 15604
is applicable; the executive director of the county board of 15605
mental retardation and developmental disabilities of that county 15606
or the executive director's designee; an administrator of a 15607
halfway house serving that county, if any, or the administrator's 15608
designee; an administrator of a community-based correctional 15609

facility, if any, serving the court of common pleas of that county 15610
or the administrator's designee; an administrator of a community 15611
corrections act-funded program in that county, if any, or the 15612
administrator's designee; one or more representatives of the 15613
public, one of whom shall be a victim of crime_{7i}; one or more 15614
additional representatives of the law enforcement community_{7i}; one 15615
or more additional representatives of the judiciary_{7i}; one or more 15616
additional representatives of the field of corrections_{7i}; and 15617
officials from the largest municipal corporation located in the 15618
county. A majority of the members of the board shall be employed 15619
in the adult criminal justice field. At least two members of the 15620
board shall be members of the largest racial minority population, 15621
if any, in the county, and at least two other members of the board 15622
shall be women. The resolution shall state the number and nature 15623
of the members, the duration of their terms, the manner of filling 15624
vacancies on the board, and the compensation, if any, that members 15625
are to receive. The board of county commissioners also may 15626
specify, as part of the resolution, any other duties the local 15627
corrections planning board is to assume. 15628

(2) If, for good cause shown, including, but not limited to, 15629
the refusal of a specified individual to serve on a local 15630
corrections planning board, a particular county is not able to 15631
satisfy the requirements specified in division (A)(1) of this 15632
section for the composition of such a board, the director of 15633
rehabilitation and correction may waive the requirements to the 15634
extent necessary and approve a composition for the board that 15635
otherwise is consistent with the requirements. 15636

(B) Each local corrections planning board established 15637
pursuant to division (A) of this section shall adopt within 15638
eighteen months after its establishment, and from time to time 15639
shall revise, a comprehensive plan for the development, 15640
implementation, and operation of corrections services in the 15641

county. The plan shall include a description of the offender 15642
population's assessed needs as established by the single validated 15643
risk assessment tool described in section 5120.114 of the Revised 15644
Code, with particular attention to high risk offenders, and the 15645
capacity to deliver services and programs within the county and 15646
surrounding region that address the offender population's needs. 15647
The plan shall be adopted and revised after consideration has been 15648
given to the impact that it will have or has had on the 15649
populations of state correctional institutions and county, 15650
multicounty, municipal, municipal-county, or multicounty-municipal 15651
jails or workhouses in the county, and shall be designed to unify 15652
or coordinate corrections services in the county and to reduce the 15653
number of persons committed, consistent with the standards adopted 15654
under division ~~(B)~~(A)(2) of section 5149.31 of the Revised Code, 15655
from that county to state correctional institutions and to county, 15656
multicounty, municipal, municipal-county, or multicounty-municipal 15657
jails or workhouses. The plan and any revisions to the plan shall 15658
be submitted to the board of county commissioners of the county in 15659
which the local corrections planning board is located for 15660
approval. 15661

If a county has a community-based correctional facility and 15662
program established in accordance with sections 2301.51 to 2301.58 15663
of the Revised Code, the budgets of the facility and program shall 15664
not be subject to approval by the local corrections planning 15665
board, but instead shall continue to be determined in accordance 15666
with those sections. However, the local corrections planning board 15667
shall include the facility and program as part of the 15668
comprehensive plan adopted and revised pursuant to this division. 15669

(C) As used in this section: 15670

(1) "Halfway house" and "community-based correctional 15671
facility" have the same meanings as in section 2929.01 of the 15672
Revised Code. 15673

(2) "Offender population" means the total number of offenders 15674
currently receiving corrections services provided by the county. 15675

Sec. 5149.36. Subject to appropriations by the general 15676
assembly, the department of rehabilitation and correction shall 15677
award subsidies to eligible municipal corporations, counties, and 15678
groups of counties pursuant to the subsidy programs described in 15679
division (A)(1) of section 5149.31 of the Revised Code only in 15680
accordance with criteria that the department shall specify in 15681
rules adopted pursuant to Chapter 119. of the Revised Code. The 15682
criteria shall be designed to provide for subsidy awards only on 15683
the basis of demonstrated need and the satisfaction of specified 15684
priorities. The criteria shall be consistent with the following: 15685

(A) First priority shall be given to the continued funding of 15686
existing community corrections programs that satisfy the standards 15687
adopted pursuant to division ~~(B)~~(A)(2) of section 5149.31 of the 15688
Revised Code and that are designed to reduce the number of persons 15689
committed to state correctional institutions. 15690

(B) Second priority shall be given to new community 15691
corrections programs that are designed to reduce the number of 15692
persons committed to state correctional institutions or the number 15693
of persons committed to county, multicounty, municipal, 15694
municipal-county, or multicounty-municipal jails or workhouses. 15695

