

## As Introduced

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

**S. B. No. 160**

**Senators Bacon, Hughes**

**Cosponsor: Senator Patton**

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### **A B I L L**

To amend sections 2152.86, 2903.03, 2929.20, 2930.03,	1
2930.06, 2930.16, 2950.01, 2967.03, 2967.12,	2
2967.121, 2967.26, 2967.28, 5120.66, 5149.07,	3
5149.10, and 5149.101 of the Revised Code to	4
require automatic notice to victims of first,	5
second, or third degree felony offenses of	6
violence of certain prisoner or alleged juvenile	7
offender release or transfer proceedings; to	8
expand victim participation in parole hearings; to	9
require five years of post-release control for	10
offenders who commit first, second, or third	11
degree felony offenses of violence; to require the	12
Department of Rehabilitation and Correction to	13
keep information on such offenders in a publicly	14
accessible database for ten years following final	15
discharge; to require the Department to provide	16
certain information related to paroles to	17
designated public officials; to require the	18
Department to notify the appropriate prosecuting	19
attorney when a felon serving a specified sentence	20
is released pursuant to a pardon, commutation of	21
sentence, parole, or completed prison term; to	22
prohibit the Parole Board from considering a	23

sentence in effect since July 1, 1996, in making 24  
parole determinations; to make other changes 25  
related to the release of prisoners and victim's 26  
rights; to provide that voluntary manslaughter 27  
committed with a sexual motivation is a sexually 28  
oriented offense, makes an offender or juvenile 29  
offender registrant who commits it a tier III sex 30  
offender/child-victim offender, and may qualify a 31  
juvenile offender registrant who commits it as a 32  
public registry-qualified juvenile offender 33  
registrant; and to name the victim and family 34  
notification provisions Roberta's Law. 35

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

**Section 1.** That sections 2152.86, 2903.03, 2929.20, 2930.03, 36  
2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2967.26, 37  
2967.28, 5120.66, 5149.07, 5149.10, and 5149.101 of the Revised 38  
Code be amended to read as follows: 39

**Sec. 2152.86.** (A)(1) The court that, on or after January 1, 40  
2008, adjudicates a child a delinquent child for committing an act 41  
shall issue as part of the dispositional order an order that 42  
classifies the child a juvenile offender registrant, specifies 43  
that the child has a duty to comply with sections 2950.04, 44  
2950.041, 2950.05, and 2950.06 of the Revised Code, and 45  
additionally classifies the child a public registry-qualified 46  
juvenile offender registrant if the child was fourteen, fifteen, 47  
sixteen, or seventeen years of age at the time of committing the 48  
act, the court imposed on the child a serious youthful offender 49  
dispositional sentence under section 2152.13 of the Revised Code, 50  
and the child is adjudicated a delinquent child for committing, 51  
attempting to commit, conspiring to commit, or complicity in 52

committing any of the following acts: 53

(a) A violation of section 2907.02 of the Revised Code, 54  
division (B) of section 2907.05 of the Revised Code, or section 55  
2907.03 of the Revised Code if the victim of the violation was 56  
less than twelve years of age; 57

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 58  
the Revised Code that was committed with a purpose to gratify the 59  
sexual needs or desires of the child; 60

(c) A violation of division (B) of section 2903.03 of the 61  
Revised Code. 62

(2) Upon a child's release, on or after January 1, 2008, from 63  
the department of youth services, the court shall issue an order 64  
that classifies the child a juvenile offender registrant, 65  
specifies that the child has a duty to comply with sections 66  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 67  
additionally classifies the child a public registry-qualified 68  
juvenile offender registrant if all of the following apply: 69

(a) The child was adjudicated a delinquent child, and a 70  
juvenile court imposed on the child a serious youthful offender 71  
dispositional sentence under section 2152.13 of the Revised Code 72  
for committing one of the acts described in division (A)(1)(a) or 73  
(b) of this section or for committing on or after the effective 74  
date of this amendment a violation of division (B) of section 75  
2903.03 of the Revised Code. 76

(b) The child was fourteen, fifteen, sixteen, or seventeen 77  
years of age at the time of committing the act. 78

(c) The court did not issue an order classifying the child as 79  
both a juvenile offender registrant and a public 80  
registry-qualified juvenile offender registrant pursuant to 81  
division (A)(1) of this section. 82

(3) If a court issued an order classifying a child a juvenile offender registrant pursuant to section 2152.82 or 2152.83 of the Revised Code prior to January 1, 2008, not later than February 1, 2008, the court shall issue a new order that reclassifies the child as a juvenile offender registrant, specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and additionally classifies the child a public registry-qualified juvenile offender registrant if all of the following apply:

(a) The sexually oriented offense that was the basis of the previous order that classified the child a juvenile offender registrant was an act described in division (A)(1)(a) or (b) of this section.

(b) The child was fourteen, fifteen, sixteen, or seventeen years of age at the time of committing the act.

(c) The court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for the act described in division (A)(1)(a) or (b) of this section.

(B)(1) If an order is issued under division (A)(1), (2), or (3) of this section, the classification of tier III sex offender/child-victim offender automatically applies to the delinquent child based on the sexually oriented offense the child committed, subject to a possible reclassification pursuant to division (D) of this section for a child whose delinquent act was committed prior to January 1, 2008. If an order is issued under division (A)(2) of this section regarding a child whose delinquent act described in division (A)(1)(a) or (b) of this section was committed prior to January 1, 2008, or if an order is issued under division (A)(3) of this section regarding a delinquent child, the order shall inform the child and the child's parent, guardian, or custodian, that the child has a right to a hearing as described in

division (D) of this section and inform the child and the child's 115  
parent, guardian, or custodian of the procedures for requesting 116  
the hearing and the period of time within which the request for 117  
the hearing must be made. Section 2152.831 of the Revised Code 118  
does not apply regarding an order issued under division (A)(1), 119  
(2), or (3) of this section. 120

(2) The judge that issues an order under division (A)(1), 121  
(2), or (3) of this section shall provide to the delinquent child 122  
who is the subject of the order and to the delinquent child's 123  
parent, guardian, or custodian the notice required under divisions 124  
(A) and (B) of section 2950.03 of the Revised Code and shall 125  
provide as part of that notice a copy of the order required under 126  
division (A)(1), (2), or (3) of this section. The judge shall 127  
include the order in the delinquent child's dispositional order 128  
and shall specify in the dispositional order that the order issued 129  
under division (A)(1), (2), or (3) of this section was made 130  
pursuant to this section. 131

(C) An order issued under division (A)(1), (2), or (3) of 132  
this section shall remain in effect for the period of time 133  
specified in section 2950.07 of the Revised Code as it exists on 134  
and after January 1, 2008, subject to a judicial termination of 135  
that period of time as provided in section 2950.15 of the Revised 136  
Code, subject to a possible reclassification of the child pursuant 137  
to division (D) of this section if the child's delinquent act was 138  
committed prior to January 1, 2008. If an order is issued under 139  
division (A)(1), (2), or (3) of this section, the child's 140  
attainment of eighteen or twenty-one years of age does not affect 141  
or terminate the order, and the order remains in effect for the 142  
period of time described in this division. If an order is issued 143  
under division (A)(3) of this section, the duty to comply with 144  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 145  
Code based upon that order shall be considered, for purposes of 146

section 2950.07 of the Revised Code and for all other purposes, to 147  
be a continuation of the duty to comply with those sections 148  
imposed upon the child prior to January 1, 2008, under the order 149  
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 150  
Chapter 2950. of the Revised Code. 151

(D)(1) If an order is issued under division (A)(2) of this 152  
section regarding a delinquent child whose delinquent act 153  
described in division (A)(1)(a) or (b) of this section was 154  
committed prior to January 1, 2008, or if an order is issued under 155  
division (A)(3) of this section regarding a delinquent child, 156  
except as otherwise provided in this division, the child may 157  
request as a matter of right a court hearing to contest the 158  
court's classification in the order of the child as a public 159  
registry-qualified juvenile offender registrant. To request the 160  
hearing, not later than the date that is sixty days after the 161  
delinquent child is provided with the copy of the order, the 162  
delinquent child shall file a petition with the juvenile court 163  
that issued the order. 164

If the delinquent child requests a hearing by timely filing a 165  
petition with the juvenile court, the delinquent child shall serve 166  
a copy of the petition on the prosecutor who handled the case in 167  
which the delinquent child was adjudicated a delinquent child for 168  
committing the sexually oriented offense or child-victim oriented 169  
offense that resulted in the delinquent child's registration duty 170  
under section 2950.04 or 2950.041 of the Revised Code. The 171  
prosecutor shall represent the interest of the state in the 172  
hearing. In any hearing under this division, the Rules of Juvenile 173  
Procedure apply except to the extent that those Rules would by 174  
their nature be clearly inapplicable. The court shall schedule a 175  
hearing and shall provide notice to the delinquent child and the 176  
delinquent child's parent, guardian, or custodian and to the 177  
prosecutor of the date, time, and place of the hearing. 178

If the delinquent child requests a hearing in accordance with 179  
this division, until the court issues its decision at or 180  
subsequent to the hearing, the delinquent child shall comply with 181  
Chapter 2950. of the Revised Code as it exists on and after 182  
January 1, 2008. If a delinquent child requests a hearing in 183  
accordance with this division, at the hearing, all parties are 184  
entitled to be heard, and the court shall consider all relevant 185  
information and testimony presented relative to the issue of 186  
whether the child should be classified a public registry-qualified 187  
juvenile offender registrant. Notwithstanding the court's 188  
classification of the delinquent child as a public 189  
registry-qualified juvenile offender registrant, the court may 190  
terminate that classification if it determines by clear and 191  
convincing evidence that the classification is in error. 192

If the court decides to terminate the court's classification 193  
of the delinquent child as a public registry-qualified juvenile 194  
offender registrant, the court shall issue an order that specifies 195  
that it has determined that the child is not a public 196  
registry-qualified juvenile offender registrant and that it has 197  
terminated the court's classification of the delinquent child as a 198  
public registry-qualified juvenile offender registrant. The court 199  
promptly shall serve a copy of the order upon the sheriff with 200  
whom the delinquent child most recently registered under section 201  
2950.04 or 2950.041 of the Revised Code and upon the bureau of 202  
criminal identification and investigation. The delinquent child 203  
and the prosecutor have the right to appeal the decision of the 204  
court issued under this division. 205

If the delinquent child fails to request a hearing in 206  
accordance with this division within the applicable sixty-day 207  
period specified in this division, the failure constitutes a 208  
waiver by the delinquent child of the delinquent child's right to 209  
a hearing under this division, and the delinquent child is bound 210

by the court's classification of the delinquent child as a public 211  
registry-qualified juvenile offender registrant. 212

(2) An order issued under division (D)(1) of this section is 213  
independent of any order of a type described in division (F) of 214  
section 2950.031 of the Revised Code or division (E) of section 215  
2950.032 of the Revised Code, and the court may issue an order 216  
under both division (D)(1) of this section and an order of a type 217  
described in division (F) of section 2950.031 of the Revised Code 218  
or division (E) of section 2950.032 of the Revised Code. A court 219  
that conducts a hearing under division (D)(1) of this section may 220  
consolidate that hearing with a hearing conducted for the same 221  
delinquent child under division (F) of section 2950.031 of the 222  
Revised Code or division (E) of section 2950.032 of the Revised 223  
Code. 224

**Sec. 2903.03.** (A) No person, while under the influence of 225  
sudden passion or in a sudden fit of rage, either of which is 226  
brought on by serious provocation occasioned by the victim that is 227  
reasonably sufficient to incite the person into using deadly 228  
force, shall knowingly cause the death of another or the unlawful 229  
termination of another's pregnancy. 230

(B) No person, with a sexual motivation, shall violate 231  
division (A) of this section. 232

(C) Whoever violates this section is guilty of voluntary 233  
manslaughter, a felony of the first degree. 234

(D) As used in this section, "sexual motivation" has the same 235  
meaning as in section 2971.01 of the Revised Code. 236

**Sec. 2929.20.** (A) As used in this section: 237

(1)(a) Except as provided in division (A)(1)(b) of this 238  
section, "eligible offender" means any person serving a stated 239  
prison term of ten years or less when either of the following 240



applies:	241
(i) The stated prison term does not include a mandatory	242
prison term.	243
(ii) The stated prison term includes a mandatory prison term,	244
and the person has served the mandatory prison term.	245
(b) "Eligible offender" does not include any person who is	246
serving a stated prison term for any of the following criminal	247
offenses that was a felony and was committed while the person held	248
a public office in this state:	249
(i) A violation of section 2921.02, 2921.03, 2921.05,	250
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised	251
Code;	252
(ii) A violation of section 2913.42, 2921.04, 2921.11, or	253
2921.12 of the Revised Code, when the conduct constituting the	254
violation was related to the duties of the offender's public	255
office or to the offender's actions as a public official holding	256
that public office;	257
(iii) A violation of an existing or former municipal	258
ordinance or law of this or any other state or the United States	259
that is substantially equivalent to any violation listed in	260
division (A)(1)(b)(i) of this section;	261
(iv) A violation of an existing or former municipal ordinance	262
or law of this or any other state or the United States that is	263
substantially equivalent to any violation listed in division	264
(A)(1)(b)(ii) of this section, when the conduct constituting the	265
violation was related to the duties of the offender's public	266
office or to the offender's actions as a public official holding	267
that public office;	268
(v) A conspiracy to commit, attempt to commit, or complicity	269
in committing any offense listed in division (A)(1)(b)(i) or	270

described in division (A)(1)(b)(iii) of this section; 271

(vi) A conspiracy to commit, attempt to commit, or complicity 272  
in committing any offense listed in division (A)(1)(b)(ii) or 273  
described in division (A)(1)(b)(iv) of this section, if the 274  
conduct constituting the offense that was the subject of the 275  
conspiracy, that would have constituted the offense attempted, or 276  
constituting the offense in which the offender was complicit was 277  
or would have been related to the duties of the offender's public 278  
office or to the offender's actions as a public official holding 279  
that public office. 280

(2) "Public office" means any elected federal, state, or 281  
local government office in this state. 282

(3) "Victim's representative" has the same meaning as in 283  
section 2930.01 of the Revised Code. 284

(B) On the motion of an eligible offender or upon its own 285  
motion, the sentencing court may reduce the eligible offender's 286  
stated prison term through a judicial release under this section. 287

