

## **As Passed by the House**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. Sub. S. B. No. 160**

**Senators Bacon, Hughes**

**Cosponsors: Senators Patton, Wagoner, Faber, Balderson, Beagle, Brown,  
Burke, Cafaro, Coley, Eklund, Gentile, Hite, Kearney, Lehner, Manning,  
Niehaus, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Seitz, Turner,  
Widener**

**Representatives Conditt, Bupp, Garland, Hayes, Lynch, Pillich, Adams, R.,  
Antonio, Barnes, Beck, Blair, Blessing, Brenner, Buchy, Carney, Celebrezze,  
Celeste, Cera, Clyde, Combs, Derickson, DeVitis, Driehaus, Fedor, Foley,  
Grossman, Hackett, Hagan, C., Hall, Heard, Hill, Hottinger, Huffman,  
Johnson, Landis, Letson, Maag, Mallory, McClain, McGregor, Milkovich,  
Murray, Newbold, O'Brien, Okey, Pelanda, Phillips, Ramos, Ruhl, Scherer,  
Sears, Slesnick, Smith, Sprague, Stinziano, Sykes, Szollosi, Terhar,  
Thompson, Uecker, Winburn, Young, Yuko Speaker Batchelder**

**—**

## **A B I L L**

To amend sections 2152.86, 2717.01, 2903.03, 2929.13,	1
2929.20, 2930.03, 2930.06, 2930.16, 2950.01,	2
2951.041, 2953.08, 2967.03, 2967.12, 2967.121,	3
2967.19, 2967.26, 2967.28, 2971.04, 2971.05,	4
5120.66, 5149.07, and 5149.101 of the Revised Code	5
to require automatic notice to victims of	6
aggravated murder, murder, first, second, or third	7
degree felony offenses of violence, or offenses	8
punishable by a sentence of life imprisonment of	9
certain prisoner or alleged juvenile offender	10
release or transfer proceedings unless the victim	11

has requested that the notice not be provided; to 12  
expand victim participation in parole hearings; to 13  
require the Department of Rehabilitation and 14  
Correction to provide certain information related 15  
to paroles to designated public officials; to 16  
require the Department to notify the appropriate 17  
prosecuting attorney when a felon serving a 18  
specified sentence is released pursuant to a 19  
pardon, commutation of sentence, parole, or 20  
completed prison term; to require that the 21  
Department, in cases in which a prosecuting 22  
attorney currently is notified that a Department 23  
prisoner is being considered for an early release 24  
or a specified type of transfer to a less 25  
restrictive setting, provide the prosecuting 26  
attorney and any law enforcement agency, upon 27  
request, with an institutional summary report 28  
prepared with respect to the prisoner; to make 29  
other changes related to the release of prisoners 30  
and victim's rights; to provide that voluntary 31  
manslaughter committed with a sexual motivation is 32  
a sexually oriented offense, makes an offender or 33  
juvenile offender registrant who commits it a tier 34  
III sex offender/child-victim offender, and may 35  
qualify a juvenile offender registrant who commits 36  
it as a public registry-qualified juvenile 37  
offender registrant; to waive the notice by 38  
publication requirement for a change of name if 39  
the applicant submits proof that the publication 40  
would jeopardize the applicant's personal safety; 41  
to revise the sentencing options for fourth and 42  
fifth degree felonies; and to name the victim and 43  
family notification provisions Roberta's Law. 44

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

**Section 1.** That sections 2152.86, 2717.01, 2903.03, 2929.13, 45  
2929.20, 2930.03, 2930.06, 2930.16, 2950.01, 2951.041, 2953.08, 46  
2967.03, 2967.12, 2967.121, 2967.19, 2967.26, 2967.28, 2971.04, 47  
2971.05, 5120.66, 5149.07, and 5149.101 of the Revised Code be 48  
amended to read as follows: 49

**Sec. 2152.86.** (A)(1) The court that, on or after January 1, 50  
2008, adjudicates a child a delinquent child for committing an act 51  
shall issue as part of the dispositional order an order that 52  
classifies the child a juvenile offender registrant, specifies 53  
that the child has a duty to comply with sections 2950.04, 54  
2950.041, 2950.05, and 2950.06 of the Revised Code, and 55  
additionally classifies the child a public registry-qualified 56  
juvenile offender registrant if the child was fourteen, fifteen, 57  
sixteen, or seventeen years of age at the time of committing the 58  
act, the court imposed on the child a serious youthful offender 59  
dispositional sentence under section 2152.13 of the Revised Code, 60  
and the child is adjudicated a delinquent child for committing, 61  
attempting to commit, conspiring to commit, or complicity in 62  
committing any of the following acts: 63

(a) A violation of section 2907.02 of the Revised Code, 64  
division (B) of section 2907.05 of the Revised Code, or section 65  
2907.03 of the Revised Code if the victim of the violation was 66  
less than twelve years of age; 67

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 68  
the Revised Code that was committed with a purpose to gratify the 69  
sexual needs or desires of the child; 70

(c) A violation of division (B) of section 2903.03 of the 71  
Revised Code. 72

(2) Upon a child's release, on or after January 1, 2008, from the department of youth services, the court shall issue an order that classifies the child 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 child was adjudicated a delinquent child, and a juvenile court imposed on the child a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code for committing one of the acts described in division (A)(1)(a) or (b) of this section or for committing on or after the effective date of this amendment a violation of division (B) of section 2903.03 of the Revised Code.

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

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

(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 104  
this section. 105

(b) The child was fourteen, fifteen, sixteen, or seventeen 106  
years of age at the time of committing the act. 107

(c) The court imposed on the child a serious youthful 108  
offender dispositional sentence under section 2152.13 of the 109  
Revised Code for the act described in division (A)(1)(a) or (b) of 110  
this section. 111

(B)(1) If an order is issued under division (A)(1), (2), or 112  
(3) of this section, the classification of tier III sex 113  
offender/child-victim offender automatically applies to the 114  
delinquent child based on the sexually oriented offense the child 115  
committed, subject to a possible reclassification pursuant to 116  
division (D) of this section for a child whose delinquent act was 117  
committed prior to January 1, 2008. If an order is issued under 118  
division (A)(2) of this section regarding a child whose delinquent 119  
act described in division (A)(1)(a) or (b) of this section was 120  
committed prior to January 1, 2008, or if an order is issued under 121  
division (A)(3) of this section regarding a delinquent child, the 122  
order shall inform the child and the child's parent, guardian, or 123  
custodian, that the child has a right to a hearing as described in 124  
division (D) of this section and inform the child and the child's 125  
parent, guardian, or custodian of the procedures for requesting 126  
the hearing and the period of time within which the request for 127  
the hearing must be made. Section 2152.831 of the Revised Code 128  
does not apply regarding an order issued under division (A)(1), 129  
(2), or (3) of this section. 130

(2) The judge that issues an order under division (A)(1), 131  
(2), or (3) of this section shall provide to the delinquent child 132  
who is the subject of the order and to the delinquent child's 133  
parent, guardian, or custodian the notice required under divisions 134  
(A) and (B) of section 2950.03 of the Revised Code and shall 135

provide as part of that notice a copy of the order required under 136  
division (A)(1), (2), or (3) of this section. The judge shall 137  
include the order in the delinquent child's dispositional order 138  
and shall specify in the dispositional order that the order issued 139  
under division (A)(1), (2), or (3) of this section was made 140  
pursuant to this section. 141

(C) An order issued under division (A)(1), (2), or (3) of 142  
this section shall remain in effect for the period of time 143  
specified in section 2950.07 of the Revised Code as it exists on 144  
and after January 1, 2008, subject to a judicial termination of 145  
that period of time as provided in section 2950.15 of the Revised 146  
Code, subject to a possible reclassification of the child pursuant 147  
to division (D) of this section if the child's delinquent act was 148  
committed prior to January 1, 2008. If an order is issued under 149  
division (A)(1), (2), or (3) of this section, the child's 150  
attainment of eighteen or twenty-one years of age does not affect 151  
or terminate the order, and the order remains in effect for the 152  
period of time described in this division. If an order is issued 153  
under division (A)(3) of this section, the duty to comply with 154  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 155  
Code based upon that order shall be considered, for purposes of 156  
section 2950.07 of the Revised Code and for all other purposes, to 157  
be a continuation of the duty to comply with those sections 158  
imposed upon the child prior to January 1, 2008, under the order 159  
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 160  
Chapter 2950. of the Revised Code. 161

(D)(1) If an order is issued under division (A)(2) of this 162  
section regarding a delinquent child whose delinquent act 163  
described in division (A)(1)(a) or (b) of this section was 164  
committed prior to January 1, 2008, or if an order is issued under 165  
division (A)(3) of this section regarding a delinquent child, 166  
except as otherwise provided in this division, the child may 167

request as a matter of right a court hearing to contest the 168  
court's classification in the order of the child as a public 169  
registry-qualified juvenile offender registrant. To request the 170  
hearing, not later than the date that is sixty days after the 171  
delinquent child is provided with the copy of the order, the 172  
delinquent child shall file a petition with the juvenile court 173  
that issued the order. 174

If the delinquent child requests a hearing by timely filing a 175  
petition with the juvenile court, the delinquent child shall serve 176  
a copy of the petition on the prosecutor who handled the case in 177  
which the delinquent child was adjudicated a delinquent child for 178  
committing the sexually oriented offense or child-victim oriented 179  
offense that resulted in the delinquent child's registration duty 180  
under section 2950.04 or 2950.041 of the Revised Code. The 181  
prosecutor shall represent the interest of the state in the 182  
hearing. In any hearing under this division, the Rules of Juvenile 183  
Procedure apply except to the extent that those Rules would by 184  
their nature be clearly inapplicable. The court shall schedule a 185  
hearing and shall provide notice to the delinquent child and the 186  
delinquent child's parent, guardian, or custodian and to the 187  
prosecutor of the date, time, and place of the hearing. 188

If the delinquent child requests a hearing in accordance with 189  
this division, until the court issues its decision at or 190  
subsequent to the hearing, the delinquent child shall comply with 191  
Chapter 2950. of the Revised Code as it exists on and after 192  
January 1, 2008. If a delinquent child requests a hearing in 193  
accordance with this division, at the hearing, all parties are 194  
entitled to be heard, and the court shall consider all relevant 195  
information and testimony presented relative to the issue of 196  
whether the child should be classified a public registry-qualified 197  
juvenile offender registrant. Notwithstanding the court's 198  
classification of the delinquent child as a public 199

registry-qualified juvenile offender registrant, the court may 200  
terminate that classification if it determines by clear and 201  
convincing evidence that the classification is in error. 202

If the court decides to terminate the court's classification 203  
of the delinquent child as a public registry-qualified juvenile 204  
offender registrant, the court shall issue an order that specifies 205  
that it has determined that the child is not a public 206  
registry-qualified juvenile offender registrant and that it has 207  
terminated the court's classification of the delinquent child as a 208  
public registry-qualified juvenile offender registrant. The court 209  
promptly shall serve a copy of the order upon the sheriff with 210  
whom the delinquent child most recently registered under section 211  
2950.04 or 2950.041 of the Revised Code and upon the bureau of 212  
criminal identification and investigation. The delinquent child 213  
and the prosecutor have the right to appeal the decision of the 214  
court issued under this division. 215

If the delinquent child fails to request a hearing in 216  
accordance with this division within the applicable sixty-day 217  
period specified in this division, the failure constitutes a 218  
waiver by the delinquent child of the delinquent child's right to 219  
a hearing under this division, and the delinquent child is bound 220  
by the court's classification of the delinquent child as a public 221  
registry-qualified juvenile offender registrant. 222