Section 2. That existing sections 109.42, 307.93, 309.18, 15696
341.12, 926.99, 1333.99, 1707.99, 1716.99, 2151.312, 2151.354, 15697
2152.02, 2152.021, 2152.10, 2152.11, 2152.12, 2152.13, 2152.14, 15698
2152.17, 2152.22, 2152.26, 2301.27, 2301.30, 2903.01, 2909.03, 15699
2909.05, 2909.11, 2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 15700
2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 15701
2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 15702
2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 15703

2919.21, 2921.13, 2921.34, 2921.41, 2923.01 2923.31, 2925.01, 15704
2925.03, 2925.05, 2925.11, 2929.01, 2929.11, 2929.13, 2929.14, 15705
2929.15, 2929.16, 2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 15706
2930.17, 2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 2967.193, 15707
2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.16, 15708
5120.331, 5120.48, 5120.59, 5120.60, 5120.66, 5139.01, 5139.05, 15709
5139.06, 5139.20, 5139.43, 5139.51, 5149.01, 5149.10, 5149.31, 15710
5149.32, 5149.33, 5149.34, and 5149.36 and sections 2151.56, 15711
2151.57, 2151.58, 2151.59, 2151.60, and 2151.61 of the Revised 15712
Code are hereby repealed. 15713

Section 3. The amendment of section 5120.07 of the Revised 15714
Code by Sections 1 and 2 of this act is not intended to supersede 15715
the earlier repeal of that section, with the delayed effective 15716
date of December 31, 2011. 15717

Section 4. The amendments to sections 2925.01, 2925.03, 15718
2925.05, and 2925.11 of the Revised Code, and to division (W) of 15719
section 2929.01 of the Revised Code, that are made in this act 15720
apply to a person who commits an offense involving marihuana, 15721
cocaine, or hashish on or after the effective date of this act and 15722
to a person to whom division (B) of section 1.58 of the Revised 15723
Code makes the amendments applicable. 15724

The provisions of sections 2925.01, 2925.03, 2925.05, and 15725
2925.11 of the Revised Code, and of division (W) of section 15726
2929.01 of the Revised Code, in existence prior to the effective 15727
date of this act shall apply to a person upon whom a court imposed 15728
sentence prior to the effective date of this act for an offense 15729
involving marihuana, cocaine, or hashish. The amendments to 15730
sections 2925.01, 2925.03, 2925.05, and 2925.11 of the Revised 15731
Code, and to division (W) of section 2929.01 of the Revised Code, 15732
that are made in this act do not apply to a person upon whom a 15733

court imposed sentence prior to the effective date of this act for 15734
an offense involving marihuana, cocaine, or hashish. 15735

Section 5. The amendments to sections 926.99, 1333.99, 15736
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 15737
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 15738
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 15739
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 15740
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 and divisions (A) 15741
and (M) of section 2929.14 of the Revised Code that are made in 15742
this act apply to a person who commits an offense specified or 15743
penalized under those sections on or after the effective date of 15744
this section and to a person to whom division (B) of section 1.58 15745
of the Revised Code makes the amendments applicable. 15746

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 15747
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 15748
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 15749
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 15750
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 15751
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 15752
prior to the effective date of this section shall apply to a 15753
person upon whom a court imposed sentence prior to the effective 15754
date of this section for an offense specified or penalized under 15755
those sections. The amendments to sections 926.99, 1333.99, 15756
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 15757
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 15758
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 15759
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 15760
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 15761
Code that are made in this act do not apply to a person who upon 15762
whom a court imposed sentence prior to the effective date of this 15763
section for an offense specified or penalized under those 15764
sections. 15765

Section 6. (A) The Ohio Interagency Task Force on Mental Health and Juvenile Justice is hereby established to investigate and make recommendations on how to most effectively treat delinquent youth who suffer from serious mental illness or emotional and behavioral disorders, while giving attention to the needs of Ohio's economy. The Task Force shall consist of the following members:	15766 15767 15768 15769 15770 15771 15772
(1) The Director of Youth Services;	15773
(2) The Director of Mental Health;	15774
(3) The Director of the Governor's Office of Health Transformation;	15775 15776
(4) The Superintendent of Public Instruction;	15777
(5) A justice of the Supreme Court or a designee appointed by the justices of the Supreme Court who has experience in juvenile law or mental health issues;	15778 15779 15780
(6) A designee appointed by the President of the Ohio Association of Juvenile Court Judges;	15781 15782
(7) A board-certified child and adolescent psychiatrist appointed by the Director of the Department of Mental Health;	15783 15784
(8) A licensed child and adolescent psychologist appointed by the President of the State Board of Psychology;	15785 15786
(9) Up to ten members with expertise in child and adolescent development, mental health, or juvenile justice appointed by the Governor, including, but not limited to, members representing the Ohio chapter of the National Alliance on Mental Illness, the Ohio Federation for Children's Mental Health, an academic research institution with expertise in juvenile justice and child and adolescent development, and a provider of children's community-based mental health services;	15787 15788 15789 15790 15791 15792 15793 15794

(10) Two members of the General Assembly, one from the majority party and one from the minority party, jointly appointed by the Speaker of the House of Representatives and the President of the Senate;

(11) A member of the public jointly appointed by the Speaker of the House of Representatives and the President of the Senate.