(C) An eligible offender may file a motion for judicial 288  
release with the sentencing court within the following applicable 289  
periods: 290

(1) If the stated prison term is less than two years, the 291  
eligible offender may file the motion not earlier than thirty days 292  
after the offender is delivered to a state correctional 293  
institution or, if the prison term includes a mandatory prison 294  
term or terms, not earlier than thirty days after the expiration 295  
of all mandatory prison terms. 296

(2) If the stated prison term is at least two years but less 297  
than five years, the eligible offender may file the motion not 298  
earlier than one hundred eighty days after the offender is 299  
delivered to a state correctional institution or, if the prison 300  
term includes a mandatory prison term or terms, not earlier than 301

one hundred eighty days after the expiration of all mandatory 302  
prison terms. 303

(3) If the stated prison term is five years or more but not 304  
more than ten years, the eligible offender may file the motion not 305  
earlier than five years after the eligible offender is delivered 306  
to a state correctional institution or, if the prison term 307  
includes a mandatory prison term or terms, not earlier than five 308  
years after the expiration of all mandatory prison terms. 309

(D) Upon receipt of a timely motion for judicial release 310  
filed by an eligible offender under division (C) of this section 311  
or upon the sentencing court's own motion made within the 312  
appropriate time specified in that division, the court may deny 313  
the motion without a hearing or schedule a hearing on the motion. 314  
The court shall not grant the motion without a hearing. If a court 315  
denies a motion without a hearing, the court later may consider 316  
judicial release for that eligible offender on a subsequent motion 317  
filed by that eligible offender unless the court denies the motion 318  
with prejudice. If a court denies a motion with prejudice, the 319  
court may later consider judicial release on its own motion. If a 320  
court denies a motion after a hearing, the court shall not 321  
consider a subsequent motion for that eligible offender. The court 322  
shall hold only one hearing for any eligible offender. 323

A hearing under this section shall be conducted in open court 324  
~~within~~ not less than thirty days or more than sixty days after the 325  
motion is filed, provided that the court may delay the hearing for 326  
one hundred eighty additional days. If the court holds a hearing, 327  
the court shall enter a ruling on the motion within ten days after 328  
the hearing. If the court denies the motion without a hearing, the 329  
court shall enter its ruling on the motion within sixty days after 330  
the motion is filed. 331

(E) If a court schedules a hearing under division (D) of this 332  
section, the court shall notify the eligible offender and the head 333

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~~ do either of the following:

(1) Notify the victim of the offense or the victim's  
representative pursuant to section 2930.16 of the Revised Code;

(2) If the offense was an offense of violence that is a  
felony of the first, second, or third degree, send written notice  
to the victim or the victim's representative of the hearing  
regardless of whether the victim or the victim's representative  
requested notification pursuant to section 2930.16 or any other  
section of the Revised Code and, if the victim or victim's  
representative has not provided the prosecuting attorney with a  
mailing address, attempt to identify a mailing address for the  
victim or the victim's representative and send the written notice  
to that address. Division (E)(2) of this section, and the  
notice-related provisions of division (K) of this section,  
division (D)(1) of section 2930.16, division (H) of section  
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of  
section 2967.28, and division (A)(2) of section 5149.101 of the  
Revised Code enacted in the act in which division (E)(2) of this  
section was enacted, shall be known as "Roberta's Law."

(F) Upon an offender's successful completion of

rehabilitative activities, the head of the state correctional 366  
institution may notify the sentencing court of the successful 367  
completion of the activities. 368

(G) Prior to the date of the hearing on a motion for judicial 369  
release under this section, the head of the state correctional 370  
institution in which the eligible offender is confined shall send 371  
to the court a report on the eligible offender's conduct in the 372  
institution and in any institution from which the eligible 373  
offender may have been transferred. The report shall cover the 374  
eligible offender's participation in school, vocational training, 375  
work, treatment, and other rehabilitative activities and any 376  
disciplinary action taken against the eligible offender. The 377  
report shall be made part of the record of the hearing. 378

(H) If the court grants a hearing on a motion for judicial 379  
release under this section, the eligible offender shall attend the 380  
hearing if ordered to do so by the court. Upon receipt of a copy 381  
of the journal entry containing the order, the head of the state 382  
correctional institution in which the eligible offender is 383  
incarcerated shall deliver the eligible offender to the sheriff of 384  
the county in which the hearing is to be held. The sheriff shall 385  
convey the eligible offender to and from the hearing. 386

(I) At the hearing on a motion for judicial release under 387  
this section, the court shall afford the eligible offender and the 388  
eligible offender's attorney an opportunity to present written 389  
and, if present, oral information relevant to the motion. The 390  
court shall afford a similar opportunity to the prosecuting 391  
attorney, the victim or the victim's representative, ~~as defined in~~ 392  
~~section 2930.01 of the Revised Code,~~ and any other person the 393  
court determines is likely to present additional relevant 394  
information. The court shall consider any statement of a victim 395  
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 396  
any victim impact statement prepared pursuant to section 2947.051 397

of the Revised Code, and any report made under division (G) of 398  
this section. The court may consider any written statement of any 399  
person submitted to the court pursuant to division (L) of this 400  
section. After ruling on the motion, the court shall notify the 401  
victim of the ruling in accordance with sections 2930.03 and 402  
2930.16 of the Revised Code. 403

(J)(1) A court shall not grant a judicial release under this 404  
section to an eligible offender who is imprisoned for a felony of 405  
the first or second degree, or to an eligible offender who 406  
committed an offense under Chapter 2925. or 3719. of the Revised 407  
Code and for whom there was a presumption under section 2929.13 of 408  
the Revised Code in favor of a prison term, unless the court, with 409  
reference to factors under section 2929.12 of the Revised Code, 410  
finds both of the following: 411

(a) That a sanction other than a prison term would adequately 412  
punish the offender and protect the public from future criminal 413  
violations by the eligible offender because the applicable factors 414  
indicating a lesser likelihood of recidivism outweigh the 415  
applicable factors indicating a greater likelihood of recidivism; 416

(b) That a sanction other than a prison term would not demean 417  
the seriousness of the offense because factors indicating that the 418  
eligible offender's conduct in committing the offense was less 419  
serious than conduct normally constituting the offense outweigh 420  
factors indicating that the eligible offender's conduct was more 421  
serious than conduct normally constituting the offense. 422

(2) A court that grants a judicial release to an eligible 423  
offender under division (J)(1) of this section shall specify on 424  
the record both findings required in that division and also shall 425  
list all the factors described in that division that were 426  
presented at the hearing. 427

(K) If the court grants a motion for judicial release under 428

this section, the court shall order the release of the eligible 429  
offender, shall place the eligible offender under an appropriate 430  
community control sanction, under appropriate conditions, and 431  
under the supervision of the department of probation serving the 432  
court and shall reserve the right to reimpose the sentence that it 433  
reduced if the offender violates the sanction. If the court 434  
reimposes the reduced sentence, it may do so either concurrently 435  
with, or consecutive to, any new sentence imposed upon the 436  
eligible offender as a result of the violation that is a new 437  
offense. The period of community control shall be no longer than 438  
five years. The court, in its discretion, may reduce the period of 439  
community control by the amount of time the eligible offender 440  
spent in jail or prison for the offense and in prison. If the 441  
court made any findings pursuant to division (J)(1) of this 442  
section, the court shall serve a copy of the findings upon counsel 443  
for the parties within fifteen days after the date on which the 444  
court grants the motion for judicial release. 445

If the court grants a motion for judicial release, the court 446  
shall notify the appropriate person at the department of 447  
rehabilitation and correction, and the department shall post 448  
notice of the release on the database it maintains pursuant to 449  
section 5120.66 of the Revised Code. The prosecuting attorney 450  
shall send written notice of any judicial release to the victim or 451  
the victim's representative at the address provided by the victim 452  
or victim's representative pursuant to section 2930.16 or any 453  
other section of the Revised Code or the address to which the 454  
prosecuting attorney sent notice of the hearing pursuant to 455  
division (E)(2) of this section. 456

(L) In addition to and independent of the right of a victim 457  
to make a statement pursuant to section 2930.14, 2930.17, or 458  
2946.051 of the Revised Code and any right of a person to present 459  
written information or make a statement pursuant to division (I) 460

of this section, any person may submit to the court, at any time 461  
prior to the hearing on the offender's motion for judicial 462  
release, a written statement concerning the effects of the 463  
offender's crime or crimes, the circumstances surrounding the 464  
crime or crimes, the manner in which the crime or crimes were 465  
perpetrated, and the person's opinion as to whether the offender 466  
should be released. 467

**Sec. 2930.03.** (A) A person or entity required or authorized 468  
under this chapter to give notice to a victim shall give the 469  
notice to the victim by any means reasonably calculated to provide 470  
prompt actual notice. Except when a provision requires that notice 471  
is to be given in a specific manner, a notice may be oral or 472  
written. 473

(B) Except for receipt of the initial information and notice 474  
required to be given to a victim under divisions (A) and (B) of 475  
section 2930.04, section 2930.05, and divisions (A) and (B) of 476  
section 2930.06 of the Revised Code and the notice required to be 477  
given to a victim under division (D) of section 2930.16 of the 478  
Revised Code, a victim who wishes to receive any notice authorized 479  
by this chapter shall make a request for the notice to the 480  
prosecutor or the custodial agency that is to provide the notice, 481  
as specified in this chapter. If the victim does not make a 482  
request as described in this division, the prosecutor or custodial 483  
agency is not required to provide any notice described in this 484  
chapter other than the initial information and notice required to 485  
be given to a victim under divisions (A) and (B) of section 486  
2930.04, section 2930.05, and divisions (A) and (B) of section 487  
2930.06 of the Revised Code and the notice required to be given to 488  
a victim under division (D) of section 2930.16 of the Revised 489  
Code. 490

(C) A person or agency that is required to furnish notice 491



under this chapter shall give the notice to the victim at the 492  
address or telephone number provided to the person or agency by 493  
the victim. A victim who requests to receive notice under this 494  
chapter as described in division (B) of this section shall inform 495  
the person or agency of the name, address, or telephone number of 496  
the victim and of any change to that information. 497

(D) A person or agency that has furnished information to a 498  
victim in accordance with any requirement or authorization under 499  
this chapter shall notify the victim promptly of any significant 500  
changes to that information. 501

(E) Divisions (A) to (D) of this section do not apply 502  
regarding a notice that a prosecutor is required to provide under 503  
section 2930.061 of the Revised Code. A prosecutor required to 504  
provide notice under that section shall provide the notice as 505  
specified in that section. 506

**Sec. 2930.06.** (A) The prosecutor in a case, to the extent 507  
practicable, shall confer with the victim in the case before 508  
pretrial diversion is granted to the defendant or alleged juvenile 509  
offender in the case, before amending or dismissing an indictment, 510  
information, or complaint against that defendant or alleged 511  
juvenile offender, before agreeing to a negotiated plea for that 512  
defendant or alleged juvenile offender, before a trial of that 513  
defendant by judge or jury, or before the juvenile court conducts 514  
an adjudicatory hearing for that alleged juvenile offender. If the 515  
juvenile court disposes of a case prior to the prosecutor's 516  
involvement in the case, the court or a court employee shall 517  
notify the victim in the case that the alleged juvenile offender 518  
will be granted pretrial diversion, the complaint against that 519  
alleged juvenile offender will be amended or dismissed, or the 520  
court will conduct an adjudicatory hearing for that alleged 521  
juvenile offender. If the prosecutor fails to confer with the 522

victim at any of those times, the court, if informed of the 523  
failure, shall note on the record the failure and the prosecutor's 524  
reasons for the failure. A prosecutor's failure to confer with a 525  
victim as required by this division and a court's failure to 526  
provide the notice as required by this division do not affect the 527  
validity of an agreement between the prosecutor and the defendant 528  
or alleged juvenile offender in the case, a pretrial diversion of 529  
the defendant or alleged juvenile offender, an amendment or 530  
dismissal of an indictment, information, or complaint filed 531  
against the defendant or alleged juvenile offender, a plea entered 532  
by the defendant or alleged juvenile defender, an admission 533  
entered by the defendant or alleged juvenile offender, or any 534  
other disposition in the case. A court shall not dismiss a 535  
criminal complaint, charge, information, or indictment or a 536  
delinquent child complaint solely at the request of the victim and 537  
over the objection of the prosecuting attorney, village solicitor, 538  
city director of law, or other chief legal officer responsible for 539  
the prosecution of the case. 540

(B) After a prosecution in a case has been commenced, the 541  
prosecutor or a designee of the prosecutor other than a court or 542  
court employee, to the extent practicable, promptly shall give the 543  
victim all of the following information, except that, if the 544  
juvenile court disposes of a case prior to the prosecutor's 545  
involvement in the case, the court or a court employee, to the 546  
extent practicable, promptly shall give the victim all of the 547  
following information: 548

(1) The name of the crime or specified delinquent act with 549  
which the defendant or alleged juvenile offender in the case has 550  
been charged and the name of the defendant or alleged juvenile 551  
offender; 552

(2) The file number of the case; 553

(3) A brief statement regarding the procedural steps in a 554

criminal prosecution or delinquency proceeding involving a crime 555  
or specified delinquent act similar to the crime or specified 556  
delinquent act with which the defendant or alleged juvenile 557  
offender has been charged and the right of the victim to be 558  
present during all proceedings held throughout the prosecution of 559  
the case; 560

(4) A summary of the rights of a victim under this chapter; 561

(5) Procedures the victim or the prosecutor may follow if the 562  
victim becomes subject to threats or intimidation by the 563  
defendant, alleged juvenile offender, or any other person; 564

(6) The name and business telephone number of a person to 565  
contact for further information with respect to the case; 566

(7) The right of the victim to have a victim's representative 567  
exercise the victim's rights under this chapter in accordance with 568  
section 2930.02 of the Revised Code and the procedure by which a 569  
victim's representative may be designated; 570

(8) Notice that any notification under division (C) of this 571  
section, sections 2930.07 to 2930.15, division (A), (B), or (C) of 572  
section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 573  
of the Revised Code will be given to the victim only if the victim 574  
asks to receive the notification and that notice under division 575  
(D) of section 2930.16 of the Revised Code will be given 576  
regardless of whether the victim asks to receive the notification. 577