(2) An order issued under division (D)(1) of this section is 223  
independent of any order of a type described in division (F) of 224  
section 2950.031 of the Revised Code or division (E) of section 225  
2950.032 of the Revised Code, and the court may issue an order 226  
under both division (D)(1) of this section and an order of a type 227  
described in division (F) of section 2950.031 of the Revised Code 228  
or division (E) of section 2950.032 of the Revised Code. A court 229  
that conducts a hearing under division (D)(1) of this section may 230  
consolidate that hearing with a hearing conducted for the same 231



delinquent child under division (F) of section 2950.031 of the 232  
Revised Code or division (E) of section 2950.032 of the Revised 233  
Code. 234

**Sec. 2717.01.** (A)(1) A person desiring a change of name may 235  
file an application in the probate court of the county in which 236  
the person resides. The application shall set forth that the 237  
applicant has been a bona fide resident of that county for at 238  
least one year prior to the filing of the application, the cause 239  
for which the change of name is sought, and the requested new 240  
name. The application shall require the applicant to state whether 241  
the applicant has been convicted of, pleaded guilty to, or been 242  
adjudicated a delinquent child for identity fraud or has a duty to 243  
comply with section 2950.04 or 2950.041 of the Revised Code 244  
because the applicant was convicted of, pleaded guilty to, or was 245  
adjudicated a delinquent child for having committed a sexually 246  
oriented offense or a child-victim oriented offense. 247

Notice (2) Except as provided in division (A)(4) of this 248  
section, notice of the application shall be given once by 249  
publication in a newspaper of general circulation in the county at 250  
least thirty days before the hearing on the application. The 251  
notice shall set forth the court in which the application was 252  
filed, the case number, and the date and time of the hearing. 253

(3) Except as provided by division (C) of this section, upon 254  
proof that proper notice was given or that notice was waived under 255  
division (A)(4) of this section and proof that the facts set forth 256  
in the application show reasonable and proper cause for changing 257  
the name of the applicant, the court may order the change of name. 258

(4) If an applicant for a change of name submits to the 259  
court, along with the application described in division (A)(1) of 260  
this section, satisfactory proof that the publication of the 261  
notice under division (A)(2) of this section would jeopardize the 262

applicant's personal safety, both of the following apply: 263

(a) The court shall waive the notice requirement. 264

(b) If the court orders the change of name under division 265  
(A)(3) of this section, the court shall order the records of the 266  
change of name proceeding to be sealed and to be opened only by 267  
order of the court for good cause shown or at the request of the 268  
applicant for any reason. 269

(B) An application for change of name may be made on behalf 270  
of a minor by either of the minor's parents, a legal guardian, or 271  
a guardian ad litem. When application is made on behalf of a 272  
minor, in addition to the notice and proof required pursuant to 273  
division (A) of this section, the consent of both living, legal 274  
parents of the minor shall be filed, or notice of the hearing 275  
shall be given to the parent or parents not consenting by 276  
certified mail, return receipt requested. If there is no known 277  
father of the minor, the notice shall be given to the person who 278  
the mother of the minor alleges to be the father. If no father is 279  
so alleged, or if either parent or the address of either parent is 280  
unknown, notice pursuant to division (A) of this section shall be 281  
sufficient as to the father or parent. 282

Any additional notice required by this division may be waived 283  
in writing by any person entitled to the notice. 284

(C)(1) The court shall not order a change of name under 285  
division (A) of this section if the person applying for a change 286  
of name or for whom the application for a change of name is made 287  
has a duty to comply with section 2950.04 or 2950.041 of the 288  
Revised Code because the applicant or the person on whose behalf 289  
the application for a change of name is made was convicted of, 290  
pleaded guilty to, or was adjudicated a delinquent child for 291  
having committed a sexually oriented offense or a child-victim 292  
oriented offense. 293

(2) The court shall not order a change of name under division 294  
(A) of this section if the person applying for a change of name or 295  
for whom the application for a change of name is made has pleaded 296  
guilty to, been convicted of, or been adjudicated a delinquent 297  
child for committing a violation of section 2913.49 of the Revised 298  
Code unless the guilty plea, conviction, or adjudication has been 299  
reversed on appeal. 300

(3) As used in this division, "sexually oriented offense" and 301  
"child-victim oriented offense" have the same meanings as in 302  
section 2950.01 of the Revised Code. 303

**Sec. 2903.03.** (A) No person, while under the influence of 304  
sudden passion or in a sudden fit of rage, either of which is 305  
brought on by serious provocation occasioned by the victim that is 306  
reasonably sufficient to incite the person into using deadly 307  
force, shall knowingly cause the death of another or the unlawful 308  
termination of another's pregnancy. 309

(B) No person, with a sexual motivation, shall violate 310  
division (A) of this section. 311

(C) Whoever violates this section is guilty of voluntary 312  
manslaughter, a felony of the first degree. 313

(D) As used in this section, "sexual motivation" has the same 314  
meaning as in section 2971.01 of the Revised Code. 315

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 316  
(G) of this section and unless a specific sanction is required to 317  
be imposed or is precluded from being imposed pursuant to law, a 318  
court that imposes a sentence upon an offender for a felony may 319  
impose any sanction or combination of sanctions on the offender 320  
that are provided in sections 2929.14 to 2929.18 of the Revised 321  
Code. 322

If the offender is eligible to be sentenced to community 323

control sanctions, the court shall consider the appropriateness of 324  
imposing a financial sanction pursuant to section 2929.18 of the 325  
Revised Code or a sanction of community service pursuant to 326  
section 2929.17 of the Revised Code as the sole sanction for the 327  
offense. Except as otherwise provided in this division, if the 328  
court is required to impose a mandatory prison term for the 329  
offense for which sentence is being imposed, the court also shall 330  
impose any financial sanction pursuant to section 2929.18 of the 331  
Revised Code that is required for the offense and may impose any 332  
other financial sanction pursuant to that section but may not 333  
impose any additional sanction or combination of sanctions under 334  
section 2929.16 or 2929.17 of the Revised Code. 335

If the offender is being sentenced for a fourth degree felony 336  
OVI offense or for a third degree felony OVI offense, in addition 337  
to the mandatory term of local incarceration or the mandatory 338  
prison term required for the offense by division (G)(1) or (2) of 339  
this section, the court shall impose upon the offender a mandatory 340  
fine in accordance with division (B)(3) of section 2929.18 of the 341  
Revised Code and may impose whichever of the following is 342  
applicable: 343

(1) For a fourth degree felony OVI offense for which sentence 344  
is imposed under division (G)(1) of this section, an additional 345  
community control sanction or combination of community control 346  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 347  
the court imposes upon the offender a community control sanction 348  
and the offender violates any condition of the community control 349  
sanction, the court may take any action prescribed in division (B) 350  
of section 2929.15 of the Revised Code relative to the offender, 351  
including imposing a prison term on the offender pursuant to that 352  
division. 353

(2) For a third or fourth degree felony OVI offense for which 354  
sentence is imposed under division (G)(2) of this section, an 355

additional prison term as described in division (B)(4) of section 356  
2929.14 of the Revised Code or a community control sanction as 357  
described in division (G)(2) of this section. 358

(B)(1)(a) Except as provided in division (B)(1)(b) of this 359  
section, if an offender is convicted of or pleads guilty to a 360  
felony of the fourth or fifth degree that is not an offense of 361  
violence, the court shall sentence the offender to a community 362  
control sanction of at least one year's duration if all of the 363  
following apply: 364

(i) The offender previously has not been convicted of or 365  
pleaded guilty to a felony offense ~~or to an offense of violence~~ 366  
~~that is a misdemeanor and that the offender committed within two~~ 367  
~~years prior to the offense for which sentence is being imposed.~~ 368

(ii) The most serious charge against the offender at the time 369  
of sentencing is a felony of the fourth or fifth degree. 370

(iii) If the court made a request of the department of 371  
rehabilitation and correction pursuant to division (B)(1)(c) of 372  
this section, the department, within the forty-five-day period 373  
specified in that division, provided the court with the names of, 374  
contact information for, and program details of one or more 375  
community control sanctions of at least one year's duration that 376  
are available for persons sentenced by the court. 377

(iv) The offender previously has not been convicted of or 378  
pleaded guilty to a misdemeanor offense of violence that the 379  
offender committed within two years prior to the offense for which 380  
sentence is being imposed. 381

(b) The court has discretion to impose a prison term upon an 382  
offender who is convicted of or pleads guilty to a felony of the 383  
fourth or fifth degree that is not an offense of violence if any 384  
of the following apply: 385

(i) The offender committed the offense while having a firearm 386

on or about the offender's person or under the offender's control. 387

(ii) The offender caused physical harm to another person 388  
while committing the offense. 389

(iii) The offender violated a term of the conditions of bond 390  
as set by the court. 391

(iv) The court made a request of the department of 392  
rehabilitation and correction pursuant to division (B)(1)(c) of 393  
this section, and the department, within the forty-five-day period 394  
specified in that division, did not provide the court with the 395  
name of, contact information for, and program details of any 396  
community control sanction of at least one year's duration that is 397  
available for persons sentenced by the court. 398

(v) The offense is a sex offense that is a fourth or fifth 399  
degree felony violation of any provision of Chapter 2907. of the 400  
Revised Code. 401

(vi) In committing the offense, the offender attempted to 402  
cause or made an actual threat of physical harm to a person with a 403  
deadly weapon. 404

(vii) In committing the offense, the offender attempted to 405  
cause or made an actual threat of physical harm to a person, and 406  
the offender previously was convicted of an offense that caused 407  
physical harm to a person. 408

(viii) The offender held a public office or position of 409  
trust, and the offense related to that office or position; the 410  
offender's position obliged the offender to prevent the offense or 411  
to bring those committing it to justice; or the offender's 412  
professional reputation or position facilitated the offense or was 413  
likely to influence the future conduct of others. 414

(ix) The offender committed the offense for hire or as part 415  
of an organized criminal activity. 416

(x) The offender at the time of the offense was serving, or 417  
the offender previously had served, a prison term. 418

(xi) The offender committed the offense while under a 419  
community control sanction, while on probation, or while released 420  
from custody on a bond or personal recognizance. 421

(c) If a court that is sentencing an offender who is 422  
convicted of or pleads guilty to a felony of the fourth or fifth 423  
degree that is not an offense of violence believes that no 424  
community control sanctions are available for its use that, if 425  
imposed on the offender, will adequately fulfill the overriding 426  
principles and purposes of sentencing, the court shall contact the 427  
department of rehabilitation and correction and ask the department 428  
to provide the court with the names of, contact information for, 429  
and program details of one or more community control sanctions of 430  
at least one year's duration that are available for persons 431  
sentenced by the court. Not later than forty-five days after 432  
receipt of a request from a court under this division, the 433  
department shall provide the court with the names of, contact 434  
information for, and program details of one or more community 435  
control sanctions of at least one year's duration that are 436  
available for persons sentenced by the court, if any. Upon making 437  
a request under this division that relates to a particular 438  
offender, a court shall defer sentencing of that offender until it 439  
receives from the department the names of, contact information 440  
for, and program details of one or more community control 441  
sanctions of at least one year's duration that are available for 442  
persons sentenced by the court or for forty-five days, whichever 443  
is the earlier. 444

If the department provides the court with the names of, 445  
contact information for, and program details of one or more 446  
community control sanctions of at least one year's duration that 447  
are available for persons sentenced by the court within the 448

forty-five-day period specified in this division, the court shall  
impose upon the offender a community control sanction under  
division (B)(1)(a) of this section, subject to divisions  
(B)(1)(b)(i) and (ii) of this section. If the department does not  
provide the court with the names of, contact information for, and  
program details of one or more community control sanctions of at  
least one year's duration that are available for persons sentenced  
by the court within the forty-five-day period specified in this  
division, the court may impose upon the offender a prison term  
under division (B)(1)(b)~~(iii)~~(iv) of this section.