(B) Members of the Task Force shall be appointed by September 30, 2011. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation.

(C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson.

(D) The duties of the Task Force shall include all of the following:

(1) Reviewing the current staff training and protocols and procedures for treating mentally ill and seriously mentally ill youth committed to the Department of Youth Services;

(2) Reviewing the current funding, roles, and responsibilities of the Department of Youth Services, Department of Mental Health, Department of Education, and other Departments providing services to youth, as the funding, roles, and responsibilities pertain to youth with serious mental illness, or severe emotional and behavioral disorders;

(3) Conducting a review of literature related to the best practices in the treatment of youth with mental illness and seriously mentally ill youth who are adjudicated to be a delinquent child and committed to the Department of Youth Services;

(4) Investigating mental health treatment models for youth

involved in the juvenile justice system of other states and 15825
jurisdictions, and other relevant data and information, in order 15826
to identify potential model programs, protocols, and best 15827
practices; 15828

(5) Conducting at least one visit to a Department of Youth 15829
Services mental health unit and completing a comprehensive data 15830
review of the mentally ill and seriously mentally ill youth 15831
currently committed to the Department of Youth Services to develop 15832
a profile of such youth currently committed to the Department of 15833
Youth Services. 15834

(E) The members of the Task Force shall make findings and 15835
recommendations, based on the results of the Task Force's duties, 15836
regarding all of the following: 15837

(1) Best practices in the field of treatment for youth with 15838
mental illness or serious mental illness who are involved in the 15839
juvenile justice system; 15840

(2) Guiding principles for the treatment of youth with mental 15841
illness or serious mental illness who are involved in the juvenile 15842
justice system; 15843

(3) The infrastructure, roles, and responsibilities of and 15844
other departments providing services to youth, in relation to 15845
effectively meeting the multiple needs of youth with mental 15846
illness or serious mental illness who are involved in the juvenile 15847
justice system; 15848

(4) Funding strategies that maximize public, private, state, 15849
and federal resources and that create incentives for high 15850
performance and innovative treatment; 15851

(5) Changes to administrative, court, and legislative rules 15852
that would support the recommendations of the Task Force. 15853

The members of the Task Force may make other recommendations 15854

related to effectively treating delinquent youth who suffer from 15855
mental illness and serious mental health illness, including 15856
mentally ill youth who also have special education needs, as 15857
determined to be relevant by the chairperson of the Task Force. 15858

(F) Not later than March 31, 2012, the Task Force shall issue 15859
a report of the Task Force's findings and recommendations to the 15860
Governor, the President of the Senate, the Speaker of the House of 15861
Representatives, and the Chief Justice of the Supreme Court. Upon 15862
the issuance of the report by the Task Force, the Task Force shall 15863
cease to exist. 15864

Section 7. Upon the effective date of new sections 2151.56, 15865
2151.57, 2151.58, and 2151.59 of the Revised Code as enacted by 15866
this act, the versions of those sections enacted in Section 1 of 15867
this act will replace the versions of those sections, and the 15868
versions of sections 2151.60 and 2151.61 of the Revised Code, in 15869
effect on the day immediately preceding that effective date. 15870

Section 8. The General Assembly hereby respectfully requests 15871
the Supreme Court to adopt a Rule of Superintendence that provides 15872
for the collection for each month of statistical data relating to 15873
the operation of probation departments, including, but not limited 15874
to, all of the following: 15875

(A) A count of the number of individuals placed on probation 15876
in the month covered by the report; 15877

(B) A count of the number of individuals terminated from 15878
probation in the month covered by the report, listed by type of 15879
termination, including revocation; 15880

(C) The total number of individuals under supervision on 15881
probation at the end of the month covered by the report. 15882

Section 9. Section 1716.99 of the Revised Code is presented 15883
in this act as a composite of the section as amended by both Am. 15884

Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. 15885
Section 2301.27 of the Revised Code is presented in this act as a 15886
composite of the section as amended by both Am. Sub. H.B. 490 and 15887
Sub. H.B. 510 of the 124th General Assembly. Section 2929.14 of 15888
the Revised Code is presented in this act as a composite of the 15889
section as amended by both Am. Sub. H.B. 130 and Am. Sub. H.B. 280 15890
of the 127th General Assembly. Section 2929.20 of the Revised Code 15891
is presented in this act as a composite of the section as amended 15892
by both Am. Sub. H.B. 130 and Sub. S.B. 108 of the 127th General 15893
Assembly. Section 2967.193 of the Revised Code is presented in 15894
this act as a composite of the section as amended by both Am. Sub. 15895
S.B. 269 and Am. Sub. H.B. 180 of the 121st General Assembly. The 15896
General Assembly, applying the principle stated in division (B) of 15897
section 1.52 of the Revised Code that amendments are to be 15898
harmonized if reasonably capable of simultaneous operation, finds 15899
that the composites are the resulting versions of the sections in 15900
effect prior to the effective date of the sections as presented in 15901
this act. 15902