(C) Upon the request of the victim, the prosecutor or, if it 578  
is a delinquency proceeding and a prosecutor is not involved in 579  
the case, the court shall give the victim notice of the date, 580  
time, and place of any scheduled criminal or juvenile proceedings 581  
in the case and notice of any changes in those proceedings or in 582  
the schedule in the case. 583

(D) A victim who requests notice under division (C) of this 584  
section and who elects pursuant to division (B) of section 2930.03 585

of the Revised Code to receive any further notice from the 586  
prosecutor or, if it is a delinquency proceeding and a prosecutor 587  
is not involved in the case, the court under this chapter shall 588  
keep the prosecutor or the court informed of the victim's current 589  
address and telephone number until the case is dismissed or 590  
terminated, the defendant is acquitted or sentenced, the 591  
delinquent child complaint is dismissed, the defendant is 592  
adjudicated a delinquent child, or the appellate process is 593  
completed, whichever is the final disposition in the case. 594

(E) If a defendant is charged with the commission of a 595  
misdemeanor offense that is not identified in division (A)(2) of 596  
section 2930.01 of the Revised Code and if a police report or a 597  
complaint, indictment, or information that charges the commission 598  
of that offense and provides the basis for a criminal prosecution 599  
of that defendant identifies one or more individuals as 600  
individuals against whom that offense was committed, after a 601  
prosecution in the case has been commenced, the prosecutor or a 602  
designee of the prosecutor other than a court or court employee, 603  
to the extent practicable, promptly shall notify each of the 604  
individuals so identified in the report, complaint, indictment, or 605  
information that, if the defendant is convicted of or pleads 606  
guilty to the offense, the individual may make an oral or written 607  
statement to the court hearing the case regarding the sentence to 608  
be imposed upon the defendant and that the court must consider any 609  
statement so made that is relevant. Before imposing sentence in 610  
the case, the court shall permit the individuals so identified in 611  
the report, complaint, indictment, or information to make an oral 612  
or written statement. Division (A) of section 2930.14 of the 613  
Revised Code applies regarding any statement so made. The court 614  
shall consider a statement so made, in accordance with division 615  
(B) of that section and division (D) of section 2929.22 of the 616  
Revised Code. 617

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 618  
a case who has requested to receive notice under this section 619  
shall be given notice of the incarceration of the defendant. If an 620  
alleged juvenile offender is committed to the temporary custody of 621  
a school, camp, institution, or other facility operated for the 622  
care of delinquent children or to the legal custody of the 623  
department of youth services, a victim in a case who has requested 624  
to receive notice under this section shall be given notice of the 625  
commitment. Promptly after sentence is imposed upon the defendant 626  
or the commitment of the alleged juvenile offender is ordered, the 627  
prosecutor in the case shall notify the victim of the date on 628  
which the defendant will be released from confinement or the 629  
prosecutor's reasonable estimate of that date or the date on which 630  
the alleged juvenile offender will have served the minimum period 631  
of commitment or the prosecutor's reasonable estimate of that 632  
date. The prosecutor also shall notify the victim of the name of 633  
the custodial agency of the defendant or alleged juvenile offender 634  
and tell the victim how to contact that custodial agency. If the 635  
custodial agency is the department of rehabilitation and 636  
correction, the prosecutor shall notify the victim of the services 637  
offered by the office of victims' services pursuant to section 638  
5120.60 of the Revised Code. If the custodial agency is the 639  
department of youth services, the prosecutor shall notify the 640  
victim of the services provided by the office of victims' services 641  
within the release authority of the department pursuant to section 642  
5139.55 of the Revised Code and the victim's right pursuant to 643  
section 5139.56 of the Revised Code to submit a written request to 644  
the release authority to be notified of actions the release 645  
authority takes with respect to the alleged juvenile offender. The 646  
victim shall keep the custodial agency informed of the victim's 647  
current address and telephone number. 648

(B)(1) Upon the victim's request or in accordance with 649

division (D) of this section, the prosecutor promptly shall notify 650  
the victim of any hearing for judicial release of the defendant 651  
pursuant to section 2929.20 of the Revised Code or of any hearing 652  
for judicial release or early release of the alleged juvenile 653  
offender pursuant to section 2151.38 of the Revised Code and of 654  
the victim's right to make a statement under those sections. The 655  
court shall notify the victim of its ruling in each of those 656  
hearings and on each of those applications. 657

(2) If an offender is sentenced to a prison term pursuant to 658  
division (A)(3) or (B) of section 2971.03 of the Revised Code, 659  
upon the request of the victim of the crime or in accordance with 660  
division (D) of this section, the prosecutor promptly shall notify 661  
the victim of any hearing to be conducted pursuant to section 662  
2971.05 of the Revised Code to determine whether to modify the 663  
requirement that the offender serve the entire prison term in a 664  
state correctional facility in accordance with division (C) of 665  
that section, whether to continue, revise, or revoke any existing 666  
modification of that requirement, or whether to terminate the 667  
prison term in accordance with division (D) of that section. The 668  
court shall notify the victim of any order issued at the 669  
conclusion of the hearing. 670

(C) Upon the victim's request made at any time before the 671  
particular notice would be due or in accordance with division (D) 672  
of this section, the custodial agency of a defendant or alleged 673  
juvenile offender shall give the victim any of the following 674  
notices that is applicable: 675

(1) At least ~~three weeks~~ sixty days before the adult parole 676  
authority recommends a pardon or commutation of sentence for the 677  
defendant or at least ~~three weeks~~ sixty days prior to a hearing 678  
before the adult parole authority regarding a grant of parole to 679  
the defendant, notice of the victim's right to submit a statement 680  
regarding the impact of the defendant's release in accordance with 681

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~~ sixty days 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~~ sixty 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  
facility or from other custody, and of the capture of the  
defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's  
death while in confinement or custody;

(6) Notice of the defendant's or alleged juvenile offender's  
release from confinement or custody and the terms and conditions  
of the release.

(D)(1) If a defendant is incarcerated for the commission of 713  
an offense of violence that is a felony of the first, second, or 714  
third degree or if an alleged juvenile offender has been charged 715  
with the commission of an act that would be an offense of violence 716  
that is a felony of the first, second, or third degree if 717  
committed by an adult, the notices described in divisions (B) and 718  
(C) of this section shall be given regardless of whether the 719  
victim requested notice. The custodial agency shall give similar 720  
notice to the prosecutor in the case, to the sentencing court, to 721  
the law enforcement agency that arrested the defendant or alleged 722  
juvenile offender, and to any other person who requests 723  
notification. The custodial agency shall attempt to identify a 724  
mailing address for the victim and send notice to that address by 725  
ordinary mail. Division (D)(1) of this section, and the 726  
notice-related provisions of divisions (E)(2) and (K) of section 727  
2929.20, division (H) of section 2967.12, division (A)(3)(b) of 728  
section 2967.26, division (D)(1) of section 2967.28, and division 729  
(A)(2) of section 5149.101 of the Revised Code enacted in the act 730  
in which division (D)(1) of this section was enacted, shall be 731  
known as "Roberta's Law." 732

(2) The custodial agency shall keep a record of notices sent 733  
pursuant to division (D)(1) of this section. The record shall be 734  
kept in a manner that allows public inspection of notices to 735  
persons other than victims without revealing the names, addresses, 736  
or other identifying information relating to victims. The record 737  
of notices to victims is not a public record. The record of 738  
notices to persons other than victims is a public record. 739

(E) The adult parole authority shall adopt rules under 740  
Chapter 119. of the Revised Code providing for a victim conference 741  
prior to a parole hearing in the case of a prisoner who is 742  
incarcerated for the commission of an offense of violence that is 743  
a felony of the first, second, or third degree. The rules shall 744



provide for, but not be limited to, all of the following: 745

(1) Attendance by the victim, members of the victim's family, 746  
the victim's representative, and, if practicable, other 747  
individuals; 748

(2) Allotment of at least one hour for the conference; 749

(3) The order of priority in which persons in attendance may 750  
speak and permission for any person in attendance to speak if time 751  
allows; 752

(4) Attendance by the news media upon request of the victim, 753  
members of the victim's family, the victim's representative, or, 754  
if none of those persons attend, a victims'-rights advocate; 755

(5) Recording of the conference by videotape or other media. 756

**Sec. 2950.01.** As used in this chapter, unless the context 757  
clearly requires otherwise: 758

(A) "Sexually oriented offense" means any of the following 759  
violations or offenses committed by a person, regardless of the 760  
person's age: 761

(1) A violation of section 2907.02, 2907.03, 2907.05, 762  
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 763  
or 2907.323 of the Revised Code; 764

(2) A violation of section 2907.04 of the Revised Code when 765  
the offender is less than four years older than the other person 766  
with whom the offender engaged in sexual conduct, the other person 767  
did not consent to the sexual conduct, and the offender previously 768  
has not been convicted of or pleaded guilty to a violation of 769  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 770  
violation of former section 2907.12 of the Revised Code; 771

(3) A violation of section 2907.04 of the Revised Code when 772  
the offender is at least four years older than the other person 773

with whom the offender engaged in sexual conduct or when the 774  
offender is less than four years older than the other person with 775  
whom the offender engaged in sexual conduct and the offender 776  
previously has been convicted of or pleaded guilty to a violation 777  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 778  
violation of former section 2907.12 of the Revised Code; 779

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 780  
the Revised Code when the violation was committed with a sexual 781  
motivation; 782

(5) A violation of division (A) of section 2903.04 of the 783  
Revised Code when the offender committed or attempted to commit 784  
the felony that is the basis of the violation with a sexual 785  
motivation; 786

(6) A violation of division (A)(3) of section 2903.211 of the 787  
Revised Code; 788

(7) A violation of division (A)(1), (2), (3), or (5) of 789  
section 2905.01 of the Revised Code when the offense is committed 790  
with a sexual motivation; 791

(8) A violation of division (A)(4) of section 2905.01 of the 792  
Revised Code; 793

(9) A violation of division (B) of section 2905.01 of the 794  
Revised Code when the victim of the offense is under eighteen 795  
years of age and the offender is not a parent of the victim of the 796  
offense; 797

(10) A violation of division (B) of section 2903.03, of 798  
division (B) of section 2905.02, of division (B) of section 799  
2905.03, of division (B) of section 2905.05, or of division (B)(5) 800  
of section 2919.22 of the Revised Code; 801

(11) A violation of any former law of this state, any 802  
existing or former municipal ordinance or law of another state or 803

the United States, any existing or former law applicable in a 804  
military court or in an Indian tribal court, or any existing or 805  
former law of any nation other than the United States that is or 806  
was substantially equivalent to any offense listed in division 807  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this 808  
section; 809

(12) Any attempt to commit, conspiracy to commit, or 810  
complicity in committing any offense listed in division (A)(1), 811  
(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this 812  
section. 813

(B)(1) "Sex offender" means, subject to division (B)(2) of 814  
this section, a person who is convicted of, pleads guilty to, has 815  
been convicted of, has pleaded guilty to, is adjudicated a 816  
delinquent child for committing, or has been adjudicated a 817  
delinquent child for committing any sexually oriented offense. 818

(2) "Sex offender" does not include a person who is convicted 819  
of, pleads guilty to, has been convicted of, has pleaded guilty 820  
to, is adjudicated a delinquent child for committing, or has been 821  
adjudicated a delinquent child for committing a sexually oriented 822  
offense if the offense involves consensual sexual conduct or 823  
consensual sexual contact and either of the following applies: 824

(a) The victim of the sexually oriented offense was eighteen 825  
years of age or older and at the time of the sexually oriented 826  
offense was not under the custodial authority of the person who is 827  
convicted of, pleads guilty to, has been convicted of, has pleaded 828  
guilty to, is adjudicated a delinquent child for committing, or 829  
has been adjudicated a delinquent child for committing the 830  
sexually oriented offense. 831

(b) The victim of the offense was thirteen years of age or 832  
older, and the person who is convicted of, pleads guilty to, has 833  
been convicted of, has pleaded guilty to, is adjudicated a 834

delinquent child for committing, or has been adjudicated a 835  
delinquent child for committing the sexually oriented offense is 836  
not more than four years older than the victim. 837

(C) "Child-victim oriented offense" means any of the 838  
following violations or offenses committed by a person, regardless 839  
of the person's age, when the victim is under eighteen years of 840  
age and is not a child of the person who commits the violation: 841

(1) A violation of division (A)(1), (2), (3), or (5) of 842  
section 2905.01 of the Revised Code when the violation is not 843  
included in division (A)(7) of this section; 844

(2) A violation of division (A) of section 2905.02, division 845  
(A) of section 2905.03, or division (A) of section 2905.05 of the 846  
Revised Code; 847

(3) A violation of any former law of this state, any existing 848  
or former municipal ordinance or law of another state or the 849  
United States, any existing or former law applicable in a military 850  
court or in an Indian tribal court, or any existing or former law 851  
of any nation other than the United States that is or was 852  
substantially equivalent to any offense listed in division (C)(1) 853  
or (2) of this section; 854

(4) Any attempt to commit, conspiracy to commit, or 855  
complicity in committing any offense listed in division (C)(1), 856  
(2), or (3) of this section. 857

(D) "Child-victim offender" means a person who is convicted 858  
of, pleads guilty to, has been convicted of, has pleaded guilty 859  
to, is adjudicated a delinquent child for committing, or has been 860  
adjudicated a delinquent child for committing any child-victim 861  
oriented offense. 862

(E) "Tier I sex offender/child-victim offender" means any of 863  
the following: 864

(1) A sex offender who is convicted of, pleads guilty to, has  
been convicted of, or has pleaded guilty to any of the following  
sexually oriented offenses:

(a) A violation of section 2907.06, 2907.07, 2907.08, or  
2907.32 of the Revised Code;

(b) A violation of section 2907.04 of the Revised Code when  
the offender is less than four years older than the other person  
with whom the offender engaged in sexual conduct, the other person  
did not consent to the sexual conduct, and the offender previously  
has not been convicted of or pleaded guilty to a violation of  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a  
violation of former section 2907.12 of the Revised Code;

(c) A violation of division (A)(1), (2), (3), or (5) of  
section 2907.05 of the Revised Code;

(d) A violation of division (A)(3) of section 2907.323 of the  
Revised Code;

(e) A violation of division (A)(3) of section 2903.211, of  
division (B) of section 2905.03, or of division (B) of section  
2905.05 of the Revised Code;

(f) A violation of any former law of this state, any existing  
or former municipal ordinance or law of another state or the  
United States, any existing or former law applicable in a military  
court or in an Indian tribal court, or any existing or former law  
of any nation other than the United States, that is or was  
substantially equivalent to any offense listed in division  
(E)(1)(a), (b), (c), (d), or (e) of this section;

(g) Any attempt to commit, conspiracy to commit, or  
complicity in committing any offense listed in division (E)(1)(a),  
(b), (c), (d), (e), or (f) of this section.