(d) A sentencing court may impose an additional penalty under  
division (B) of section 2929.15 of the Revised Code upon an  
offender sentenced to a community control sanction under division  
(B)(1)(a) of this section if the offender violates the conditions  
of the community control sanction, violates a law, or leaves the  
state without the permission of the court or the offender's  
probation officer.

(2) If division (B)(1) of this section does not apply, except  
as provided in division ~~(B)(3)~~, (E), (F), or (G) of this section,  
~~in sentencing an offender for a felony of the fourth or fifth~~  
~~degree, the sentencing court shall determine whether any of the~~  
~~following apply:~~

~~(a) In committing the offense, the offender caused physical~~  
~~harm to a person.~~

~~(b) In committing the offense, the offender attempted to~~  
~~cause or made an actual threat of physical harm to a person with a~~  
~~deadly weapon.~~

~~(c) In committing the offense, the offender attempted to~~  
~~cause or made an actual threat of physical harm to a person, and~~  
~~the offender previously was convicted of an offense that caused~~  
~~physical harm to a person.~~



~~(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.~~

~~(e) The offender committed the offense for hire or as part of an organized criminal activity.~~

~~(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.~~

~~(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.~~

~~(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.~~

~~(i) The offender committed the offense while in possession of a firearm.~~

~~(3)(a) If the court makes a finding described in division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.~~

~~(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set~~

~~forth in section 2929.12 of the Revised Code, finds that a~~ 511  
~~community control sanction or combination of community control~~ 512  
~~sanctions is consistent with the purposes and principles of~~ 513  
~~sentencing set forth in section 2929.11 of the Revised Code, the~~ 514  
~~court shall impose a community control sanction or combination of~~ 515  
~~community control sanctions upon the offender determining whether~~ 516  
~~to impose a prison term as a sanction for a felony of the fourth~~ 517  
~~or fifth degree, the sentencing court shall comply with the~~ 518  
~~purposes and principles of sentencing under section 2929.11 of the~~ 519  
~~Revised Code and with section 2929.12 of the Revised Code.~~ 520

(C) Except as provided in division (D), (E), (F), or (G) of 521  
this section, in determining whether to impose a prison term as a 522  
sanction for a felony of the third degree or a felony drug offense 523  
that is a violation of a provision of Chapter 2925. of the Revised 524  
Code and that is specified as being subject to this division for 525  
purposes of sentencing, the sentencing court shall comply with the 526  
purposes and principles of sentencing under section 2929.11 of the 527  
Revised Code and with section 2929.12 of the Revised Code. 528

(D)(1) Except as provided in division (E) or (F) of this 529  
section, for a felony of the first or second degree, for a felony 530  
drug offense that is a violation of any provision of Chapter 531  
2925., 3719., or 4729. of the Revised Code for which a presumption 532  
in favor of a prison term is specified as being applicable, and 533  
for a violation of division (A)(4) or (B) of section 2907.05 of 534  
the Revised Code for which a presumption in favor of a prison term 535  
is specified as being applicable, it is presumed that a prison 536  
term is necessary in order to comply with the purposes and 537  
principles of sentencing under section 2929.11 of the Revised 538  
Code. Division (D)(2) of this section does not apply to a 539  
presumption established under this division for a violation of 540  
division (A)(4) of section 2907.05 of the Revised Code. 541

(2) Notwithstanding the presumption established under 542

division (D)(1) of this section for the offenses listed in that 543  
division other than a violation of division (A)(4) or (B) of 544  
section 2907.05 of the Revised Code, the sentencing court may 545  
impose a community control sanction or a combination of community 546  
control sanctions instead of a prison term on an offender for a 547  
felony of the first or second degree or for a felony drug offense 548  
that is a violation of any provision of Chapter 2925., 3719., or 549  
4729. of the Revised Code for which a presumption in favor of a 550  
prison term is specified as being applicable if it makes both of 551  
the following findings: 552

(a) A community control sanction or a combination of 553  
community control sanctions would adequately punish the offender 554  
and protect the public from future crime, because the applicable 555  
factors under section 2929.12 of the Revised Code indicating a 556  
lesser likelihood of recidivism outweigh the applicable factors 557  
under that section indicating a greater likelihood of recidivism. 558

(b) A community control sanction or a combination of 559  
community control sanctions would not demean the seriousness of 560  
the offense, because one or more factors under section 2929.12 of 561  
the Revised Code that indicate that the offender's conduct was 562  
less serious than conduct normally constituting the offense are 563  
applicable, and they outweigh the applicable factors under that 564  
section that indicate that the offender's conduct was more serious 565  
than conduct normally constituting the offense. 566

(E)(1) Except as provided in division (F) of this section, 567  
for any drug offense that is a violation of any provision of 568  
Chapter 2925. of the Revised Code and that is a felony of the 569  
third, fourth, or fifth degree, the applicability of a presumption 570  
under division (D) of this section in favor of a prison term or of 571  
division (B) or (C) of this section in determining whether to 572  
impose a prison term for the offense shall be determined as 573  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 574

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 575  
Revised Code, whichever is applicable regarding the violation. 576

(2) If an offender who was convicted of or pleaded guilty to 577  
a felony violates the conditions of a community control sanction 578  
imposed for the offense solely by reason of producing positive 579  
results on a drug test, the court, as punishment for the violation 580  
of the sanction, shall not order that the offender be imprisoned 581  
unless the court determines on the record either of the following: 582

(a) The offender had been ordered as a sanction for the 583  
felony to participate in a drug treatment program, in a drug 584  
education program, or in narcotics anonymous or a similar program, 585  
and the offender continued to use illegal drugs after a reasonable 586  
period of participation in the program. 587

(b) The imprisonment of the offender for the violation is 588  
consistent with the purposes and principles of sentencing set 589  
forth in section 2929.11 of the Revised Code. 590

(3) A court that sentences an offender for a drug abuse 591  
offense that is a felony of the third, fourth, or fifth degree may 592  
require that the offender be assessed by a properly credentialed 593  
professional within a specified period of time. The court shall 594  
require the professional to file a written assessment of the 595  
offender with the court. If the offender is eligible for a 596  
community control sanction and after considering the written 597  
assessment, the court may impose a community control sanction that 598  
includes treatment and recovery support services authorized by 599  
section 3793.02 of the Revised Code. If the court imposes 600  
treatment and recovery support services as a community control 601  
sanction, the court shall direct the level and type of treatment 602  
and recovery support services after considering the assessment and 603  
recommendation of treatment and recovery support services 604  
providers. 605

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following

applies: 637

(i) The offense was committed prior to August 3, 2006, the 638  
offender previously was convicted of or pleaded guilty to rape, 639  
the former offense of felonious sexual penetration, or sexual 640  
battery, and the victim of the previous offense was less than 641  
thirteen years of age. 642

(ii) The offense was committed on or after August 3, 2006. 643

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 644  
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 645  
if the section requires the imposition of a prison term; 646

(5) A first, second, or third degree felony drug offense for 647  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 648  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 649  
4729.99 of the Revised Code, whichever is applicable regarding the 650  
violation, requires the imposition of a mandatory prison term; 651

(6) Any offense that is a first or second degree felony and 652  
that is not set forth in division (F)(1), (2), (3), or (4) of this 653  
section, if the offender previously was convicted of or pleaded 654  
guilty to aggravated murder, murder, any first or second degree 655  
felony, or an offense under an existing or former law of this 656  
state, another state, or the United States that is or was 657  
substantially equivalent to one of those offenses; 658

(7) Any offense that is a third degree felony and either is a 659  
violation of section 2903.04 of the Revised Code or an attempt to 660  
commit a felony of the second degree that is an offense of 661  
violence and involved an attempt to cause serious physical harm to 662  
a person or that resulted in serious physical harm to a person if 663  
the offender previously was convicted of or pleaded guilty to any 664  
of the following offenses: 665

(a) Aggravated murder, murder, involuntary manslaughter, 666  
rape, felonious sexual penetration as it existed under section 667

2907.12 of the Revised Code prior to September 3, 1996, a felony 668  
of the first or second degree that resulted in the death of a 669  
person or in physical harm to a person, or complicity in or an 670  
attempt to commit any of those offenses; 671

(b) An offense under an existing or former law of this state, 672  
another state, or the United States that is or was substantially 673  
equivalent to an offense listed in division (F)(7)(a) of this 674  
section that resulted in the death of a person or in physical harm 675  
to a person. 676

(8) Any offense, other than a violation of section 2923.12 of 677  
the Revised Code, that is a felony, if the offender had a firearm 678  
on or about the offender's person or under the offender's control 679  
while committing the felony, with respect to a portion of the 680  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 681  
of the Revised Code for having the firearm; 682

(9) Any offense of violence that is a felony, if the offender 683  
wore or carried body armor while committing the felony offense of 684  
violence, with respect to the portion of the sentence imposed 685  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 686  
Code for wearing or carrying the body armor; 687

(10) Corrupt activity in violation of section 2923.32 of the 688  
Revised Code when the most serious offense in the pattern of 689  
corrupt activity that is the basis of the offense is a felony of 690  
the first degree; 691

(11) Any violent sex offense or designated homicide, assault, 692  
or kidnapping offense if, in relation to that offense, the 693  
offender is adjudicated a sexually violent predator; 694

(12) A violation of division (A)(1) or (2) of section 2921.36 695  
of the Revised Code, or a violation of division (C) of that 696  
section involving an item listed in division (A)(1) or (2) of that 697  
section, if the offender is an officer or employee of the 698

department of rehabilitation and correction; 699

(13) A violation of division (A)(1) or (2) of section 2903.06 700  
of the Revised Code if the victim of the offense is a peace 701  
officer, as defined in section 2935.01 of the Revised Code, or an 702  
investigator of the bureau of criminal identification and 703  
investigation, as defined in section 2903.11 of the Revised Code, 704  
with respect to the portion of the sentence imposed pursuant to 705  
division (B)(5) of section 2929.14 of the Revised Code; 706

(14) A violation of division (A)(1) or (2) of section 2903.06 707  
of the Revised Code if the offender has been convicted of or 708  
pleaded guilty to three or more violations of division (A) or (B) 709  
of section 4511.19 of the Revised Code or an equivalent offense, 710  
as defined in section 2941.1415 of the Revised Code, or three or 711  
more violations of any combination of those divisions and 712  
offenses, with respect to the portion of the sentence imposed 713  
pursuant to division (B)(6) of section 2929.14 of the Revised 714  
Code; 715

(15) Kidnapping, in the circumstances specified in section 716  
2971.03 of the Revised Code and when no other provision of 717  
division (F) of this section applies; 718

(16) Kidnapping, abduction, compelling prostitution, 719  
promoting prostitution, engaging in a pattern of corrupt activity, 720  
illegal use of a minor in a nudity-oriented material or 721  
performance in violation of division (A)(1) or (2) of section 722  
2907.323 of the Revised Code, or endangering children in violation 723  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 724  
the Revised Code, if the offender is convicted of or pleads guilty 725  
to a specification as described in section 2941.1422 of the 726  
Revised Code that was included in the indictment, count in the 727  
indictment, or information charging the offense; 728

(17) A felony violation of division (A) or (B) of section 729



2919.25 of the Revised Code if division (D)(3), (4), or (5) of 730  
that section, and division (D)(6) of that section, require the 731  
imposition of a prison term; 732