(2) A child-victim offender who is convicted of, pleads

guilty to, has been convicted of, or has pleaded guilty to a 895  
child-victim oriented offense and who is not within either 896  
category of child-victim offender described in division (F)(2) or 897  
(G)(2) of this section. 898

(3) A sex offender who is adjudicated a delinquent child for 899  
committing or has been adjudicated a delinquent child for 900  
committing any sexually oriented offense and who a juvenile court, 901  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 902  
Revised Code, classifies a tier I sex offender/child-victim 903  
offender relative to the offense. 904

(4) A child-victim offender who is adjudicated a delinquent 905  
child for committing or has been adjudicated a delinquent child 906  
for committing any child-victim oriented offense and who a 907  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 908  
2152.85 of the Revised Code, classifies a tier I sex 909  
offender/child-victim offender relative to the offense. 910

(F) "Tier II sex offender/child-victim offender" means any of 911  
the following: 912

(1) A sex offender who is convicted of, pleads guilty to, has 913  
been convicted of, or has pleaded guilty to any of the following 914  
sexually oriented offenses: 915

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 916  
the Revised Code; 917

(b) A violation of section 2907.04 of the Revised Code when 918  
the offender is at least four years older than the other person 919  
with whom the offender engaged in sexual conduct, or when the 920  
offender is less than four years older than the other person with 921  
whom the offender engaged in sexual conduct and the offender 922  
previously has been convicted of or pleaded guilty to a violation 923  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 924  
former section 2907.12 of the Revised Code; 925

(c) A violation of division (A)(4) of section 2907.05 or of 926  
division (A)(1) or (2) of section 2907.323 of the Revised Code; 927

(d) A violation of division (A)(1), (2), (3), or (5) of 928  
section 2905.01 of the Revised Code when the offense is committed 929  
with a sexual motivation; 930

(e) A violation of division (A)(4) of section 2905.01 of the 931  
Revised Code when the victim of the offense is eighteen years of 932  
age or older; 933

(f) A violation of division (B) of section 2905.02 or of 934  
division (B)(5) of section 2919.22 of the Revised Code; 935

(g) A violation of any former law of this state, any existing 936  
or former municipal ordinance or law of another state or the 937  
United States, any existing or former law applicable in a military 938  
court or in an Indian tribal court, or any existing or former law 939  
of any nation other than the United States that is or was 940  
substantially equivalent to any offense listed in division 941  
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 942

(h) Any attempt to commit, conspiracy to commit, or 943  
complicity in committing any offense listed in division (F)(1)(a), 944  
(b), (c), (d), (e), (f), or (g) of this section; 945

(i) Any sexually oriented offense that is committed after the 946  
sex offender previously has been convicted of, pleaded guilty to, 947  
or has been adjudicated a delinquent child for committing any 948  
sexually oriented offense or child-victim oriented offense for 949  
which the offender was classified a tier I sex 950  
offender/child-victim offender. 951

(2) A child-victim offender who is convicted of, pleads 952  
guilty to, has been convicted of, or has pleaded guilty to any 953  
child-victim oriented offense when the child-victim oriented 954  
offense is committed after the child-victim offender previously 955  
has been convicted of, pleaded guilty to, or been adjudicated a 956

delinquent child for committing any sexually oriented offense or 957  
child-victim oriented offense for which the offender was 958  
classified a tier I sex offender/child-victim offender. 959

(3) A sex offender who is adjudicated a delinquent child for 960  
committing or has been adjudicated a delinquent child for 961  
committing any sexually oriented offense and who a juvenile court, 962  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 963  
Revised Code, classifies a tier II sex offender/child-victim 964  
offender relative to the offense. 965

(4) A child-victim offender who is adjudicated a delinquent 966  
child for committing or has been adjudicated a delinquent child 967  
for committing any child-victim oriented offense and whom a 968  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 969  
2152.85 of the Revised Code, classifies a tier II sex 970  
offender/child-victim offender relative to the current offense. 971

(5) A sex offender or child-victim offender who is not in any 972  
category of tier II sex offender/child-victim offender set forth 973  
in division (F)(1), (2), (3), or (4) of this section, who prior to 974  
January 1, 2008, was adjudicated a delinquent child for committing 975  
a sexually oriented offense or child-victim oriented offense, and 976  
who prior to that date was determined to be a habitual sex 977  
offender or determined to be a habitual child-victim offender, 978  
unless either of the following applies: 979

(a) The sex offender or child-victim offender is reclassified 980  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 981  
tier I sex offender/child-victim offender or a tier III sex 982  
offender/child-victim offender relative to the offense. 983

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 984  
2152.84, or 2152.85 of the Revised Code, classifies the child a 985  
tier I sex offender/child-victim offender or a tier III sex 986  
offender/child-victim offender relative to the offense. 987



(G) "Tier III sex offender/child-victim offender" means any 988  
of the following: 989

(1) A sex offender who is convicted of, pleads guilty to, has 990  
been convicted of, or has pleaded guilty to any of the following 991  
sexually oriented offenses: 992

(a) A violation of section 2907.02 or 2907.03 of the Revised 993  
Code; 994

(b) A violation of division (B) of section 2907.05 of the 995  
Revised Code; 996

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 997  
the Revised Code when the violation was committed with a sexual 998  
motivation; 999

(d) A violation of division (A) of section 2903.04 of the 1000  
Revised Code when the offender committed or attempted to commit 1001  
the felony that is the basis of the violation with a sexual 1002  
motivation; 1003

(e) A violation of division (A)(4) of section 2905.01 of the 1004  
Revised Code when the victim of the offense is under eighteen 1005  
years of age; 1006

(f) A violation of division (B) of section 2905.01 of the 1007  
Revised Code when the victim of the offense is under eighteen 1008  
years of age and the offender is not a parent of the victim of the 1009  
offense; 1010

(g) A violation of division (B) of section 2903.03 of the 1011  
Revised Code; 1012

(h) A violation of any former law of this state, any existing 1013  
or former municipal ordinance or law of another state or the 1014  
United States, any existing or former law applicable in a military 1015  
court or in an Indian tribal court, or any existing or former law 1016  
of any nation other than the United States that is or was 1017

substantially equivalent to any offense listed in division 1018  
(G)(1)(a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section; 1019

~~(h)~~(i) Any attempt to commit, conspiracy to commit, or 1020  
complicity in committing any offense listed in division (G)(1)(a), 1021  
(b), (c), (d), (e), (f), ~~or (g)~~, or (h) of this section; 1022

~~(i)~~(j) Any sexually oriented offense that is committed after 1023  
the sex offender previously has been convicted of, pleaded guilty 1024  
to, or been adjudicated a delinquent child for committing any 1025  
sexually oriented offense or child-victim oriented offense for 1026  
which the offender was classified a tier II sex 1027  
offender/child-victim offender or a tier III sex 1028  
offender/child-victim offender. 1029

(2) A child-victim offender who is convicted of, pleads 1030  
guilty to, has been convicted of, or has pleaded guilty to any 1031  
child-victim oriented offense when the child-victim oriented 1032  
offense is committed after the child-victim offender previously 1033  
has been convicted of, pleaded guilty to, or been adjudicated a 1034  
delinquent child for committing any sexually oriented offense or 1035  
child-victim oriented offense for which the offender was 1036  
classified a tier II sex offender/child-victim offender or a tier 1037  
III sex offender/child-victim offender. 1038

(3) A sex offender who is adjudicated a delinquent child for 1039  
committing or has been adjudicated a delinquent child for 1040  
committing any sexually oriented offense and who a juvenile court, 1041  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1042  
Revised Code, classifies a tier III sex offender/child-victim 1043  
offender relative to the offense. 1044

(4) A child-victim offender who is adjudicated a delinquent 1045  
child for committing or has been adjudicated a delinquent child 1046  
for committing any child-victim oriented offense and whom a 1047  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1048

2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented offense, if the sexually oriented offense and the circumstances in which it was committed are such that division (F) of section 2971.03 of the Revised Code automatically classifies the offender as a tier III sex offender/child-victim offender;

(7) A sex offender or child-victim offender who is convicted of, pleads guilty to, was convicted of, pleaded guilty to, is adjudicated a delinquent child for committing, or was adjudicated a delinquent child for committing a sexually oriented offense or

child-victim offense in another state, in a federal court, 1080  
military court, or Indian tribal court, or in a court in any 1081  
nation other than the United States if both of the following 1082  
apply: 1083

(a) Under the law of the jurisdiction in which the offender 1084  
was convicted or pleaded guilty or the delinquent child was 1085  
adjudicated, the offender or delinquent child is in a category 1086  
substantially equivalent to a category of tier III sex 1087  
offender/child-victim offender described in division (G)(1), (2), 1088  
(3), (4), (5), or (6) of this section. 1089

(b) Subsequent to the conviction, plea of guilty, or 1090  
adjudication in the other jurisdiction, the offender or delinquent 1091  
child resides, has temporary domicile, attends school or an 1092  
institution of higher education, is employed, or intends to reside 1093  
in this state in any manner and for any period of time that 1094  
subjects the offender or delinquent child to a duty to register or 1095  
provide notice of intent to reside under section 2950.04 or 1096  
2950.041 of the Revised Code. 1097

(H) "Confinement" includes, but is not limited to, a 1098  
community residential sanction imposed pursuant to section 2929.16 1099  
or 2929.26 of the Revised Code. 1100

(I) "Prosecutor" has the same meaning as in section 2935.01 1101  
of the Revised Code. 1102

(J) "Supervised release" means a release of an offender from 1103  
a prison term, a term of imprisonment, or another type of 1104  
confinement that satisfies either of the following conditions: 1105

(1) The release is on parole, a conditional pardon, under a 1106  
community control sanction, under transitional control, or under a 1107  
post-release control sanction, and it requires the person to 1108  
report to or be supervised by a parole officer, probation officer, 1109  
field officer, or another type of supervising officer. 1110

(2) The release is any type of release that is not described 1111  
in division (J)(1) of this section and that requires the person to 1112  
report to or be supervised by a probation officer, a parole 1113  
officer, a field officer, or another type of supervising officer. 1114

(K) "Sexually violent predator specification," "sexually 1115  
violent predator," "sexually violent offense," "sexual motivation 1116  
specification," "designated homicide, assault, or kidnapping 1117  
offense," and "violent sex offense" have the same meanings as in 1118  
section 2971.01 of the Revised Code. 1119

(L) "Post-release control sanction" and "transitional 1120  
control" have the same meanings as in section 2967.01 of the 1121  
Revised Code. 1122

(M) "Juvenile offender registrant" means a person who is 1123  
adjudicated a delinquent child for committing on or after January 1124  
1, 2002, a sexually oriented offense or a child-victim oriented 1125  
offense, who is fourteen years of age or older at the time of 1126  
committing the offense, and who a juvenile court judge, pursuant 1127  
to an order issued under section 2152.82, 2152.83, 2152.84, 1128  
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 1129  
offender registrant and specifies has a duty to comply with 1130  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1131  
Code. "Juvenile offender registrant" includes a person who prior 1132  
to January 1, 2008, was a "juvenile offender registrant" under the 1133  
definition of the term in existence prior to January 1, 2008, and 1134  
a person who prior to July 31, 2003, was a "juvenile sex offender 1135  
registrant" under the former definition of that former term. 1136

(N) "Public registry-qualified juvenile offender registrant" 1137  
means a person who is adjudicated a delinquent child and on whom a 1138  
juvenile court has imposed a serious youthful offender 1139  
dispositional sentence under section 2152.13 of the Revised Code 1140  
before, on, or after January 1, 2008, and to whom all of the 1141  
following apply: 1142

(1) The person is adjudicated a delinquent child for 1143  
committing, attempting to commit, conspiring to commit, or 1144  
complicity in committing one of the following acts: 1145

(a) A violation of section 2907.02 of the Revised Code, 1146  
division (B) of section 2907.05 of the Revised Code, or section 1147  
2907.03 of the Revised Code if the victim of the violation was 1148  
less than twelve years of age; 1149

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1150  
the Revised Code that was committed with a purpose to gratify the 1151  
sexual needs or desires of the child; 1152

(c) A violation of division (B) of section 2903.03 of the 1153  
Revised Code. 1154

(2) The person was fourteen, fifteen, sixteen, or seventeen 1155  
years of age at the time of committing the act. 1156

(3) A juvenile court judge, pursuant to an order issued under 1157  
section 2152.86 of the Revised Code, classifies the person a 1158  
juvenile offender registrant, specifies the person has a duty to 1159  
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1160  
Code, and classifies the person a public registry-qualified 1161  
juvenile offender registrant, and the classification of the person 1162  
as a public registry-qualified juvenile offender registrant has 1163  
not been terminated pursuant to division (D) of section 2152.86 of 1164  
the Revised Code. 1165

(O) "Secure facility" means any facility that is designed and 1166  
operated to ensure that all of its entrances and exits are locked 1167  
and under the exclusive control of its staff and to ensure that, 1168  
because of that exclusive control, no person who is 1169  
institutionalized or confined in the facility may leave the 1170  
facility without permission or supervision. 1171

(P) "Out-of-state juvenile offender registrant" means a 1172  
person who is adjudicated a delinquent child in a court in another 1173

state, in a federal court, military court, or Indian tribal court, 1174  
or in a court in any nation other than the United States for 1175  
committing a sexually oriented offense or a child-victim oriented 1176  
offense, who on or after January 1, 2002, moves to and resides in 1177  
this state or temporarily is domiciled in this state for more than 1178  
five days, and who has a duty under section 2950.04 or 2950.041 of 1179  
the Revised Code to register in this state and the duty to 1180  
otherwise comply with that applicable section and sections 2950.05 1181  
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1182  
registrant" includes a person who prior to January 1, 2008, was an 1183  
"out-of-state juvenile offender registrant" under the definition 1184  
of the term in existence prior to January 1, 2008, and a person 1185  
who prior to July 31, 2003, was an "out-of-state juvenile sex 1186  
offender registrant" under the former definition of that former 1187  
term. 1188

(Q) "Juvenile court judge" includes a magistrate to whom the 1189  
juvenile court judge confers duties pursuant to division (A)(15) 1190  
of section 2151.23 of the Revised Code. 1191

(R) "Adjudicated a delinquent child for committing a sexually 1192  
oriented offense" includes a child who receives a serious youthful 1193  
offender dispositional sentence under section 2152.13 of the 1194  
Revised Code for committing a sexually oriented offense. 1195

(S) "School" and "school premises" have the same meanings as 1196  
in section 2925.01 of the Revised Code. 1197

(T) "Residential premises" means the building in which a 1198  
residential unit is located and the grounds upon which that 1199  
building stands, extending to the perimeter of the property. 1200  
"Residential premises" includes any type of structure in which a 1201  
residential unit is located, including, but not limited to, 1202  
multi-unit buildings and mobile and manufactured homes. 1203

(U) "Residential unit" means a dwelling unit for residential 1204

use and occupancy, and includes the structure or part of a 1205  
structure that is used as a home, residence, or sleeping place by 1206  
one person who maintains a household or two or more persons who 1207  
maintain a common household. "Residential unit" does not include a 1208  
halfway house or a community-based correctional facility. 1209

(V) "Multi-unit building" means a building in which is 1210  
located more than twelve residential units that have entry doors 1211  
that open directly into the unit from a hallway that is shared 1212  
with one or more other units. A residential unit is not considered 1213  
located in a multi-unit building if the unit does not have an 1214  
entry door that opens directly into the unit from a hallway that 1215  
is shared with one or more other units or if the unit is in a 1216  
building that is not a multi-unit building as described in this 1217  
division. 1218

(W) "Community control sanction" has the same meaning as in 1219  
section 2929.01 of the Revised Code. 1220

(X) "Halfway house" and "community-based correctional 1221  
facility" have the same meanings as in section 2929.01 of the 1222  
Revised Code. 1223

**Sec. 2967.03.** The adult parole authority may exercise its 1224  
functions and duties in relation to the pardon, commutation of 1225  
sentence, or reprieve of a convict upon direction of the governor 1226  
or upon its own initiative. It may exercise its functions and 1227  
duties in relation to the parole of a prisoner who is eligible for 1228  
parole upon the initiative of the head of the institution in which 1229  
the prisoner is confined or upon its own initiative. When a 1230  
prisoner becomes eligible for parole, the head of the institution 1231  
in which the prisoner is confined shall notify the authority in 1232  
the manner prescribed by the authority. The authority may 1233  
investigate and examine, or cause the investigation and 1234  
examination of, prisoners confined in state correctional 1235



institutions concerning their conduct in the institutions, their 1236  
mental and moral qualities and characteristics, their knowledge of 1237  
a trade or profession, their former means of livelihood, their 1238  
family relationships, and any other matters affecting their 1239  
fitness to be at liberty without being a threat to society. 1240

The authority may recommend to the governor the pardon, 1241  
commutation of sentence, medical release, or reprieve of any 1242  
convict or prisoner or grant a parole to any prisoner for whom 1243  
parole is authorized, if in its judgment there is reasonable 1244  
ground to believe that granting a pardon, commutation, medical 1245  
release, or reprieve to the convict or paroling the prisoner would 1246  
further the interests of justice and be consistent with the 1247  
welfare and security of society. However, the authority shall not 1248  
recommend a pardon, commutation of sentence, or medical release 1249  
of, or grant a parole to, any convict or prisoner until the 1250  
authority has complied with the applicable notice requirements of 1251  
sections 2930.16 and 2967.12 of the Revised Code and until it has 1252  
considered any statement made by a victim or a victim's 1253  
representative that is relevant to the convict's or prisoner's 1254  
case and that was sent to the authority pursuant to section 1255  
2930.17 of the Revised Code, any other statement made by a victim 1256  
or a victim's representative that is relevant to the convict's or 1257  
prisoner's case and that was received by the authority after it 1258  
provided notice of the pendency of the action under sections 1259  
2930.16 and 2967.12 of the Revised Code, and any written statement 1260  
of any person submitted to the court pursuant to division ~~(C)~~(I) 1261  
of section 2967.12 of the Revised Code. If a victim, victim's 1262  
representative, or the victim's spouse, parent, sibling, or child 1263  
appears at a full board hearing of the parole board and gives 1264  
testimony as authorized by section 5149.101 of the Revised Code, 1265  
the authority shall consider the testimony in determining whether 1266  
to grant a parole. The trial judge and prosecuting attorney of the 1267  
trial court in which a person was convicted shall furnish to the 1268

authority, at the request of the authority, a summarized statement 1269  
of the facts proved at the trial and of all other facts having 1270  
reference to the propriety of recommending a pardon, commutation, 1271  
or medical release, or granting a parole, together with a 1272  
recommendation for or against a pardon, commutation, medical 1273  
release, or parole, and the reasons for the recommendation. The 1274  
trial judge, the prosecuting attorney, specified law enforcement 1275  
agency members, and a representative of the prisoner may appear at 1276  
a full board hearing of the parole board and give testimony in 1277  
regard to the grant of a parole to the prisoner as authorized by 1278  
section 5149.101 of the Revised Code. All state and local 1279  
officials shall furnish information to the authority, when so 1280  
requested by it in the performance of its duties. 1281

The adult parole authority shall exercise its functions and 1282  
duties in relation to the release of prisoners who are serving a 1283  
stated prison term in accordance with section 2967.28 of the 1284  
Revised Code. 1285

**Sec. 2967.12.** (A) Except as provided in division (G) of this 1286  
section, at least ~~three weeks~~ sixty days before the adult parole 1287  
authority recommends any pardon or commutation of sentence, or 1288  
grants any parole, the authority shall provide a notice of the 1289  
pendency of the pardon, commutation, or parole, setting forth the 1290  
name of the person on whose behalf it is made, the offense of 1291  
which the person was convicted or to which the person pleaded 1292  
guilty, the time of conviction or the guilty plea, and the term of 1293  
the person's sentence, to the prosecuting attorney and the judge 1294  
of the court of common pleas of the county in which the indictment 1295  
against the person was found. If there is more than one judge of 1296  
that court of common pleas, the authority shall provide the notice 1297  
to the presiding judge. The department of rehabilitation and 1298  
correction may utilize electronic means to provide this notice. 1299  
The department of rehabilitation and correction, at the same time 1300

that it provides the notice to the prosecuting attorney and judge 1301  
under this division, also shall post on the database it maintains 1302  
pursuant to section 5120.66 of the Revised Code the offender's 1303  
name and all of the information specified in division 1304  
(A)(1)(c)(iii) of that section. 1305

(B) If a request for notification has been made pursuant to 1306  
section 2930.16 of the Revised Code or if division (H) of this 1307  
section applies, the office of victim services or the adult parole 1308  
authority also shall provide notice to the victim or the victim's 1309  
representative at least ~~three weeks~~ sixty days prior to 1310  
recommending any pardon or commutation of sentence for, or 1311  
granting any parole to, the person. The notice shall include the 1312  
information required by division (A) of this section and may be 1313  
provided by telephone or through electronic means. The notice also 1314  
shall inform the victim or the victim's representative that the 1315  
victim or representative may send a written statement relative to 1316  
the victimization and the pending action to the adult parole 1317  
authority and that, if the authority receives any written 1318  
statement prior to recommending a pardon or commutation or 1319  
granting a parole for a person, the authority will consider the 1320  
statement before it recommends a pardon or commutation or grants a 1321  
parole. If the person is being considered for parole, the notice 1322  
shall inform the victim or the victim's representative that a full 1323  
board hearing of the parole board may be held and that the victim 1324  
or victim's representative may contact the office of victims' 1325  
services for further information. If the person being considered 1326  
for parole was convicted of or pleaded guilty to violating section 1327  
2903.01 or 2903.02 of the Revised Code, the notice shall inform 1328  
the victim of that offense, the victim's representative, or a 1329  
member of the victim's immediate family that the victim, the 1330  
victim's representative, and the victim's immediate family have 1331  
the right to give testimony at a full board hearing of the parole 1332  
board and that the victim or victim's representative may contact 1333

the office of victims' services for further information. As used 1334  
in this division, "the victim's immediate family" means the 1335  
mother, father, spouse, sibling, or child of the victim. 1336

(C) When notice of the pendency of any pardon, commutation of 1337  
sentence, or parole has been provided to a judge or prosecutor or 1338  
posted on the database as required in division (A) of this section 1339  
and a hearing on the pardon, commutation, or parole is continued 1340  
to a date certain, the authority shall provide notice of the 1341  
further consideration of the pardon, commutation, or parole at 1342  
least three weeks before the further consideration. The notice of 1343  
the further consideration shall be provided to the proper judge 1344  
and prosecuting attorney at least three weeks before the further 1345  
consideration, and may be provided using electronic means, and, if 1346  
the initial notice was posted on the database as provided in 1347  
division (A) of this section, the notice of the further 1348  
consideration shall be posted on the database at least three weeks 1349  
before the further consideration. When notice of the pendency of 1350  
any pardon, commutation, or parole has been given as provided in 1351  
division (B) of this section and the hearing on it is continued to 1352  
a date certain, the authority shall give notice of the further 1353  
consideration to the victim or the victim's representative in 1354  
accordance with section 2930.03 of the Revised Code. 1355

(D) In case of an application for the pardon or commutation 1356  
of sentence of a person sentenced to capital punishment, the 1357  
governor may modify the requirements of notification and 1358  
publication if there is not sufficient time for compliance with 1359  
the requirements before the date fixed for the execution of 1360  
sentence. 1361

(E) If an offender is serving a prison term imposed under 1362  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1363  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1364  
Code and if the parole board terminates its control over the 1365

offender's service of that term pursuant to section 2971.04 of the Revised Code, the parole board immediately shall provide written notice of its termination of control or the transfer of control to the entities and persons specified in section 2971.04 of the Revised Code.

(F) The failure of the adult parole authority to comply with the notice or posting provisions of division (A), (B), or (C) of this section or the failure of the parole board to comply with the notice provisions of division (E) of this section do not give any rights or any grounds for appeal or post-conviction relief to the person serving the sentence.

(G) Divisions (A), (B), and (C) of this section do not apply to any release of a person that is of the type described in division (B)(2)(b) of section 5120.031 of the Revised Code.

(H) If a defendant is incarcerated for the commission of an offense of violence that is a felony of the first, second, or third degree, the notices described in divisions (A) and (B) of this section shall be given regardless of whether the victim requested the notice. The adult parole authority shall give similar notice to the law enforcement agency that arrested the defendant and to any other person who requests notification. The authority shall attempt to identify a mailing address for the victim and send notice to that address. The authority may give notice to the law enforcement agency and to other persons who request notice by any reasonable means, including telephone and electronic mail. Division (H) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (H) of this section was enacted, shall be known as "Roberta's Law."

(I) In addition to and independent of the right of a victim 1398  
to make a statement as described in division (A) of this section 1399  
or pursuant to section 2930.17 of the Revised Code or to otherwise 1400  
make a statement, the authority for a judge or prosecuting 1401  
attorney to furnish statements and information, make 1402  
recommendations, and give testimony as described in division (A) 1403  
of this section, the right of a prosecuting attorney, judge, or 1404  
victim to give testimony or submit a statement at a full parole 1405  
board hearing pursuant to section 5149.101 of the Revised Code, 1406  
and any other right or duty of a person to present information or 1407  
make a statement, any person may send to the adult parole 1408  
authority at any time prior to the authority's recommending a 1409  
pardon or commutation or granting a parole for the offender a 1410  
written statement relative to the offense and the pending action. 1411

**Sec. 2967.121.** (A) Subject to division ~~(C)~~(D) of this 1412  
section, at least two weeks before any convict who is serving a 1413  
sentence for committing a felony of the first, second, or third 1414  
degree or who is serving a sentence of life imprisonment is 1415  
released from confinement in any state correctional institution 1416  
pursuant to a pardon, commutation of sentence, parole, or 1417  
completed prison term, the adult parole authority shall provide 1418  
notice of the release to the prosecuting attorney of the county in 1419  
which the indictment of the convict was found. The 1420

~~(B) The notice required by this division (A) of this section~~ 1421  
may be contained in a weekly list of all ~~felons~~ convicts who are 1422  
serving a sentence for a felony of the first, second, or third 1423  
degree or are serving a sentence of life imprisonment and who are 1424  
scheduled for release. ~~The notice~~ 1425

(B) Subject to division (D) of this section, if a convict who 1426  
is serving a sentence for committing a felony of the first, 1427  
second, or third degree or who is serving a sentence of life 1428

imprisonment is released from confinement pursuant to a pardon, 1429  
commutation of sentence, parole, or completed prison term, the 1430  
adult parole authority shall send notice of the release to the 1431  
prosecuting attorney of the county in which the indictment of the 1432  
convict was filed. The notice required by this division shall be 1433  
sent to the appropriate prosecuting attorney at the end of the 1434  
month in which the convict is released and may be contained in a 1435  
monthly list of all convicts who are released in that month and 1436  
for whom this division requires a notice to be sent to that 1437  
prosecuting attorney. 1438

(C) The notices required by divisions (A) and (B) of this 1439  
section shall contain all of the following: 1440

(1) The name of the convict being released; 1441

(2) The date of the convict's release; 1442

(3) The offense for the violation of which the convict was 1443  
convicted and incarcerated; 1444

(4) The date of the convict's conviction pursuant to which 1445  
the convict was incarcerated; 1446

(5) The sentence imposed for that conviction; 1447

(6) The length of any supervision that the convict will be 1448  
under; 1449

(7) The name, business address, and business phone number of 1450  
the convict's supervising officer; 1451