(18) A felony violation of section 2903.11, 2903.12, or 733  
2903.13 of the Revised Code, if the victim of the offense was a 734  
woman that the offender knew was pregnant at the time of the 735  
violation, with respect to a portion of the sentence imposed 736  
pursuant to division (B)(8) of section 2929.14 of the Revised 737  
Code. 738

(G) Notwithstanding divisions (A) to (E) of this section, if 739  
an offender is being sentenced for a fourth degree felony OVI 740  
offense or for a third degree felony OVI offense, the court shall 741  
impose upon the offender a mandatory term of local incarceration 742  
or a mandatory prison term in accordance with the following: 743

(1) If the offender is being sentenced for a fourth degree 744  
felony OVI offense and if the offender has not been convicted of 745  
and has not pleaded guilty to a specification of the type 746  
described in section 2941.1413 of the Revised Code, the court may 747  
impose upon the offender a mandatory term of local incarceration 748  
of sixty days or one hundred twenty days as specified in division 749  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 750  
not reduce the term pursuant to section 2929.20, 2967.193, or any 751  
other provision of the Revised Code. The court that imposes a 752  
mandatory term of local incarceration under this division shall 753  
specify whether the term is to be served in a jail, a 754  
community-based correctional facility, a halfway house, or an 755  
alternative residential facility, and the offender shall serve the 756  
term in the type of facility specified by the court. A mandatory 757  
term of local incarceration imposed under division (G)(1) of this 758  
section is not subject to any other Revised Code provision that 759  
pertains to a prison term except as provided in division (A)(1) of 760  
this section. 761

(2) If the offender is being sentenced for a third degree 762  
felony OVI offense, or if the offender is being sentenced for a 763  
fourth degree felony OVI offense and the court does not impose a 764  
mandatory term of local incarceration under division (G)(1) of 765  
this section, the court shall impose upon the offender a mandatory 766  
prison term of one, two, three, four, or five years if the 767  
offender also is convicted of or also pleads guilty to a 768  
specification of the type described in section 2941.1413 of the 769  
Revised Code or shall impose upon the offender a mandatory prison 770  
term of sixty days or one hundred twenty days as specified in 771  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 772  
if the offender has not been convicted of and has not pleaded 773  
guilty to a specification of that type. Subject to divisions (C) 774  
to (I) of section 2967.19 of the Revised Code, the court shall not 775  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 776  
any other provision of the Revised Code. The offender shall serve 777  
the one-, two-, three-, four-, or five-year mandatory prison term 778  
consecutively to and prior to the prison term imposed for the 779  
underlying offense and consecutively to any other mandatory prison 780  
term imposed in relation to the offense. In no case shall an 781  
offender who once has been sentenced to a mandatory term of local 782  
incarceration pursuant to division (G)(1) of this section for a 783  
fourth degree felony OVI offense be sentenced to another mandatory 784  
term of local incarceration under that division for any violation 785  
of division (A) of section 4511.19 of the Revised Code. In 786  
addition to the mandatory prison term described in division (G)(2) 787  
of this section, the court may sentence the offender to a 788  
community control sanction under section 2929.16 or 2929.17 of the 789  
Revised Code, but the offender shall serve the prison term prior 790  
to serving the community control sanction. The department of 791  
rehabilitation and correction may place an offender sentenced to a 792  
mandatory prison term under this division in an intensive program 793  
prison established pursuant to section 5120.033 of the Revised 794

Code if the department gave the sentencing judge prior notice of 795  
its intent to place the offender in an intensive program prison 796  
established under that section and if the judge did not notify the 797  
department that the judge disapproved the placement. Upon the 798  
establishment of the initial intensive program prison pursuant to 799  
section 5120.033 of the Revised Code that is privately operated 800  
and managed by a contractor pursuant to a contract entered into 801  
under section 9.06 of the Revised Code, both of the following 802  
apply: 803

(a) The department of rehabilitation and correction shall 804  
make a reasonable effort to ensure that a sufficient number of 805  
offenders sentenced to a mandatory prison term under this division 806  
are placed in the privately operated and managed prison so that 807  
the privately operated and managed prison has full occupancy. 808

(b) Unless the privately operated and managed prison has full 809  
occupancy, the department of rehabilitation and correction shall 810  
not place any offender sentenced to a mandatory prison term under 811  
this division in any intensive program prison established pursuant 812  
to section 5120.033 of the Revised Code other than the privately 813  
operated and managed prison. 814

(H) If an offender is being sentenced for a sexually oriented 815  
offense or child-victim oriented offense that is a felony 816  
committed on or after January 1, 1997, the judge shall require the 817  
offender to submit to a DNA specimen collection procedure pursuant 818  
to section 2901.07 of the Revised Code. 819

(I) If an offender is being sentenced for a sexually oriented 820  
offense or a child-victim oriented offense committed on or after 821  
January 1, 1997, the judge shall include in the sentence a summary 822  
of the offender's duties imposed under sections 2950.04, 2950.041, 823  
2950.05, and 2950.06 of the Revised Code and the duration of the 824  
duties. The judge shall inform the offender, at the time of 825  
sentencing, of those duties and of their duration. If required 826

under division (A)(2) of section 2950.03 of the Revised Code, the 827  
judge shall perform the duties specified in that section, or, if 828  
required under division (A)(6) of section 2950.03 of the Revised 829  
Code, the judge shall perform the duties specified in that 830  
division. 831

(J)(1) Except as provided in division (J)(2) of this section, 832  
when considering sentencing factors under this section in relation 833  
to an offender who is convicted of or pleads guilty to an attempt 834  
to commit an offense in violation of section 2923.02 of the 835  
Revised Code, the sentencing court shall consider the factors 836  
applicable to the felony category of the violation of section 837  
2923.02 of the Revised Code instead of the factors applicable to 838  
the felony category of the offense attempted. 839

(2) When considering sentencing factors under this section in 840  
relation to an offender who is convicted of or pleads guilty to an 841  
attempt to commit a drug abuse offense for which the penalty is 842  
determined by the amount or number of unit doses of the controlled 843  
substance involved in the drug abuse offense, the sentencing court 844  
shall consider the factors applicable to the felony category that 845  
the drug abuse offense attempted would be if that drug abuse 846  
offense had been committed and had involved an amount or number of 847  
unit doses of the controlled substance that is within the next 848  
lower range of controlled substance amounts than was involved in 849  
the attempt. 850

(K) As used in this section, "drug abuse offense" has the 851  
same meaning as in section 2925.01 of the Revised Code. 852

(L) At the time of sentencing an offender for any sexually 853  
oriented offense, if the offender is a tier III sex 854  
offender/child-victim offender relative to that offense and the 855  
offender does not serve a prison term or jail term, the court may 856  
require that the offender be monitored by means of a global 857  
positioning device. If the court requires such monitoring, the 858

cost of monitoring shall be borne by the offender. If the offender 859  
is indigent, the cost of compliance shall be paid by the crime 860  
victims reparations fund. 861

**Sec. 2929.20.** (A) As used in this section: 862

(1)(a) Except as provided in division (A)(1)(b) of this 863  
section, "eligible offender" means any person who, on or after 864  
April 7, 2009, is serving a stated prison term that includes one 865  
or more nonmandatory prison terms. 866

(b) "Eligible offender" does not include any person who, on 867  
or after April 7, 2009, is serving a stated prison term for any of 868  
the following criminal offenses that was a felony and was 869  
committed while the person held a public office in this state: 870

(i) A violation of section 2921.02, 2921.03, 2921.05, 871  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 872  
Code; 873

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 874  
2921.12 of the Revised Code, when the conduct constituting the 875  
violation was related to the duties of the offender's public 876  
office or to the offender's actions as a public official holding 877  
that public office; 878

(iii) A violation of an existing or former municipal 879  
ordinance or law of this or any other state or the United States 880  
that is substantially equivalent to any violation listed in 881  
division (A)(1)(b)(i) of this section; 882

(iv) A violation of an existing or former municipal ordinance 883  
or law of this or any other state or the United States that is 884  
substantially equivalent to any violation listed in division 885  
(A)(1)(b)(ii) of this section, when the conduct constituting the 886  
violation was related to the duties of the offender's public 887  
office or to the offender's actions as a public official holding 888

that public office; 889

(v) A conspiracy to commit, attempt to commit, or complicity 890  
in committing any offense listed in division (A)(1)(b)(i) or 891  
described in division (A)(1)(b)(iii) of this section; 892

(vi) A conspiracy to commit, attempt to commit, or complicity 893  
in committing any offense listed in division (A)(1)(b)(ii) or 894  
described in division (A)(1)(b)(iv) of this section, if the 895  
conduct constituting the offense that was the subject of the 896  
conspiracy, that would have constituted the offense attempted, or 897  
constituting the offense in which the offender was complicit was 898  
or would have been related to the duties of the offender's public 899  
office or to the offender's actions as a public official holding 900  
that public office. 901

(2) "Nonmandatory prison term" means a prison term that is 902  
not a mandatory prison term. 903

(3) "Public office" means any elected federal, state, or 904  
local government office in this state. 905

(4) "Victim's representative" has the same meaning as in 906  
section 2930.01 of the Revised Code. 907

(B) On the motion of an eligible offender or upon its own 908  
motion, the sentencing court may reduce the eligible offender's 909  
aggregated nonmandatory prison term or terms through a judicial 910  
release under this section. 911

(C) An eligible offender may file a motion for judicial 912  
release with the sentencing court within the following applicable 913  
periods: 914

(1) If the aggregated nonmandatory prison term or terms is 915  
less than two years, the eligible offender may file the motion not 916  
earlier than thirty days after the offender is delivered to a 917  
state correctional institution or, if the prison term includes a 918

mandatory prison term or terms, not earlier than thirty days after 919  
the expiration of all mandatory prison terms. 920

(2) If the aggregated nonmandatory prison term or terms is at 921  
least two years but less than five years, the eligible offender 922  
may file the motion not earlier than one hundred eighty days after 923  
the offender is delivered to a state correctional institution or, 924  
if the prison term includes a mandatory prison term or terms, not 925  
earlier than one hundred eighty days after the expiration of all 926  
mandatory prison terms. 927

(3) If the aggregated nonmandatory prison term or terms is 928  
five years, the eligible offender may file the motion not earlier 929  
than four years after the eligible offender is delivered to a 930  
state correctional institution or, if the prison term includes a 931  
mandatory prison term or terms, not earlier than four years after 932  
the expiration of all mandatory prison terms. 933

(4) If the aggregated nonmandatory prison term or terms is 934  
more than five years but not more than ten years, the eligible 935  
offender may file the motion not earlier than five years after the 936  
eligible offender is delivered to a state correctional institution 937  
or, if the prison term includes a mandatory prison term or terms, 938  
not earlier than five years after the expiration of all mandatory 939  
prison terms. 940

(5) If the aggregated nonmandatory prison term or terms is 941  
more than ten years, the eligible offender may file the motion not 942  
earlier than the later of the date on which the offender has 943  
served one-half of the offender's stated prison term or the date 944  
specified in division (C)(4) of this section. 945

(D) Upon receipt of a timely motion for judicial release 946  
filed by an eligible offender under division (C) of this section 947  
or upon the sentencing court's own motion made within the 948  
appropriate time specified in that division, the court may deny 949

the motion without a hearing or schedule a hearing on the motion. 950  
The court shall not grant the motion without a hearing. If a court 951  
denies a motion without a hearing, the court later may consider 952  
judicial release for that eligible offender on a subsequent motion 953  
filed by that eligible offender unless the court denies the motion 954  
with prejudice. If a court denies a motion with prejudice, the 955  
court may later consider judicial release on its own motion. If a 956  
court denies a motion after a hearing, the court shall not 957  
consider a subsequent motion for that eligible offender. The court 958  
shall hold only one hearing for any eligible offender. 959