(8) The address at which the convict will reside. 1452

~~(C)~~(D)(1) Divisions (A) ~~and~~, (B), and (C) of this section do 1453  
not apply to the release from confinement of an offender if the 1454  
offender is serving a prison term imposed under division (A)(3), 1455  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1456  
(c), or (d) of section 2971.03 of the Revised Code, if the court 1457  
pursuant to section 2971.05 of the Revised Code modifies the 1458

requirement that the offender serve that entire term in a state 1459  
correctional institution, and if the release from confinement is 1460  
pursuant to that modification. In a case of that type, the court 1461  
that modifies the requirement promptly shall provide written 1462  
notice of the modification and the order that modifies the 1463  
requirement or revises the modification to the offender, the 1464  
department of rehabilitation and correction, the prosecuting 1465  
attorney, and any state agency or political subdivision that is 1466  
affected by the order. 1467

(2) Divisions (A) ~~and~~, (B), and (C) of this section do not 1468  
apply to the release from confinement of an offender if, upon 1469  
admission to the state correctional institution, the offender has 1470  
less than fourteen days to serve on the sentence. 1471

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 1472  
correction, by rule, may establish a transitional control program 1473  
for the purpose of closely monitoring a prisoner's adjustment to 1474  
community supervision during the final one hundred eighty days of 1475  
the prisoner's confinement. If the department establishes a 1476  
transitional control program under this division, the adult parole 1477  
authority may transfer eligible prisoners to transitional control 1478  
status under the program during the final one hundred eighty days 1479  
of their confinement and under the terms and conditions 1480  
established by the department, shall provide for the confinement 1481  
as provided in this division of each eligible prisoner so 1482  
transferred, and shall supervise each eligible prisoner so 1483  
transferred in one or more community control sanctions. Each 1484  
eligible prisoner who is transferred to transitional control 1485  
status under the program shall be confined in a suitable facility 1486  
that is licensed pursuant to division (C) of section 2967.14 of 1487  
the Revised Code, or shall be confined in a residence the 1488  
department has approved for this purpose and be monitored pursuant 1489  
to an electronic monitoring device, as defined in section 2929.01 1490



of the Revised Code. If the department establishes a transitional 1491  
control program under this division, the rules establishing the 1492  
program shall include criteria that define which prisoners are 1493  
eligible for the program, criteria that must be satisfied to be 1494  
approved as a residence that may be used for confinement under the 1495  
program of a prisoner that is transferred to it and procedures for 1496  
the department to approve residences that satisfy those criteria, 1497  
and provisions of the type described in division (C) of this 1498  
section. At a minimum, the criteria that define which prisoners 1499  
are eligible for the program shall provide all of the following: 1500

(a) That a prisoner is eligible for the program if the 1501  
prisoner is serving a prison term or term of imprisonment for an 1502  
offense committed prior to March 17, 1998, and if, at the time at 1503  
which eligibility is being determined, the prisoner would have 1504  
been eligible for a furlough under this section as it existed 1505  
immediately prior to March 17, 1998, or would have been eligible 1506  
for conditional release under former section 2967.23 of the 1507  
Revised Code as that section existed immediately prior to March 1508  
17, 1998; 1509

(b) That no prisoner who is serving a mandatory prison term 1510  
is eligible for the program until after expiration of the 1511  
mandatory term; 1512

(c) That no prisoner who is serving a prison term or term of 1513  
life imprisonment without parole imposed pursuant to section 1514  
2971.03 of the Revised Code is eligible for the program. 1515

(2) At least ~~three weeks~~ sixty days prior to transferring to 1516  
transitional control under this section a prisoner who is serving 1517  
a term of imprisonment or prison term for an offense committed on 1518  
or after July 1, 1996, the adult parole authority shall give 1519  
notice of the pendency of the transfer to transitional control to 1520  
the court of common pleas of the county in which the indictment 1521  
against the prisoner was found and of the fact that the court may 1522

disapprove the transfer of the prisoner to transitional control 1523  
and shall include a report prepared by the head of the state 1524  
correctional institution in which the prisoner is confined. The 1525  
head of the state correctional institution in which the prisoner 1526  
is confined, upon the request of the adult parole authority, shall 1527  
provide to the authority for inclusion in the notice sent to the 1528  
court under this division a report on the prisoner's conduct in 1529  
the institution and in any institution from which the prisoner may 1530  
have been transferred. The report shall cover the prisoner's 1531  
participation in school, vocational training, work, treatment, and 1532  
other rehabilitative activities and any disciplinary action taken 1533  
against the prisoner. If the court disapproves of the transfer of 1534  
the prisoner to transitional control, the court shall notify the 1535  
authority of the disapproval within thirty days after receipt of 1536  
the notice. If the court timely disapproves the transfer of the 1537  
prisoner to transitional control, the authority shall not proceed 1538  
with the transfer. If the court does not timely disapprove the 1539  
transfer of the prisoner to transitional control, the authority 1540  
may transfer the prisoner to transitional control. 1541

(3)(a) If the victim of an offense for which a prisoner was 1542  
sentenced to a prison term or term of imprisonment has requested 1543  
notification under section 2930.16 of the Revised Code and has 1544  
provided the department of rehabilitation and correction with the 1545  
victim's name and address and if division (A)(3)(b) of this 1546  
section applies, the adult parole authority, at least ~~three weeks~~ 1547  
sixty days prior to transferring the prisoner to transitional 1548  
control pursuant to this section, shall notify the victim of the 1549  
pendency of the transfer and of the victim's right to submit a 1550  
statement to the authority regarding the impact of the transfer of 1551  
the prisoner to transitional control. If the victim subsequently 1552  
submits a statement of that nature to the authority, the authority 1553  
shall consider the statement in deciding whether to transfer the 1554  
prisoner to transitional control. 1555

(b) If a prisoner is incarcerated for the commission of an 1556  
offense of violence that is a felony of the first, second, or 1557  
third degree, the notice described in division (A)(3)(a) of this 1558  
section shall be given regardless of whether the victim requested 1559  
notice. The authority shall send the notice by ordinary mail to an 1560  
address previously provided by the victim. If the victim has not 1561  
provided an address, the authority shall attempt to identify a 1562  
mailing address for the victim and send notice to that address. 1563  
Division (A)(3)(b) of this section, and the notice-related 1564  
provisions of divisions (E)(2) and (K) of section 2929.20, 1565  
division (D)(1) of section 2930.16, division (H) of section 1566  
2967.12, division (D)(1) of section 2967.28, and division (A)(2) 1567  
of section 5149.101 of the Revised Code enacted in the act in 1568  
which division (A)(3)(b) of this section was enacted, shall be 1569  
known as "Roberta's Law." 1570

(4) The department of rehabilitation and correction, at least 1571  
~~three weeks~~ sixty days prior to transferring a prisoner to 1572  
transitional control pursuant to this section, shall post on the 1573  
database it maintains pursuant to section 5120.66 of the Revised 1574  
Code the prisoner's name and all of the information specified in 1575  
division (A)(1)(c)(iv) of that section. In addition to and 1576  
independent of the right of a victim to submit a statement as 1577  
described in division (A)(3) of this section or to otherwise make 1578  
a statement and in addition to and independent of any other right 1579  
or duty of a person to present information or make a statement, 1580  
any person may send to the adult parole authority at any time 1581  
prior to the authority's transfer of the prisoner to transitional 1582  
control a written statement regarding the transfer of the prisoner 1583  
to transitional control. In addition to the information, reports, 1584  
and statements it considers under divisions (A)(2) and (3) of this 1585  
section or that it otherwise considers, the authority shall 1586  
consider each statement submitted in accordance with this division 1587  
in deciding whether to transfer the prisoner to transitional 1588

control. 1589

(B) Each prisoner transferred to transitional control under 1590  
this section shall be confined in the manner described in division 1591  
(A) of this section during any period of time that the prisoner is 1592  
not actually working at the prisoner's approved employment, 1593  
engaged in a vocational training or another educational program, 1594  
engaged in another program designated by the director, or engaged 1595  
in other activities approved by the department. 1596

(C) The department of rehabilitation and correction shall 1597  
adopt rules for transferring eligible prisoners to transitional 1598  
control, supervising and confining prisoners so transferred, 1599  
administering the transitional control program in accordance with 1600  
this section, and using the moneys deposited into the transitional 1601  
control fund established under division (E) of this section. 1602

(D) The department of rehabilitation and correction may adopt 1603  
rules for the issuance of passes for the limited purposes 1604  
described in this division to prisoners who are transferred to 1605  
transitional control under this section. If the department adopts 1606  
rules of that nature, the rules shall govern the granting of the 1607  
passes and shall provide for the supervision of prisoners who are 1608  
temporarily released pursuant to one of those passes. Upon the 1609  
adoption of rules under this division, the department may issue 1610  
passes to prisoners who are transferred to transitional control 1611  
status under this section in accordance with the rules and the 1612  
provisions of this division. All passes issued under this division 1613  
shall be for a maximum of forty-eight hours and may be issued only 1614  
for the following purposes: 1615

(1) To visit a relative in imminent danger of death; 1616

(2) To have a private viewing of the body of a deceased 1617  
relative; 1618

(3) To visit with family; 1619

(4) To otherwise aid in the rehabilitation of the prisoner. 1620

(E) The adult parole authority may require a prisoner who is 1621  
transferred to transitional control to pay to the division of 1622  
parole and community services the reasonable expenses incurred by 1623  
the division in supervising or confining the prisoner while under 1624  
transitional control. Inability to pay those reasonable expenses 1625  
shall not be grounds for refusing to transfer an otherwise 1626  
eligible prisoner to transitional control. Amounts received by the 1627  
division of parole and community services under this division 1628  
shall be deposited into the transitional control fund, which is 1629  
hereby created in the state treasury and which hereby replaces and 1630  
succeeds the furlough services fund that formerly existed in the 1631  
state treasury. All moneys that remain in the furlough services 1632  
fund on March 17, 1998, shall be transferred on that date to the 1633  
transitional control fund. The transitional control fund shall be 1634  
used solely to pay costs related to the operation of the 1635  
transitional control program established under this section. The 1636  
director of rehabilitation and correction shall adopt rules in 1637  
accordance with section 111.15 of the Revised Code for the use of 1638  
the fund. 1639

(F) A prisoner who violates any rule established by the 1640  
department of rehabilitation and correction under division (A), 1641  
(C), or (D) of this section may be transferred to a state 1642  
correctional institution pursuant to rules adopted under division 1643  
(A), (C), or (D) of this section, but the prisoner shall receive 1644  
credit towards completing the prisoner's sentence for the time 1645  
spent under transitional control. 1646

If a prisoner is transferred to transitional control under 1647  
this section, upon successful completion of the period of 1648  
transitional control, the prisoner may be released on parole or 1649  
under post-release control pursuant to section 2967.13 or 2967.28 1650  
of the Revised Code and rules adopted by the department of 1651

rehabilitation and correction. If the prisoner is released under 1652  
post-release control, the duration of the post-release control, 1653  
the type of post-release control sanctions that may be imposed, 1654  
the enforcement of the sanctions, and the treatment of prisoners 1655  
who violate any sanction applicable to the prisoner are governed 1656  
by section 2967.28 of the Revised Code. 1657

**Sec. 2967.28.** (A) As used in this section: 1658

(1) "Monitored time" means the monitored time sanction 1659  
specified in section 2929.17 of the Revised Code. 1660

(2) "Deadly weapon" and "dangerous ordnance" have the same 1661  
meanings as in section 2923.11 of the Revised Code. 1662

(3) "Felony sex offense" means a violation of a section 1663  
contained in Chapter 2907. of the Revised Code that is a felony. 1664

(B) Each sentence to a prison term for an offense that is a 1665  
felony of the first degree, ~~for~~ a felony of the second degree, ~~for~~ 1666  
a felony sex offense, or ~~for~~ a felony of the third degree that is 1667  
not a felony sex offense and that is either an offense of violence 1668  
or an offense in the commission of which the offender caused or 1669  
threatened to cause physical harm to a person shall include a 1670  
requirement that the offender be subject to a period of 1671  
post-release control imposed by the parole board after the 1672  
offender's release from imprisonment. If a court imposes a 1673  
sentence including a prison term of a type described in this 1674  
division on or after July 11, 2006, the failure of a sentencing 1675  
court to notify the offender pursuant to division (B)(3)(c) of 1676  
section 2929.19 of the Revised Code of this requirement or to 1677  
include in the judgment of conviction entered on the journal a 1678  
statement that the offender's sentence includes this requirement 1679  
does not negate, limit, or otherwise affect the mandatory period 1680  
of supervision that is required for the offender under this 1681  
division. Section 2929.191 of the Revised Code applies if, prior 1682

to July 11, 2006, a court imposed a sentence including a prison 1683  
term of a type described in this division and failed to notify the 1684  
offender pursuant to division (B)(3)(c) of section 2929.19 of the 1685  
Revised Code regarding post-release control or to include in the 1686  
judgment of conviction entered on the journal or in the sentence 1687  
pursuant to division (F)(1) of section 2929.14 of the Revised Code 1688  
a statement regarding post-release control. Unless reduced by the 1689  
parole board pursuant to division (D) of this section when 1690  
authorized under that division, a period of post-release control 1691  
required by this division for an offender shall be of one of the 1692  
following periods: 1693

(1) For a felony of the first degree ~~or for~~, a felony sex 1694  
offense, or an offense of violence that is a felony of the first, 1695  
second, or third degree, five years; 1696

(2) For a felony of the second degree that is not a felony 1697  
sex offense or an offense of violence, three years; 1698

(3) For a felony of the third degree that is not a felony sex 1699  
offense or an offense of violence and in the commission of which 1700  
the offender caused or threatened physical harm to a person, three 1701  
years. 1702

(C) Any sentence to a prison term for a felony of the third, 1703  
fourth, or fifth degree that is not subject to division (B)(1) or 1704  
(3) of this section shall include a requirement that the offender 1705  
be subject to a period of post-release control of up to three 1706  
years after the offender's release from imprisonment, if the 1707  
parole board, in accordance with division (D) of this section, 1708  
determines that a period of post-release control is necessary for 1709  
that offender. Section 2929.191 of the Revised Code applies if, 1710  
prior to July 11, 2006, a court imposed a sentence including a 1711  
prison term of a type described in this division and failed to 1712  
notify the offender pursuant to division (B)(3)(d) of section 1713  
2929.19 of the Revised Code regarding post-release control or to 1714

include in the judgment of conviction entered on the journal or in 1715  
the sentence pursuant to division (F)(2) of section 2929.14 of the 1716  
Revised Code a statement regarding post-release control. Pursuant 1717  
to an agreement entered into under section 2967.29 of the Revised 1718  
Code, a court of common pleas or parole board may impose sanctions 1719  
or conditions on an offender who is placed on post-release control 1720  
under this division. 1721

(D)(1) Before the prisoner is released from imprisonment, the 1722  
parole board or, pursuant to an agreement under section 2967.29 of 1723  
the Revised Code, the court shall impose upon a prisoner described 1724  
in division (B) of this section, may impose upon a prisoner 1725  
described in division (C) of this section, and shall impose upon a 1726  
prisoner described in division (B)(2)(b) of section 5120.031 or in 1727  
division (B)(1) of section 5120.032 of the Revised Code, one or 1728  
more post-release control sanctions to apply during the prisoner's 1729  
period of post-release control. Whenever the board or court 1730  
imposes one or more post-release control sanctions upon a 1731  
prisoner, the board or court, in addition to imposing the 1732  
sanctions, also shall include as a condition of the post-release 1733  
control that the offender not leave the state without permission 1734  
of the court or the offender's parole or probation officer and 1735  
that the offender abide by the law. The board or court may impose 1736  
any other conditions of release under a post-release control 1737  
sanction that the board or court considers appropriate, and the 1738  
conditions of release may include any community residential 1739  
sanction, community nonresidential sanction, or financial sanction 1740  
that the sentencing court was authorized to impose pursuant to 1741  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 1742  
to the release of a prisoner for whom it will impose one or more 1743  
post-release control sanctions under this division, the parole 1744  
board or court shall review the prisoner's criminal history, all 1745  
juvenile court adjudications finding the prisoner, while a 1746  
juvenile, to be a delinquent child, and the record of the 1747



prisoner's conduct while imprisoned. The parole board or court 1748  
shall consider any recommendation regarding post-release control 1749  
sanctions for the prisoner made by the office of victims' 1750  
services. After considering those materials, the board or court 1751  
shall determine, for a prisoner described in division (B) of this 1752  
section, division (B)(2)(b) of section 5120.031, or division 1753  
(B)(1) of section 5120.032 of the Revised Code, which post-release 1754  
control sanction or combination of post-release control sanctions 1755  
is reasonable under the circumstances or, for a prisoner described 1756  
in division (C) of this section, whether a post-release control 1757  
sanction is necessary and, if so, which post-release control 1758  
sanction or combination of post-release control sanctions is 1759  
reasonable under the circumstances. In the case of a prisoner 1760  
convicted of a felony of the fourth or fifth degree other than a 1761  
felony sex offense, the board or court shall presume that 1762  
monitored time is the appropriate post-release control sanction 1763  
unless the board or court determines that a more restrictive 1764  
sanction is warranted. A post-release control sanction imposed 1765  
under this division takes effect upon the prisoner's release from 1766  
imprisonment. 1767

Regardless of whether the prisoner was sentenced to the 1768  
prison term prior to, on, or after July 11, 2006, prior to the 1769  
release of a prisoner for whom it will impose one or more 1770  
post-release control sanctions under this division, the parole 1771  
board shall notify the prisoner that, if the prisoner violates any 1772  
sanction so imposed or any condition of post-release control 1773  
described in division (B) of section 2967.131 of the Revised Code 1774  
that is imposed on the prisoner, the parole board may impose a 1775  
prison term of up to one-half of the stated prison term originally 1776  
imposed upon the prisoner. 1777

At least thirty days before the prisoner is released from 1778  
imprisonment, the department of rehabilitation and correction 1779

shall send notice by ordinary mail to the victim, the victim's 1780  
family, the prosecuting attorney in the case, the law enforcement 1781  
agency that arrested the prisoner, and any other person who 1782  
requests notification of the date on which the prisoner will be 1783  
released, the period for which the prisoner will be under parole 1784  
or post-release control supervision, and the terms and conditions 1785  
of the prisoner's parole or post-release control. This paragraph, 1786  
and the notice-related provisions of divisions (E)(2) and (K) of 1787  
section 2929.20, division (D)(1) of section 2930.16, division (H) 1788  
of section 2967.12, division (A)(3)(b) of section 2967.26, and 1789  
division (A)(2) of section 5149.101 of the Revised Code enacted in 1790  
the act in which this paragraph was enacted, shall be known as 1791  
"Roberta's Law." 1792

(2) At any time after a prisoner is released from 1793  
imprisonment and during the period of post-release control 1794  
applicable to the releasee, the adult parole authority or, 1795  
pursuant to an agreement under section 2967.29 of the Revised 1796  
Code, the court may review the releasee's behavior under the 1797  
post-release control sanctions imposed upon the releasee under 1798  
this section. The authority or court may determine, based upon the 1799  
review and in accordance with the standards established under 1800  
division (E) of this section, that a more restrictive or a less 1801  
restrictive sanction is appropriate and may impose a different 1802  
sanction. The authority also may recommend that the parole board 1803  
or court increase or reduce the duration of the period of 1804  
post-release control imposed by the court. If the authority 1805  
recommends that the board or court increase the duration of 1806  
post-release control, the board or court shall review the 1807  
releasee's behavior and may increase the duration of the period of 1808  
post-release control imposed by the court up to eight years. If 1809  
the authority recommends that the board or court reduce the 1810  
duration of control for an offense described in division (B) or 1811  
(C) of this section, the board or court shall review the 1812

releasee's behavior and may reduce the duration of the period of 1813  
control imposed by the court. In no case shall the board or court 1814  
reduce the duration of the period of control imposed for an 1815  
offense described in division (B)(1) of this section to a period 1816  
less than the length of the stated prison term originally imposed, 1817  
and in no case shall the board or court permit the releasee to 1818  
leave the state without permission of the court or the releasee's 1819  
parole or probation officer. 1820

(E) The department of rehabilitation and correction, in 1821  
accordance with Chapter 119. of the Revised Code, shall adopt 1822  
rules that do all of the following: 1823

(1) Establish standards for the imposition by the parole 1824  
board of post-release control sanctions under this section that 1825  
are consistent with the overriding purposes and sentencing 1826  
principles set forth in section 2929.11 of the Revised Code and 1827  
that are appropriate to the needs of releasees; 1828

(2) Establish standards by which the parole board can 1829  
determine which prisoners described in division (C) of this 1830  
section should be placed under a period of post-release control; 1831

(3) Establish standards to be used by the parole board in 1832  
reducing the duration of the period of post-release control 1833  
imposed by the court when authorized under division (D) of this 1834  
section, in imposing a more restrictive post-release control 1835  
sanction than monitored time upon a prisoner convicted of a felony 1836  
of the fourth or fifth degree other than a felony sex offense, or 1837  
in imposing a less restrictive control sanction upon a releasee 1838  
based on the releasee's activities including, but not limited to, 1839  
remaining free from criminal activity and from the abuse of 1840  
alcohol or other drugs, successfully participating in approved 1841  
rehabilitation programs, maintaining employment, and paying 1842  
restitution to the victim or meeting the terms of other financial 1843  
sanctions; 1844

(4) Establish standards to be used by the adult parole 1845  
authority in modifying a releasee's post-release control sanctions 1846  
pursuant to division (D)(2) of this section; 1847

(5) Establish standards to be used by the adult parole 1848  
authority or parole board in imposing further sanctions under 1849  
division (F) of this section on releasees who violate post-release 1850  
control sanctions, including standards that do the following: 1851

(a) Classify violations according to the degree of 1852  
seriousness; 1853

(b) Define the circumstances under which formal action by the 1854  
parole board is warranted; 1855

(c) Govern the use of evidence at violation hearings; 1856

(d) Ensure procedural due process to an alleged violator; 1857

(e) Prescribe nonresidential community control sanctions for 1858  
most misdemeanor and technical violations; 1859

(f) Provide procedures for the return of a releasee to 1860  
imprisonment for violations of post-release control. 1861

(F)(1) Whenever the parole board imposes one or more 1862  
post-release control sanctions upon an offender under this 1863  
section, the offender upon release from imprisonment shall be 1864  
under the general jurisdiction of the adult parole authority and 1865  
generally shall be supervised by the field services section 1866  
through its staff of parole and field officers as described in 1867  
section 5149.04 of the Revised Code, as if the offender had been 1868  
placed on parole. If the offender upon release from imprisonment 1869  
violates the post-release control sanction or any conditions 1870  
described in division (A) of section 2967.131 of the Revised Code 1871  
that are imposed on the offender, the public or private person or 1872  
entity that operates or administers the sanction or the program or 1873  
activity that comprises the sanction shall report the violation 1874

directly to the adult parole authority or to the officer of the 1875  
authority who supervises the offender. The authority's officers 1876  
may treat the offender as if the offender were on parole and in 1877  
violation of the parole, and otherwise shall comply with this 1878  
section. 1879

(2) If the adult parole authority or, pursuant to an 1880  
agreement under section 2967.29 of the Revised Code, the court 1881  
determines that a releasee has violated a post-release control 1882  
sanction or any conditions described in division (A) of section 1883  
2967.131 of the Revised Code imposed upon the releasee and that a 1884  
more restrictive sanction is appropriate, the authority or court 1885  
may impose a more restrictive sanction upon the releasee, in 1886  
accordance with the standards established under division (E) of 1887  
this section or in accordance with the agreement made under 1888  
section 2967.29 of the Revised Code, or may report the violation 1889  
to the parole board for a hearing pursuant to division (F)(3) of 1890  
this section. The authority or court may not, pursuant to this 1891  
division, increase the duration of the releasee's post-release 1892  
control or impose as a post-release control sanction a residential 1893  
sanction that includes a prison term, but the authority or court 1894  
may impose on the releasee any other residential sanction, 1895  
nonresidential sanction, or financial sanction that the sentencing 1896  
court was authorized to impose pursuant to sections 2929.16, 1897  
2929.17, and 2929.18 of the Revised Code. 1898

(3) The parole board or, pursuant to an agreement under 1899  
section 2967.29 of the Revised Code, the court may hold a hearing 1900  
on any alleged violation by a releasee of a post-release control 1901  
sanction or any conditions described in division (A) of section 1902  
2967.131 of the Revised Code that are imposed upon the releasee. 1903  
If after the hearing the board or court finds that the releasee 1904  
violated the sanction or condition, the board or court may 1905  
increase the duration of the releasee's post-release control up to 1906

the maximum duration authorized by division (B) or (C) of this 1907  
section or impose a more restrictive post-release control 1908  
sanction. When appropriate, the board or court may impose as a 1909  
post-release control sanction a residential sanction that includes 1910  
a prison term. The board or court shall consider a prison term as 1911  
a post-release control sanction imposed for a violation of 1912  
post-release control when the violation involves a deadly weapon 1913  
or dangerous ordnance, physical harm or attempted serious physical 1914  
harm to a person, or sexual misconduct, or when the releasee 1915  
committed repeated violations of post-release control sanctions. 1916  
Unless a releasee's stated prison term was reduced pursuant to 1917  
section 5120.032 of the Revised Code, the period of a prison term 1918  
that is imposed as a post-release control sanction under this 1919  
division shall not exceed nine months, and the maximum cumulative 1920  
prison term for all violations under this division shall not 1921  
exceed one-half of the stated prison term originally imposed upon 1922  
the offender as part of this sentence. If a releasee's stated 1923  
prison term was reduced pursuant to section 5120.032 of the 1924  
Revised Code, the period of a prison term that is imposed as a 1925  
post-release control sanction under this division and the maximum 1926  
cumulative prison term for all violations under this division 1927  
shall not exceed the period of time not served in prison under the 1928  
sentence imposed by the court. The period of a prison term that is 1929  
imposed as a post-release control sanction under this division 1930  
shall not count as, or be credited toward, the remaining period of 1931  
post-release control. 1932

If an offender is imprisoned for a felony committed while 1933  
under post-release control supervision and is again released on 1934  
post-release control for a period of time determined by division 1935  
(F)(4)(d) of this section, the maximum cumulative prison term for 1936  
all violations under this division shall not exceed one-half of 1937  
the total stated prison terms of the earlier felony, reduced by 1938  
any prison term administratively imposed by the parole board or 1939

court, plus one-half of the total stated prison term of the new 1940  
felony. 1941

(4) Any period of post-release control shall commence upon an 1942  
offender's actual release from prison. If an offender is serving 1943  
an indefinite prison term or a life sentence in addition to a 1944  
stated prison term, the offender shall serve the period of 1945  
post-release control in the following manner: 1946

(a) If a period of post-release control is imposed upon the 1947  
offender and if the offender also is subject to a period of parole 1948  
under a life sentence or an indefinite sentence, and if the period 1949  
of post-release control ends prior to the period of parole, the 1950  
offender shall be supervised on parole. The offender shall receive 1951  
credit for post-release control supervision during the period of 1952  
parole. The offender is not eligible for final release under 1953  
section 2967.16 of the Revised Code until the post-release control 1954  
period otherwise would have ended. 1955

(b) If a period of post-release control is imposed upon the 1956  
offender and if the offender also is subject to a period of parole 1957  
under an indefinite sentence, and if the period of parole ends 1958  
prior to the period of post-release control, the offender shall be 1959  
supervised on post-release control. The requirements of parole 1960  
supervision shall be satisfied during the post-release control 1961  
period. 1962

(c) If an offender is subject to more than one period of 1963  
post-release control, the period of post-release control for all 1964  
of the sentences shall be the period of post-release control that 1965  
expires last, as determined by the parole board or court. Periods 1966  
of post-release control shall be served concurrently and shall not 1967  
be imposed consecutively to each other. 1968

(d) The period of post-release control for a releasee who 1969  
commits a felony while under post-release control for an earlier 1970

felony shall be the longer of the period of post-release control 1971  
specified for the new felony under division (B) or (C) of this 1972  
section or the time remaining under the period of post-release 1973  
control imposed for the earlier felony as determined by the parole 1974  
board or court. 1975

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 1976  
but not before January 1, 2006, the department of rehabilitation 1977  
and correction shall establish and operate on the internet a 1978  
database that contains all of the following: 1979

(1) For each inmate in the custody of the department under a 1980  
sentence imposed for a conviction of or plea of guilty to any 1981  
offense, all of the following information: 1982

(a) The inmate's name; 1983

(b) For each offense for which the inmate was sentenced to a 1984  
prison term or term of imprisonment and is in the department's 1985  
custody, the name of the offense, the Revised Code section of 1986  
which the offense is a violation, the gender of each victim of the 1987  
offense if those facts are known, whether each victim of the 1988  
offense was an adult or child if those facts are known, the range 1989  
of the possible prison terms or term of imprisonment that could 1990  
have been imposed for the offense, the actual prison term or term 1991  
of imprisonment imposed for the offense, the county in which the 1992  
offense was committed, the date on which the inmate began serving 1993  
the prison term or term of imprisonment imposed for the offense, 1994  
and either the date on which the inmate will be eligible for 1995  
parole relative to the offense if the prison term or term of 1996  
imprisonment is an indefinite term or life term or the date on 1997  
which the term ends if the prison term is a definite term; 1998

(c) All of the following information that is applicable 1999  
regarding the inmate: 2000



(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release, the date of the hearing, and the right of any person pursuant to division (J) of that section to submit to the court a written statement regarding the possible judicial release;

(ii) If the inmate is serving a prison term pursuant to 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, prior to the conduct of any hearing pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the inmate serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section, notice of the fact that the inmate will be having a hearing regarding those determinations and of the date of the hearing;

(iii) At least ~~three weeks~~ sixty days before the adult parole authority recommends a pardon or commutation of sentence for the inmate or at least ~~three weeks~~ sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the inmate in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the fact that the inmate might be under consideration for a pardon or commutation of sentence or will be having a hearing regarding a possible grant of parole, of the date of any hearing regarding a possible grant of parole, and of the right of any person to submit a written statement regarding the pending action;

(iv) At least ~~three weeks~~ sixty days before the inmate is transferred to transitional control under section 2967.26 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the pendency of the transfer, of the date of the possible transfer, and of the right of any person to submit a statement regarding the possible transfer;

(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape;

(vi) Notice of the inmate's death while in confinement;

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release;

(viii) Notice of the inmate's judicial release.