A hearing under this section shall be conducted in open court 960  
~~within~~ not less than thirty or more than sixty days after the 961  
motion is filed, provided that the court may delay the hearing for 962  
one hundred eighty additional days. If the court holds a hearing, 963  
the court shall enter a ruling on the motion within ten days after 964  
the hearing. If the court denies the motion without a hearing, the 965  
court shall enter its ruling on the motion within sixty days after 966  
the motion is filed. 967

(E) If a court schedules a hearing under division (D) of this 968  
section, the court shall notify the eligible offender and the head 969  
of the state correctional institution in which the eligible 970  
offender is confined prior to the hearing. The head of the state 971  
correctional institution immediately shall notify the appropriate 972  
person at the department of rehabilitation and correction of the 973  
hearing, and the department within twenty-four hours after receipt 974  
of the notice, shall post on the database it maintains pursuant to 975  
section 5120.66 of the Revised Code the offender's name and all of 976  
the information specified in division (A)(1)(c)(i) of that 977  
section. If the court schedules a hearing for judicial release, 978  
the court promptly shall give notice of the hearing to the 979  
prosecuting attorney of the county in which the eligible offender 980  
was indicted. Upon receipt of the notice from the court, the 981



prosecuting attorney shall do whichever of the following is 982  
applicable: 983

(1) Subject to division (E)(2) of this section, notify the 984  
victim of the offense or the victim's representative pursuant to 985  
division (B) of section 2930.16 of the Revised Code; 986

(2) If the offense was an offense of violence that is a 987  
felony of the first, second, or third degree, except as otherwise 988  
provided in this division, notify the victim or the victim's 989  
representative of the hearing regardless of whether the victim or 990  
victim's representative has requested the notification. The notice 991  
of the hearing shall not be given under this division to a victim 992  
or victim's representative if the victim or victim's 993  
representative has requested pursuant to division (B)(2) of 994  
section 2930.03 of the Revised Code that the victim or the 995  
victim's representative not be provided the notice. If notice is 996  
to be provided to a victim or victim's representative under this 997  
division, the prosecuting attorney may give the notice by any 998  
reasonable means, including regular mail, telephone, and 999  
electronic mail, in accordance with division (D)(1) of section 1000  
2930.16 of the Revised Code. If the notice is based on an offense 1001  
committed prior to the effective date of this amendment, the 1002  
notice also shall include the opt-out information described in 1003  
division (D)(1) of section 2930.16 of the Revised Code. The 1004  
prosecuting attorney, in accordance with division (D)(2) of 1005  
section 2930.16 of the Revised Code, shall keep a record of all 1006  
attempts to provide the notice, and of all notices provided, under 1007  
this division. Division (E)(2) of this section, and the 1008  
notice-related provisions of division (K) of this section, 1009  
division (D)(1) of section 2930.16, division (H) of section 1010  
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 1011  
of section 2967.26, division (D)(1) of section 2967.28, and 1012  
division (A)(2) of section 5149.101 of the Revised Code enacted in 1013

the act in which division (E)(2) of this section was enacted, 1014  
shall be known as "Roberta's Law." 1015

(F) Upon an offender's successful completion of 1016  
rehabilitative activities, the head of the state correctional 1017  
institution may notify the sentencing court of the successful 1018  
completion of the activities. 1019

(G) Prior to the date of the hearing on a motion for judicial 1020  
release under this section, the head of the state correctional 1021  
institution in which the eligible offender is confined shall send 1022  
to the court a an institutional summary report on the eligible 1023  
offender's conduct in the institution and in any institution from 1024  
which the eligible offender may have been transferred. Upon the 1025  
request of the prosecuting attorney of the county in which the 1026  
eligible offender was indicted or of any law enforcement agency, 1027  
the head of the state correctional institution, at the same time 1028  
the person sends the institutional summary report to the court, 1029  
also shall send a copy of the report to the requesting prosecuting 1030  
attorney and law enforcement agencies. The institutional summary 1031  
report shall cover the eligible offender's participation in 1032  
school, vocational training, work, treatment, and other 1033  
rehabilitative activities and any disciplinary action taken 1034  
against the eligible offender. The report shall be made part of 1035  
the record of the hearing. 1036

(H) If the court grants a hearing on a motion for judicial 1037  
release under this section, the eligible offender shall attend the 1038  
hearing if ordered to do so by the court. Upon receipt of a copy 1039  
of the journal entry containing the order, the head of the state 1040  
correctional institution in which the eligible offender is 1041  
incarcerated shall deliver the eligible offender to the sheriff of 1042  
the county in which the hearing is to be held. The sheriff shall 1043  
convey the eligible offender to and from the hearing. 1044

(I) At the hearing on a motion for judicial release under 1045

this section, the court shall afford the eligible offender and the  
eligible offender's attorney an opportunity to present written  
and, if present, oral information relevant to the motion. The  
court shall afford a similar opportunity to the prosecuting  
attorney, the victim or the victim's representative, ~~as defined in~~  
~~section 2930.01 of the Revised Code~~, and any other person the  
court determines is likely to present additional relevant  
information. The court shall consider any statement of a victim  
made pursuant to section 2930.14 or 2930.17 of the Revised Code,  
any victim impact statement prepared pursuant to section 2947.051  
of the Revised Code, and any report made under division (G) of  
this section. The court may consider any written statement of any  
person submitted to the court pursuant to division (L) of this  
section. After ruling on the motion, the court shall notify the  
victim of the ruling in accordance with sections 2930.03 and  
2930.16 of the Revised Code.

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

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

(b) That a sanction other than a prison term would not demean  
the seriousness of the offense because factors indicating that the  
eligible offender's conduct in committing the offense was less

serious than conduct normally constituting the offense outweigh 1078  
factors indicating that the eligible offender's conduct was more 1079  
serious than conduct normally constituting the offense. 1080

(2) A court that grants a judicial release to an eligible 1081  
offender under division (J)(1) of this section shall specify on 1082  
the record both findings required in that division and also shall 1083  
list all the factors described in that division that were 1084  
presented at the hearing. 1085

(K) If the court grants a motion for judicial release under 1086  
this section, the court shall order the release of the eligible 1087  
offender, shall place the eligible offender under an appropriate 1088  
community control sanction, under appropriate conditions, and 1089  
under the supervision of the department of probation serving the 1090  
court and shall reserve the right to reimpose the sentence that it 1091  
reduced if the offender violates the sanction. If the court 1092  
reimposes the reduced sentence, it may do so either concurrently 1093  
with, or consecutive to, any new sentence imposed upon the 1094  
eligible offender as a result of the violation that is a new 1095  
offense. The period of community control shall be no longer than 1096  
five years. The court, in its discretion, may reduce the period of 1097  
community control by the amount of time the eligible offender 1098  
spent in jail or prison for the offense and in prison. If the 1099  
court made any findings pursuant to division (J)(1) of this 1100  
section, the court shall serve a copy of the findings upon counsel 1101  
for the parties within fifteen days after the date on which the 1102  
court grants the motion for judicial release. 1103

If the court grants a motion for judicial release, the court 1104  
shall notify the appropriate person at the department of 1105  
rehabilitation and correction, and the department shall post 1106  
notice of the release on the database it maintains pursuant to 1107  
section 5120.66 of the Revised Code. The court also shall notify 1108  
the prosecuting attorney of the county in which the eligible 1109

offender was indicted that the motion has been granted. Unless the 1110  
victim or the victim's representative has requested pursuant to 1111  
division (B)(2) of section 2930.03 of the Revised Code that the 1112  
victim or victim's representative not be provided the notice, the 1113  
prosecuting attorney shall notify the victim or the victim's 1114  
representative of the judicial release in any manner, and in 1115  
accordance with the same procedures, pursuant to which the 1116  
prosecuting attorney is authorized to provide notice of the 1117  
hearing pursuant to division (E)(2) of this section. If the notice 1118  
is based on an offense committed prior to the effective date of 1119  
this amendment, the notice to the victim or victim's 1120  
representative also shall include the opt-out information 1121  
described in division (D)(1) of section 2930.16 of the Revised 1122  
Code. 1123

(L) In addition to and independent of the right of a victim 1124  
to make a statement pursuant to section 2930.14, 2930.17, or 1125  
2946.051 of the Revised Code and any right of a person to present 1126  
written information or make a statement pursuant to division (I) 1127  
of this section, any person may submit to the court, at any time 1128  
prior to the hearing on the offender's motion for judicial 1129  
release, a written statement concerning the effects of the 1130  
offender's crime or crimes, the circumstances surrounding the 1131  
crime or crimes, the manner in which the crime or crimes were 1132  
perpetrated, and the person's opinion as to whether the offender 1133  
should be released. 1134

(M) The changes to this section that are made on ~~the~~ 1135  
~~effective date of this division~~ September 30, 2011, apply to any 1136  
judicial release decision made on or after ~~the effective date of~~ 1137  
~~this division~~ September 30, 2011, for any eligible offender. 1138

**Sec. 2930.03.** (A) A person or entity required or authorized 1139  
under this chapter to give notice to a victim shall give the 1140

notice to the victim by any means reasonably calculated to provide 1141  
prompt actual notice. Except when a provision requires that notice 1142  
is to be given in a specific manner, a notice may be oral or 1143  
written. 1144

(B)(1) Except for receipt of the initial information and 1145  
notice required to be given to a victim under divisions (A) and 1146  
(B) of section 2930.04, section 2930.05, and divisions (A) and (B) 1147  
of section 2930.06 of the Revised Code and the notice required to 1148  
be given to a victim under division (D) of section 2930.16 of the 1149  
Revised Code, a victim who wishes to receive any notice authorized 1150  
by this chapter shall make a request for the notice to the 1151  
prosecutor or the custodial agency that is to provide the notice, 1152  
as specified in this chapter. If the victim does not make a 1153  
request as described in this division, the prosecutor or custodial 1154  
agency is not required to provide any notice described in this 1155  
chapter other than the initial information and notice required to 1156  
be given to a victim under divisions (A) and (B) of section 1157  
2930.04, section 2930.05, and divisions (A) and (B) of section 1158  
2930.06 of the Revised Code and the notice required to be given to 1159  
a victim under division (D) of section 2930.16 of the Revised 1160  
Code. 1161

(2) A victim who does not wish to receive any of the notices 1162  
required to be given to a victim under division (E)(2) or (K) of 1163  
section 2929.20, division (D) of section 2930.16, division (H) of 1164  
section 2967.12, division (E)(1)(b) of section 2967.19, division 1165  
(A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, 1166  
or division (A)(2) of section 5149.101 of the Revised Code shall 1167  
make a request to the prosecutor or custodial agency that is to 1168  
provide the particular notice that the notice not be provided to 1169  
the victim. Unless the victim makes a request as described in this 1170  
division, the prosecutor or custodial agency shall provide the 1171  
notices required to be given to a victim under division (E)(2) or 1172

(K) of section 2929.20, division (D) of section 2930.16, division 1173  
(H) of section 2967.12, division (E)(1)(b) of section 2967.19, 1174  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 1175  
2967.28, or division (A)(2) of section 5149.101 of the Revised 1176  
Code in any manner, and in accordance with the procedures, 1177  
specified in the particular division. This division also applies 1178  
to a victim's representative or a member of a victim's immediate 1179  
family that is authorized to receive any of the notices specified 1180  
in this division. 1181

(C) A person or agency that is required to furnish notice 1182  
under this chapter shall give the notice to the victim at the 1183  
address or telephone number provided to the person or agency by 1184  
the victim. A victim who requests to receive notice under this 1185  
chapter as described in division (B) of this section shall inform 1186  
the person or agency of the name, address, or telephone number of 1187  
the victim and of any change to that information. 1188