(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section.

(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current.

(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.

(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the

database in addition to the information described in that 2063  
division. 2064

(4) No information included on the database required under 2065  
division (A) of this section shall identify or enable the 2066  
identification of any victim of any offense committed by an 2067  
inmate. 2068

(C) For ten years after the final discharge of an inmate who 2069  
was imprisoned for the commission of an offense of violence that 2070  
is a felony of the first, second, or third degree, the department 2071  
shall keep on the database required under division (A) of this 2072  
section all the information that it is required to include on the 2073  
database relative to the inmate. 2074

(D) The failure of the department to comply with the 2075  
requirements of division (A) or (B) of this section does not give 2076  
any rights or any grounds for appeal or post-conviction relief to 2077  
any inmate. 2078

~~(D)~~(E) This section, and the related provisions of sections 2079  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 2080  
in the act in which this section was enacted, shall be known as 2081  
"Laura's Law." 2082

**Sec. 5149.07.** The department of rehabilitation and correction 2083  
shall maintain central files and records pertaining to the work of 2084  
the adult parole authority, and shall coordinate the department's 2085  
record-keeping with that of the adult parole authority. 2086  
Additionally, the department shall not later than the first Monday 2087  
of January of odd-numbered years prepare and submit to the 2088  
governor for ~~his~~ the governor's approval and signature a written 2089  
report showing each case of pardon, commutation, or reprieve 2090  
granted during the preceding biennium, stating the name and crime 2091  
of the convict or prisoner, the sentence, its date, and the date 2092  
of the clemency action, together with the reasons listed therefor 2093

in the governor's clemency record. The report shall conform to the 2094  
requirements of Section 11 of Article III, Ohio Constitution. 2095

2096

The department shall conduct research relative to the 2097  
functioning of clemency, probation, and parole as part of the 2098  
adult corrections program in this state, which research shall be 2099  
designed to yield information upon which the division of parole 2100  
and community services, the department of rehabilitation and 2101  
correction, the governor, and the general assembly can base policy 2102  
decisions. 2103

At the end of each quarter, the department shall submit to 2104  
the chairpersons of the committees of the senate and the house of 2105  
representatives that consider criminal justice legislation a 2106  
report on the number and results of parole hearings conducted 2107  
during the quarter and a list of persons incarcerated for 2108  
committing offenses of violence who were granted parole and a 2109  
summary of the terms and conditions of their parole. The 2110  
department shall provide the committees with any documentation 2111  
related to the reports that members of the committees may request. 2112

Upon request, the department shall provide a detailed 2113  
statement, supported by documentation, of the reasons why a 2114  
particular prisoner was granted parole to the law enforcement 2115  
agency that arrested the prisoner, the prosecuting attorney who 2116  
prosecuted the case, or any person who is a member of the general 2117  
assembly at the time the person makes the request. 2118

**Sec. 5149.10.** (A) The parole board shall consist of up to 2119  
twelve members, one of whom shall be designated as chairperson by 2120  
the director of the department of rehabilitation and correction 2121  
and who shall continue as chairperson until a successor is 2122  
designated, and any other personnel that are necessary for the 2123  
orderly performance of the duties of the board. In addition to the 2124

rules authorized by section 5149.02 of the Revised Code, the chief 2125  
of the adult parole authority, subject to the approval of the 2126  
chief of the division of parole and community services and subject 2127  
to this section, shall adopt rules governing the proceedings of 2128  
the parole board. The rules shall provide for the convening of 2129  
full board hearings, the procedures to be followed in full board 2130  
hearings, and general procedures to be followed in other hearings 2131  
of the board and by the board's hearing officers. The rules shall 2132  
prohibit the board from considering sentences in effect on and 2133  
after July 1, 1996, in making determinations relative to the 2134  
release of an inmate who is imprisoned for an offense committed 2135  
before July 1, 1996. The rules also shall require agreement by a 2136  
majority of all the board members to any recommendation of 2137  
clemency transmitted to the governor. 2138

When the board members sit as a full board, the chairperson 2139  
shall preside. The chairperson shall also allocate the work of the 2140  
parole board among the board members. The full board shall meet at 2141  
least once each month. In the case of a tie vote on the full 2142  
board, the chief of the adult parole authority shall cast the 2143  
deciding vote. The chairperson may designate a person to serve in 2144  
the chairperson's place. 2145

Except as otherwise provided in division (B) of this section, 2146  
no person shall be appointed a member of the board who is not 2147  
qualified by education or experience in correctional work, 2148  
including law enforcement, prosecution of offenses, advocating for 2149  
the rights of victims of crime, probation, or parole, in law, in 2150  
social work, or in a combination of the three categories. 2151

(B) The director of rehabilitation and correction, in 2152  
consultation with the governor, shall appoint one member of the 2153  
board, who shall be a person who has been a victim of crime or who 2154  
is a member of a victim's family or who represents an organization 2155  
that advocates for the rights of victims of crime. After 2156

appointment, this member shall be an unclassified employee of the 2157  
department of rehabilitation and correction. 2158

The initial appointment shall be for a term ending four years 2159  
after July 1, 1996. Thereafter, the term of office of the member 2160  
appointed under this division shall be for four years, with each 2161  
term ending on the same day of the same month as did the term that 2162  
it succeeds. The member shall hold office from the date of 2163  
appointment until the end of the term for which the member was 2164  
appointed and may be reappointed. Vacancies shall be filled in the 2165  
manner provided for original appointments. Any member appointed 2166  
under this division to fill a vacancy occurring prior to the 2167  
expiration date of the term for which the member's predecessor was 2168  
appointed shall hold office as a member for the remainder of that 2169  
term. The member appointed under this division shall continue in 2170  
office subsequent to the expiration date of the member's term 2171  
until the member's successor takes office or until a period of 2172  
sixty days has elapsed, whichever occurs first. 2173

The member appointed under this division shall be compensated 2174  
in the same manner as other board members and shall be reimbursed 2175  
for actual and necessary expenses incurred in the performance of 2176  
the ~~members'~~ member's duties. The member may vote on all cases 2177  
heard by the full board under section 5149.101 of the Revised 2178  
Code, has such duties as are assigned by the chairperson of the 2179  
board, and shall coordinate the member's activities with the 2180  
office of victims' services created under section 5120.60 of the 2181  
Revised Code. 2182

As used in this division, "crime," "member of the victim's 2183  
family," and "victim" have the meanings given in section 2930.01 2184  
of the Revised Code. 2185

(C) The chairperson shall submit all recommendations for or 2186  
against clemency directly to the governor. 2187

(D) The chairperson shall transmit to the chief of the adult 2188  
parole authority all determinations for or against parole made by 2189  
the board. Parole determinations are final and are not subject to 2190  
review or change by the chief. 2191

(E) In addition to its duties pertaining to parole and 2192  
clemency, if an offender is sentenced to a prison term pursuant to 2193  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 2194  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2195  
Code, the parole board shall have control over the offender's 2196  
service of the prison term during the entire term unless the board 2197  
terminates its control in accordance with section 2971.04 of the 2198  
Revised Code. The parole board may terminate its control over the 2199  
offender's service of the prison term only in accordance with 2200  
section 2971.04 of the Revised Code. 2201

**Sec. 5149.101.** (A)(1) A board hearing officer, a board 2202  
member, or the office of victims' services may petition the board 2203  
for a full board hearing that relates to the proposed parole or 2204  
re-parole of a prisoner. At a meeting of the board at which a 2205  
majority of board members are present, the majority of those 2206  
present shall determine whether a full board hearing shall be 2207  
held. 2208

(2) A victim of ~~a violation of section 2903.01 or 2903.02 of~~ 2209  
~~the Revised Code~~ an offense of violence that is a felony of the 2210  
first, second, or third degree, the victim's representative, or 2211  
any person described in division (B)(5) of this section may 2212  
request the board hold a full board hearing that relates to the 2213  
proposed parole or re-parole of the person that committed the 2214  
violation. If a victim, victim's representative, or other person 2215  
requests a full board hearing pursuant to this division, the board 2216  
shall hold a full board hearing. 2217

At least thirty days before the full hearing, the board shall 2218

send notice of the date, time, and place of the hearing by 2219  
ordinary mail to the victim, the victim's family, the prosecuting 2220  
attorney in the case, and the law enforcement agency that arrested 2221  
the prisoner. The authority shall send the notice to the victim 2222  
and the victim's family to addresses previously provided by them. 2223  
If the victim or victim's family has not provided an address, the 2224  
authority shall attempt to identify a mailing address for the 2225  
victim or victim's family and send notice to that address. This 2226  
paragraph, and the notice-related provisions of divisions (E)(2) 2227  
and (K) of section 2929.20, division (D)(1) of section 2930.16, 2228  
division (H) of section 2967.12, division (A)(3)(b) of section 2229  
2967.26, and division (D)(1) of section 2967.28 of the Revised 2230  
Code enacted in the act in which this paragraph was enacted, shall 2231  
be known as "Roberta's Law." 2232

(B) At a full board hearing that relates to the proposed 2233  
parole or re-parole of a prisoner and that has been petitioned for 2234  
or requested in accordance with division (A) of this section, the 2235  
parole board shall permit the following persons to appear and to 2236  
give testimony or to submit written statements: 2237

(1) The prosecuting attorney of the county in which the 2238  
original indictment against the prisoner was found and members of 2239  
any law enforcement agency that assisted in the prosecution of the 2240  
original offense; 2241

(2) The judge of the court of common pleas who imposed the 2242  
original sentence of incarceration upon the prisoner, or the 2243  
judge's successor; 2244

(3) The victim of the original offense for which the prisoner 2245  
is serving the sentence or the victim's representative designated 2246  
pursuant to section 2930.02 of the Revised Code; 2247

(4) The victim of any behavior that resulted in parole being 2248  
revoked; 2249



(5) With respect to a full board hearing held pursuant to 2250  
division (A)(2) of this section, all of the following: 2251

(a) The spouse of the victim of the original offense; 2252

(b) The parent or parents of the victim of the original 2253  
offense; 2254

(c) The sibling of the victim of the original offense; 2255

(d) The child or children of the victim of the original 2256  
offense. 2257

(6) Counsel or some other person designated by the prisoner 2258  
as a representative, as described in division (C) of this section. 2259

(C) Except as otherwise provided in this division, a full 2260  
board hearing of the parole board is not subject to section 121.22 2261  
of the Revised Code. The persons who may attend a full board 2262  
hearing are the persons described in divisions (B)(1) to (6) of 2263  
this section, and representatives of the press, radio and 2264  
television stations, and broadcasting networks who are members of 2265  
a generally recognized professional media organization. 2266

At the request of a person described in division (B)(3) of 2267  
this section, representatives of the news media described in this 2268  
division shall be excluded from the hearing while that person is 2269  
giving testimony at the hearing. The prisoner being considered for 2270  
parole has no right to be present at the hearing, but may be 2271  
represented by counsel or some other person designated by the 2272  
prisoner. 2273

If there is an objection at a full board hearing to a 2274  
recommendation for the parole of a prisoner, the board may approve 2275  
or disapprove the recommendation or defer its decision until a 2276  
subsequent full board hearing. The board may permit interested 2277  
persons other than those listed in this division and division (B) 2278  
of this section to attend full board hearings pursuant to rules 2279

adopted by the adult parole authority. 2280

(D) If the victim of the original offense died as a result of 2281  
the offense and the offense was an offense of violence that is a 2282  
felony of the first, second, or third degree, the family of the 2283  
victim may show at a full board hearing a video recording not 2284  
exceeding five minutes in length memorializing the victim. 2285

(E) The adult parole authority shall adopt rules for the 2286  
implementation of this section. The rules shall specify reasonable 2287  
restrictions on the number of media representatives that may 2288  
attend a hearing, based on considerations of space, and other 2289  
procedures designed to accomplish an effective, orderly process 2290  
for full board hearings. 2291

**Section 2.** That existing sections 2152.86, 2903.03, 2929.20, 2292  
2930.03, 2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2293  
2967.26, 2967.28, 5120.66, 5149.07, 5149.10, and 5149.101 of the 2294  
Revised Code are hereby repealed. 2295

**Section 3.** Section 2929.20 of the Revised Code is presented 2296  
in this act as a composite of the section as amended by both Am. 2297  
Sub. H.B. 130 and Sub. S.B. 108 of the 127th General Assembly. The 2298  
General Assembly, applying the principle stated in division (B) of 2299  
section 1.52 of the Revised Code that amendments are to be 2300  
harmonized if reasonably capable of simultaneous operation, finds 2301  
that the composite is the resulting version of the section in 2302  
effect prior to the effective date of the section as presented in 2303  
this act. 2304