(D) A person or agency that has furnished information to a 1189  
victim in accordance with any requirement or authorization under 1190  
this chapter shall notify the victim promptly of any significant 1191  
changes to that information. 1192

(E) Divisions (A) to (D) of this section do not apply 1193  
regarding a notice that a prosecutor is required to provide under 1194  
section 2930.061 of the Revised Code. A prosecutor required to 1195  
provide notice under that section shall provide the notice as 1196  
specified in that section. 1197

**Sec. 2930.06.** (A) The prosecutor in a case, to the extent 1198  
practicable, shall confer with the victim in the case before 1199  
pretrial diversion is granted to the defendant or alleged juvenile 1200  
offender in the case, before amending or dismissing an indictment, 1201  
information, or complaint against that defendant or alleged 1202  
juvenile offender, before agreeing to a negotiated plea for that 1203

defendant or alleged juvenile offender, before a trial of that 1204  
defendant by judge or jury, or before the juvenile court conducts 1205  
an adjudicatory hearing for that alleged juvenile offender. If the 1206  
juvenile court disposes of a case prior to the prosecutor's 1207  
involvement in the case, the court or a court employee shall 1208  
notify the victim in the case that the alleged juvenile offender 1209  
will be granted pretrial diversion, the complaint against that 1210  
alleged juvenile offender will be amended or dismissed, or the 1211  
court will conduct an adjudicatory hearing for that alleged 1212  
juvenile offender. If the prosecutor fails to confer with the 1213  
victim at any of those times, the court, if informed of the 1214  
failure, shall note on the record the failure and the prosecutor's 1215  
reasons for the failure. A prosecutor's failure to confer with a 1216  
victim as required by this division and a court's failure to 1217  
provide the notice as required by this division do not affect the 1218  
validity of an agreement between the prosecutor and the defendant 1219  
or alleged juvenile offender in the case, a pretrial diversion of 1220  
the defendant or alleged juvenile offender, an amendment or 1221  
dismissal of an indictment, information, or complaint filed 1222  
against the defendant or alleged juvenile offender, a plea entered 1223  
by the defendant or alleged juvenile defender, an admission 1224  
entered by the defendant or alleged juvenile offender, or any 1225  
other disposition in the case. A court shall not dismiss a 1226  
criminal complaint, charge, information, or indictment or a 1227  
delinquent child complaint solely at the request of the victim and 1228  
over the objection of the prosecuting attorney, village solicitor, 1229  
city director of law, or other chief legal officer responsible for 1230  
the prosecution of the case. 1231

(B) After a prosecution in a case has been commenced, the 1232  
prosecutor or a designee of the prosecutor other than a court or 1233  
court employee, to the extent practicable, promptly shall give the 1234  
victim all of the following information, except that, if the 1235  
juvenile court disposes of a case prior to the prosecutor's 1236



involvement in the case, the court or a court employee, to the 1237  
extent practicable, promptly shall give the victim all of the 1238  
following information: 1239

(1) The name of the crime or specified delinquent act with 1240  
which the defendant or alleged juvenile offender in the case has 1241  
been charged and the name of the defendant or alleged juvenile 1242  
offender; 1243

(2) The file number of the case; 1244

(3) A brief statement regarding the procedural steps in a 1245  
criminal prosecution or delinquency proceeding involving a crime 1246  
or specified delinquent act similar to the crime or specified 1247  
delinquent act with which the defendant or alleged juvenile 1248  
offender has been charged and the right of the victim to be 1249  
present during all proceedings held throughout the prosecution of 1250  
the case; 1251

(4) A summary of the rights of a victim under this chapter; 1252

(5) Procedures the victim or the prosecutor may follow if the 1253  
victim becomes subject to threats or intimidation by the 1254  
defendant, alleged juvenile offender, or any other person; 1255

(6) The name and business telephone number of a person to 1256  
contact for further information with respect to the case; 1257

(7) The right of the victim to have a victim's representative 1258  
exercise the victim's rights under this chapter in accordance with 1259  
section 2930.02 of the Revised Code and the procedure by which a 1260  
victim's representative may be designated; 1261

(8) Notice that any notification under division (C) of this 1262  
section, sections 2930.07 to 2930.15, division (A), (B), or (C) of 1263  
section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 1264  
of the Revised Code will be given to the victim only if the victim 1265  
asks to receive the notification and that notice under division 1266

(E)(2) or (K) of section 2929.20, division (D) of section 2930.16, 1267  
division (H) of section 2967.12, division (E)(1)(b) of section 1268  
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 1269  
section 2967.28, or division (A)(2) of section 5149.101 of the 1270  
Revised Code will be given unless the victim asks that the 1271  
notification not be provided. 1272

(C) Upon the request of the victim, the prosecutor or, if it 1273  
is a delinquency proceeding and a prosecutor is not involved in 1274  
the case, the court shall give the victim notice of the date, 1275  
time, and place of any scheduled criminal or juvenile proceedings 1276  
in the case and notice of any changes in those proceedings or in 1277  
the schedule in the case. 1278

(D) A victim who requests notice under division (C) of this 1279  
section and who elects pursuant to division (B) of section 2930.03 1280  
of the Revised Code to receive any further notice from the 1281  
prosecutor or, if it is a delinquency proceeding and a prosecutor 1282  
is not involved in the case, the court under this chapter shall 1283  
keep the prosecutor or the court informed of the victim's current 1284  
address and telephone number until the case is dismissed or 1285  
terminated, the defendant is acquitted or sentenced, the 1286  
delinquent child complaint is dismissed, the defendant is 1287  
adjudicated a delinquent child, or the appellate process is 1288  
completed, whichever is the final disposition in the case. 1289

(E) If a defendant is charged with the commission of a 1290  
misdemeanor offense that is not identified in division (A)(2) of 1291  
section 2930.01 of the Revised Code and if a police report or a 1292  
complaint, indictment, or information that charges the commission 1293  
of that offense and provides the basis for a criminal prosecution 1294  
of that defendant identifies one or more individuals as 1295  
individuals against whom that offense was committed, after a 1296  
prosecution in the case has been commenced, the prosecutor or a 1297  
designee of the prosecutor other than a court or court employee, 1298

to the extent practicable, promptly shall notify each of the 1299  
individuals so identified in the report, complaint, indictment, or 1300  
information that, if the defendant is convicted of or pleads 1301  
guilty to the offense, the individual may make an oral or written 1302  
statement to the court hearing the case regarding the sentence to 1303  
be imposed upon the defendant and that the court must consider any 1304  
statement so made that is relevant. Before imposing sentence in 1305  
the case, the court shall permit the individuals so identified in 1306  
the report, complaint, indictment, or information to make an oral 1307  
or written statement. Division (A) of section 2930.14 of the 1308  
Revised Code applies regarding any statement so made. The court 1309  
shall consider a statement so made, in accordance with division 1310  
(B) of that section and division (D) of section 2929.22 of the 1311  
Revised Code. 1312

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 1313  
a case who has requested to receive notice under this section 1314  
shall be given notice of the incarceration of the defendant. If an 1315  
alleged juvenile offender is committed to the temporary custody of 1316  
a school, camp, institution, or other facility operated for the 1317  
care of delinquent children or to the legal custody of the 1318  
department of youth services, a victim in a case who has requested 1319  
to receive notice under this section shall be given notice of the 1320  
commitment. Promptly after sentence is imposed upon the defendant 1321  
or the commitment of the alleged juvenile offender is ordered, the 1322  
prosecutor in the case shall notify the victim of the date on 1323  
which the defendant will be released from confinement or the 1324  
prosecutor's reasonable estimate of that date or the date on which 1325  
the alleged juvenile offender will have served the minimum period 1326  
of commitment or the prosecutor's reasonable estimate of that 1327  
date. The prosecutor also shall notify the victim of the name of 1328  
the custodial agency of the defendant or alleged juvenile offender 1329  
and tell the victim how to contact that custodial agency. If the 1330

custodial agency is the department of rehabilitation and 1331  
correction, the prosecutor shall notify the victim of the services 1332  
offered by the office of victims' services pursuant to section 1333  
5120.60 of the Revised Code. If the custodial agency is the 1334  
department of youth services, the prosecutor shall notify the 1335  
victim of the services provided by the office of victims' services 1336  
within the release authority of the department pursuant to section 1337  
5139.55 of the Revised Code and the victim's right pursuant to 1338  
section 5139.56 of the Revised Code to submit a written request to 1339  
the release authority to be notified of actions the release 1340  
authority takes with respect to the alleged juvenile offender. The 1341  
victim shall keep the custodial agency informed of the victim's 1342  
current address and telephone number. 1343

(B)(1) Upon the victim's request or in accordance with 1344  
division (D) of this section, the prosecutor promptly shall notify 1345  
the victim of any hearing for judicial release of the defendant 1346  
pursuant to section 2929.20 of the Revised Code, of any hearing 1347  
for release of the defendant pursuant to section 2967.19 of the 1348  
Revised Code, or of any hearing for judicial release or early 1349  
release of the alleged juvenile offender pursuant to section 1350  
2151.38 of the Revised Code and of the victim's right to make a 1351  
statement under those sections. The court shall notify the victim 1352  
of its ruling in each of those hearings and on each of those 1353  
applications. 1354

(2) If an offender is sentenced to a prison term pursuant to 1355  
division (A)(3) or (B) of section 2971.03 of the Revised Code, 1356  
upon the request of the victim of the crime or in accordance with 1357  
division (D) of this section, the prosecutor promptly shall notify 1358  
the victim of any hearing to be conducted pursuant to section 1359  
2971.05 of the Revised Code to determine whether to modify the 1360  
requirement that the offender serve the entire prison term in a 1361  
state correctional facility in accordance with division (C) of 1362

that section, whether to continue, revise, or revoke any existing 1363  
modification of that requirement, or whether to terminate the 1364  
prison term in accordance with division (D) of that section. The 1365  
court shall notify the victim of any order issued at the 1366  
conclusion of the hearing. 1367

(C) Upon the victim's request made at any time before the 1368  
particular notice would be due or in accordance with division (D) 1369  
of this section, the custodial agency of a defendant or alleged 1370  
juvenile offender shall give the victim any of the following 1371  
notices that is applicable: 1372

(1) At least ~~three weeks~~ sixty days before the adult parole 1373  
authority recommends a pardon or commutation of sentence for the 1374  
defendant or at least ~~three weeks~~ sixty days prior to a hearing 1375  
before the adult parole authority regarding a grant of parole to 1376  
the defendant, notice of the victim's right to submit a statement 1377  
regarding the impact of the defendant's release in accordance with 1378  
section 2967.12 of the Revised Code and, if applicable, of the 1379  
victim's right to appear at a full board hearing of the parole 1380  
board to give testimony as authorized by section 5149.101 of the 1381  
Revised Code; 1382

(2) At least ~~three weeks~~ sixty days before the defendant is 1383  
transferred to transitional control under section 2967.26 of the 1384  
Revised Code, notice of the pendency of the transfer and of the 1385  
victim's right under that section to submit a statement regarding 1386  
the impact of the transfer; 1387

(3) At least ~~thirty~~ sixty days before the release authority 1388  
of the department of youth services holds a release review, 1389  
release hearing, or discharge review for the alleged juvenile 1390  
offender, notice of the pendency of the review or hearing, of the 1391  
victim's right to make an oral or written statement regarding the 1392  
impact of the crime upon the victim or regarding the possible 1393  
release or discharge, and, if the notice pertains to a hearing, of 1394

the victim's right to attend and make statements or comments at 1395  
the hearing as authorized by section 5139.56 of the Revised Code; 1396

(4) Prompt notice of the defendant's or alleged juvenile 1397  
offender's escape from a facility of the custodial agency in which 1398  
the defendant was incarcerated or in which the alleged juvenile 1399  
offender was placed after commitment, of the defendant's or 1400  
alleged juvenile offender's absence without leave from a mental 1401  
health or mental retardation and developmental disabilities 1402  
facility or from other custody, and of the capture of the 1403  
defendant or alleged juvenile offender after an escape or absence; 1404

(5) Notice of the defendant's or alleged juvenile offender's 1405  
death while in confinement or custody; 1406

(6) Notice of the filing of a petition by the director of 1407  
rehabilitation and correction pursuant to section 2967.19 of the 1408  
Revised Code requesting the early release under that section of 1409  
the defendant; 1410

(7) Notice of the defendant's or alleged juvenile offender's 1411  
release from confinement or custody and the terms and conditions 1412  
of the release. 1413

(D)(1) If a defendant is incarcerated for the commission of 1414  
aggravated murder, murder, or an offense of violence that is a 1415  
felony of the first, second, or third degree or is under a 1416  
sentence of life imprisonment or if an alleged juvenile offender 1417  
has been charged with the commission of an act that would be 1418  
aggravated murder, murder, or an offense of violence that is a 1419  
felony of the first, second, or third degree or be subject to a 1420  
sentence of life imprisonment if committed by an adult, except as 1421  
otherwise provided in this division, the notices described in 1422  
divisions (B) and (C) of this section shall be given regardless of 1423  
whether the victim has requested the notification. The notices 1424  
described in divisions (B) and (C) of this section shall not be 1425

given under this division to a victim if the victim has requested 1426  
pursuant to division (B)(2) of section 2930.03 of the Revised Code 1427  
that the victim not be provided the notice. Regardless of whether 1428  
the victim has requested that the notices described in division 1429  
(C) of this section be provided or not be provided, the custodial 1430  
agency shall give notice similar to those notices to the 1431  
prosecutor in the case, to the sentencing court, to the law 1432  
enforcement agency that arrested the defendant or alleged juvenile 1433  
offender if any officer of that agency was a victim of the 1434  
offense, and to any member of the victim's immediate family who 1435  
requests notification. If the notice given under this division to 1436  
the victim is based on an offense committed prior to the effective 1437  
date of this amendment and if the prosecutor or custodial agency 1438  
has not previously successfully provided any notice to the victim 1439  
under this division or division (B) or (C) of this section with 1440  
respect to that offense and the offender who committed it, the 1441  
notice also shall inform the victim that the victim may request 1442  
that the victim not be provided any further notices with respect 1443  
to that offense and the offender who committed it and shall 1444  
describe the procedure for making that request. If the notice 1445  
given under this division to the victim pertains to a hearing 1446  
regarding a grant of a parole to the defendant, the notice also 1447  
shall inform the victim that the victim, a member of the victim's 1448  
immediate family, or the victim's representative may request a 1449  
victim conference, as described in division (E) of this section, 1450  
and shall provide an explanation of a victim conference. 1451

The prosecutor or custodial agency may give the notices to 1452  
which this division applies by any reasonable means, including 1453  
regular mail, telephone, and electronic mail. If the prosecutor or 1454  
custodial agency attempts to provide notice to a victim under this 1455  
division but the attempt is unsuccessful because the prosecutor or 1456  
custodial agency is unable to locate the victim, is unable to 1457  
provide the notice by its chosen method because it cannot 1458

determine the mailing address, telephone number, or electronic 1459  
mail address at which to provide the notice, or, if the notice is 1460  
sent by mail, the notice is returned, the prosecutor or custodial 1461  
agency shall make another attempt to provide the notice to the 1462  
victim. If the second attempt is unsuccessful, the prosecutor or 1463  
custodial agency shall make at least one more attempt to provide 1464  
the notice. If the notice is based on an offense committed prior 1465  
to the effective date of this amendment, in each attempt to 1466  
provide the notice to the victim, the notice shall include the 1467  
opt-out information described in the preceding paragraph. The 1468  
prosecutor or custodial agency, in accordance with division (D)(2) 1469  
of this section, shall keep a record of all attempts to provide 1470  
the notice, and of all notices provided, under this division. 1471

Division (D)(1) of this section, and the notice-related 1472  
provisions of divisions (E)(2) and (K) of section 2929.20, 1473  
division (H) of section 2967.12, division (E)(1)(b) of section 1474  
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 1475  
section 2967.28, and division (A)(2) of section 5149.101 of the 1476  
Revised Code enacted in the act in which division (D)(1) of this 1477  
section was enacted, shall be known as "Roberta's Law." 1478

(2) Each prosecutor and custodial agency that attempts to 1479  
give any notice to which division (D)(1) of this section applies 1480  
shall keep a record of all attempts to give the notice. The record 1481  
shall indicate the person who was to be the recipient of the 1482  
notice, the date on which the attempt was made, the manner in 1483  
which the attempt was made, and the person who made the attempt. 1484  
If the attempt is successful and the notice is given, the record 1485  
shall indicate that fact. The record shall be kept in a manner 1486  
that allows public inspection of attempts and notices given to 1487  
persons other than victims without revealing the names, addresses, 1488  
or other identifying information relating to victims. The record 1489  
of attempts and notices given to victims is not a public record, 1490



but the prosecutor or custodial agency shall provide upon request 1491  
a copy of that record to a prosecuting attorney, judge, law 1492  
enforcement agency, or member of the general assembly. The record 1493  
of attempts and notices given to persons other than victims is a 1494  
public record. A record kept under this division may be indexed by 1495  
offender name, or in any other manner determined by the prosecutor 1496  
or the custodial agency. Each prosecutor or custodial agency that 1497  
is required to keep a record under this division shall determine 1498  
the procedures for keeping the record and the manner in which it 1499  
is to be kept, subject to the requirements of this division. 1500

(E) The adult parole authority shall adopt rules under 1501  
Chapter 119. of the Revised Code providing for a victim 1502  
conference, upon request of the victim, a member of the victim's 1503  
immediate family, or the victim's representative, prior to a 1504  
parole hearing in the case of a prisoner who is incarcerated for 1505  
the commission of aggravated murder, murder, or an offense of 1506  
violence that is a felony of the first, second, or third degree or 1507  
is under a sentence of life imprisonment. The rules shall provide 1508  
for, but not be limited to, all of the following: 1509

(1) Subject to division (E)(3) of this section, attendance by 1510  
the victim, members of the victim's immediate family, the victim's 1511  
representative, and, if practicable, other individuals; 1512

(2) Allotment of up to one hour for the conference; 1513

(3) A specification of the number of persons specified in 1514  
division (E)(1) of this section who may be present at any single 1515  
victim conference, if limited by the department pursuant to 1516  
division (F) of this section. 1517

(F) The department may limit the number of persons specified 1518  
in division (E)(1) of this section who may be present at any 1519  
single victim conference, provided that the department shall not 1520  
limit the number of persons who may be present at any single 1521

conference to fewer than three. If the department limits the 1522  
number of persons who may be present at any single victim 1523  
conference, the department shall permit and schedule, upon request 1524  
of the victim, a member of the victim's immediate family, or the 1525  
victim's representative, multiple victim conferences for the 1526  
persons specified in division (E)(1) of this section. 1527

(G) As used in this section, "victim's immediate family" has 1528  
the same meaning as in section 2967.12 of the Revised Code. 1529

**Sec. 2950.01.** As used in this chapter, unless the context 1530  
clearly requires otherwise: 1531

(A) "Sexually oriented offense" means any of the following 1532  
violations or offenses committed by a person, regardless of the 1533  
person's age: 1534

(1) A violation of section 2907.02, 2907.03, 2907.05, 1535  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 1536  
2907.322, or 2907.323 of the Revised Code; 1537

(2) A violation of section 2907.04 of the Revised Code when 1538  
the offender is less than four years older than the other person 1539  
with whom the offender engaged in sexual conduct, the other person 1540  
did not consent to the sexual conduct, and the offender previously 1541  
has not been convicted of or pleaded guilty to a violation of 1542  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1543  
violation of former section 2907.12 of the Revised Code; 1544

(3) A violation of section 2907.04 of the Revised Code when 1545  
the offender is at least four years older than the other person 1546  
with whom the offender engaged in sexual conduct or when the 1547  
offender is less than four years older than the other person with 1548  
whom the offender engaged in sexual conduct and the offender 1549  
previously has been convicted of or pleaded guilty to a violation 1550  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1551

violation of former section 2907.12 of the Revised Code; 1552

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1553  
the Revised Code when the violation was committed with a sexual 1554  
motivation; 1555

(5) A violation of division (A) of section 2903.04 of the 1556  
Revised Code when the offender committed or attempted to commit 1557  
the felony that is the basis of the violation with a sexual 1558  
motivation; 1559

(6) A violation of division (A)(3) of section 2903.211 of the 1560  
Revised Code; 1561

(7) A violation of division (A)(1), (2), (3), or (5) of 1562  
section 2905.01 of the Revised Code when the offense is committed 1563  
with a sexual motivation; 1564

(8) A violation of division (A)(4) of section 2905.01 of the 1565  
Revised Code; 1566

(9) A violation of division (B) of section 2905.01 of the 1567  
Revised Code when the victim of the offense is under eighteen 1568  
years of age and the offender is not a parent of the victim of the 1569  
offense; 1570

(10) A violation of division (B) of section 2903.03, of 1571  
division (B) of section 2905.02, of division (B) of section 1572  
2905.03, of division (B) of section 2905.05, or of division (B)(5) 1573  
of section 2919.22 of the Revised Code; 1574

(11) A violation of section 2905.32 of the Revised Code when 1575  
the offender knowingly recruited, lured, enticed, isolated, 1576  
harbored, transported, provided, obtained, or maintained, or 1577  
knowingly attempted to recruit, lure, entice, isolate, harbor, 1578  
transport, provide, obtain, or maintain, another person knowing 1579  
that the person would be compelled to engage in sexual activity 1580  
for hire, engage in a performance that was obscene, sexually 1581

oriented, or nudity oriented, or be a model or participant in the 1582  
production of material that was obscene, sexually oriented, or 1583  
nudity oriented; 1584

(12) A violation of any former law of this state, any 1585  
existing or former municipal ordinance or law of another state or 1586  
the United States, any existing or former law applicable in a 1587  
military court or in an Indian tribal court, or any existing or 1588  
former law of any nation other than the United States that is or 1589  
was substantially equivalent to any offense listed in division 1590  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of 1591  
this section; 1592

(13) Any attempt to commit, conspiracy to commit, or 1593  
complicity in committing any offense listed in division (A)(1), 1594  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of 1595  
this section. 1596

(B)(1) "Sex offender" means, subject to division (B)(2) of 1597  
this section, a person who is convicted of, pleads guilty to, has 1598  
been convicted of, has pleaded guilty to, is adjudicated a 1599  
delinquent child for committing, or has been adjudicated a 1600  
delinquent child for committing any sexually oriented offense. 1601

(2) "Sex offender" does not include a person who is convicted 1602  
of, pleads guilty to, has been convicted of, has pleaded guilty 1603  
to, is adjudicated a delinquent child for committing, or has been 1604  
adjudicated a delinquent child for committing a sexually oriented 1605  
offense if the offense involves consensual sexual conduct or 1606  
consensual sexual contact and either of the following applies: 1607

(a) The victim of the sexually oriented offense was eighteen 1608  
years of age or older and at the time of the sexually oriented 1609  
offense was not under the custodial authority of the person who is 1610  
convicted of, pleads guilty to, has been convicted of, has pleaded 1611  
guilty to, is adjudicated a delinquent child for committing, or 1612

has been adjudicated a delinquent child for committing the 1613  
sexually oriented offense. 1614

(b) The victim of the offense was thirteen years of age or 1615  
older, and the person who is convicted of, pleads guilty to, has 1616  
been convicted of, has pleaded guilty to, is adjudicated a 1617  
delinquent child for committing, or has been adjudicated a 1618  
delinquent child for committing the sexually oriented offense is 1619  
not more than four years older than the victim. 1620

(C) "Child-victim oriented offense" means any of the 1621  
following violations or offenses committed by a person, regardless 1622  
of the person's age, when the victim is under eighteen years of 1623  
age and is not a child of the person who commits the violation: 1624

(1) A violation of division (A)(1), (2), (3), or (5) of 1625  
section 2905.01 of the Revised Code when the violation is not 1626  
included in division (A)(7) of this section; 1627

(2) A violation of division (A) of section 2905.02, division 1628  
(A) of section 2905.03, or division (A) of section 2905.05 of the 1629  
Revised Code; 1630

(3) A violation of any former law of this state, any existing 1631  
or former municipal ordinance or law of another state or the 1632  
United States, any existing or former law applicable in a military 1633  
court or in an Indian tribal court, or any existing or former law 1634  
of any nation other than the United States that is or was 1635  
substantially equivalent to any offense listed in division (C)(1) 1636  
or (2) of this section; 1637

(4) Any attempt to commit, conspiracy to commit, or 1638  
complicity in committing any offense listed in division (C)(1), 1639  
(2), or (3) of this section. 1640

(D) "Child-victim offender" means a person who is convicted 1641  
of, pleads guilty to, has been convicted of, has pleaded guilty 1642  
to, is adjudicated a delinquent child for committing, or has been 1643

adjudicated a delinquent child for committing any child-victim  
oriented offense. 1644  
1645

(E) "Tier I sex offender/child-victim offender" means any of 1646  
the following: 1647

(1) A sex offender who is convicted of, pleads guilty to, has 1648  
been convicted of, or has pleaded guilty to any of the following 1649  
sexually oriented offenses: 1650

(a) A violation of section 2907.06, 2907.07, 2907.08, 1651  
2907.22, or 2907.32 of the Revised Code; 1652

(b) A violation of section 2907.04 of the Revised Code when 1653  
the offender is less than four years older than the other person 1654  
with whom the offender engaged in sexual conduct, the other person 1655  
did not consent to the sexual conduct, and the offender previously 1656  
has not been convicted of or pleaded guilty to a violation of 1657  
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1658  
violation of former section 2907.12 of the Revised Code; 1659

(c) A violation of division (A)(1), (2), (3), or (5) of 1660  
section 2907.05 of the Revised Code; 1661

(d) A violation of division (A)(3) of section 2907.323 of the 1662  
Revised Code; 1663

(e) A violation of division (A)(3) of section 2903.211, of 1664  
division (B) of section 2905.03, or of division (B) of section 1665  
2905.05 of the Revised Code; 1666

(f) A violation of any former law of this state, any existing 1667  
or former municipal ordinance or law of another state or the 1668  
United States, any existing or former law applicable in a military 1669  
court or in an Indian tribal court, or any existing or former law 1670  
of any nation other than the United States, that is or was 1671  
substantially equivalent to any offense listed in division 1672  
(E)(1)(a), (b), (c), (d), or (e) of this section; 1673

(g) Any attempt to commit, conspiracy to commit, or 1674  
complicity in committing any offense listed in division (E)(1)(a), 1675  
(b), (c), (d), (e), or (f) of this section. 1676

(2) A child-victim offender who is convicted of, pleads 1677  
guilty to, has been convicted of, or has pleaded guilty to a 1678  
child-victim oriented offense and who is not within either 1679  
category of child-victim offender described in division (F)(2) or 1680  
(G)(2) of this section. 1681

(3) A sex offender who is adjudicated a delinquent child for 1682  
committing or has been adjudicated a delinquent child for 1683  
committing any sexually oriented offense and who a juvenile court, 1684  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1685  
Revised Code, classifies a tier I sex offender/child-victim 1686  
offender relative to the offense. 1687

(4) A child-victim offender who is adjudicated a delinquent 1688  
child for committing or has been adjudicated a delinquent child 1689  
for committing any child-victim oriented offense and who a 1690  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1691  
2152.85 of the Revised Code, classifies a tier I sex 1692  
offender/child-victim offender relative to the offense. 1693

(F) "Tier II sex offender/child-victim offender" means any of 1694  
the following: 1695

(1) A sex offender who is convicted of, pleads guilty to, has 1696  
been convicted of, or has pleaded guilty to any of the following 1697  
sexually oriented offenses: 1698

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 1699  
the Revised Code; 1700

(b) A violation of section 2907.04 of the Revised Code when 1701  
the offender is at least four years older than the other person 1702  
with whom the offender engaged in sexual conduct, or when the 1703  
offender is less than four years older than the other person with 1704

whom the offender engaged in sexual conduct and the offender 1705  
previously has been convicted of or pleaded guilty to a violation 1706  
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 1707  
former section 2907.12 of the Revised Code; 1708

(c) A violation of division (A)(4) of section 2907.05 or of 1709  
division (A)(1) or (2) of section 2907.323 of the Revised Code; 1710

(d) A violation of division (A)(1), (2), (3), or (5) of 1711  
section 2905.01 of the Revised Code when the offense is committed 1712  
with a sexual motivation; 1713

(e) A violation of division (A)(4) of section 2905.01 of the 1714  
Revised Code when the victim of the offense is eighteen years of 1715  
age or older; 1716

(f) A violation of division (B) of section 2905.02 or of 1717  
division (B)(5) of section 2919.22 of the Revised Code; 1718

(g) A violation of section 2905.32 of the Revised Code when 1719  
the offender knowingly recruited, lured, enticed, isolated, 1720  
harbored, transported, provided, obtained, or maintained, or 1721  
knowingly attempted to recruit, lure, entice, isolate, harbor, 1722  
transport, provide, obtain, or maintain, another person knowing 1723  
that the person would be compelled to engage in sexual activity 1724  
for hire, engage in a performance that was obscene, sexually 1725  
oriented, or nudity oriented, or be a model or participant in the 1726  
production of material that was obscene, sexually oriented, or 1727  
nudity oriented; 1728

(h) A violation of any former law of this state, any existing 1729  
or former municipal ordinance or law of another state or the 1730  
United States, any existing or former law applicable in a military 1731  
court or in an Indian tribal court, or any existing or former law 1732  
of any nation other than the United States that is or was 1733  
substantially equivalent to any offense listed in division 1734  
(F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 1735



(i) Any attempt to commit, conspiracy to commit, or 1736  
complicity in committing any offense listed in division (F)(1)(a), 1737  
(b), (c), (d), (e), (f), (g), or (h) of this section; 1738

(j) Any sexually oriented offense that is committed after the 1739  
sex offender previously has been convicted of, pleaded guilty to, 1740  
or has been adjudicated a delinquent child for committing any 1741  
sexually oriented offense or child-victim oriented offense for 1742  
which the offender was classified a tier I sex 1743  
offender/child-victim offender. 1744

(2) A child-victim offender who is convicted of, pleads 1745  
guilty to, has been convicted of, or has pleaded guilty to any 1746  
child-victim oriented offense when the child-victim oriented 1747  
offense is committed after the child-victim offender previously 1748  
has been convicted of, pleaded guilty to, or been adjudicated a 1749  
delinquent child for committing any sexually oriented offense or 1750  
child-victim oriented offense for which the offender was 1751  
classified a tier I sex offender/child-victim offender. 1752

(3) A sex offender who is adjudicated a delinquent child for 1753  
committing or has been adjudicated a delinquent child for 1754  
committing any sexually oriented offense and who a juvenile court, 1755  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1756  
Revised Code, classifies a tier II sex offender/child-victim 1757  
offender relative to the offense. 1758

(4) A child-victim offender who is adjudicated a delinquent 1759  
child for committing or has been adjudicated a delinquent child 1760  
for committing any child-victim oriented offense and whom a 1761  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1762  
2152.85 of the Revised Code, classifies a tier II sex 1763  
offender/child-victim offender relative to the current offense. 1764

(5) A sex offender or child-victim offender who is not in any 1765  
category of tier II sex offender/child-victim offender set forth 1766

in division (F)(1), (2), (3), or (4) of this section, who prior to 1767  
January 1, 2008, was adjudicated a delinquent child for committing 1768  
a sexually oriented offense or child-victim oriented offense, and 1769  
who prior to that date was determined to be a habitual sex 1770  
offender or determined to be a habitual child-victim offender, 1771  
unless either of the following applies: 1772

(a) The sex offender or child-victim offender is reclassified 1773  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1774  
tier I sex offender/child-victim offender or a tier III sex 1775  
offender/child-victim offender relative to the offense. 1776

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 1777  
2152.84, or 2152.85 of the Revised Code, classifies the child a 1778  
tier I sex offender/child-victim offender or a tier III sex 1779  
offender/child-victim offender relative to the offense. 1780

(G) "Tier III sex offender/child-victim offender" means any 1781  
of the following: 1782

(1) A sex offender who is convicted of, pleads guilty to, has 1783  
been convicted of, or has pleaded guilty to any of the following 1784  
sexually oriented offenses: 1785

(a) A violation of section 2907.02 or 2907.03 of the Revised 1786  
Code; 1787

(b) A violation of division (B) of section 2907.05 of the 1788  
Revised Code; 1789

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1790  
the Revised Code when the violation was committed with a sexual 1791  
motivation; 1792

(d) A violation of division (A) of section 2903.04 of the 1793  
Revised Code when the offender committed or attempted to commit 1794  
the felony that is the basis of the violation with a sexual 1795  
motivation; 1796

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

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

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

(h) 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 (G)(1)(a), (b), (c), (d), (e), ~~or~~ (f), or (g) of this section;

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

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

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

delinquent child for committing any sexually oriented offense or 1828  
child-victim oriented offense for which the offender was 1829  
classified a tier II sex offender/child-victim offender or a tier 1830  
III sex offender/child-victim offender. 1831

(3) A sex offender who is adjudicated a delinquent child for 1832  
committing or has been adjudicated a delinquent child for 1833  
committing any sexually oriented offense and who a juvenile court, 1834  
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1835  
Revised Code, classifies a tier III sex offender/child-victim 1836  
offender relative to the offense. 1837

(4) A child-victim offender who is adjudicated a delinquent 1838  
child for committing or has been adjudicated a delinquent child 1839  
for committing any child-victim oriented offense and whom a 1840  
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1841  
2152.85 of the Revised Code, classifies a tier III sex 1842  
offender/child-victim offender relative to the current offense. 1843

(5) A sex offender or child-victim offender who is not in any 1844  
category of tier III sex offender/child-victim offender set forth 1845  
in division (G)(1), (2), (3), or (4) of this section, who prior to 1846  
January 1, 2008, was convicted of or pleaded guilty to a sexually 1847  
oriented offense or child-victim oriented offense or was 1848  
adjudicated a delinquent child for committing a sexually oriented 1849  
offense or child-victim oriented offense and classified a juvenile 1850  
offender registrant, and who prior to that date was adjudicated a 1851  
sexual predator or adjudicated a child-victim predator, unless 1852  
either of the following applies: 1853

(a) The sex offender or child-victim offender is reclassified 1854  
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1855  
tier I sex offender/child-victim offender or a tier II sex 1856  
offender/child-victim offender relative to the offense. 1857

(b) The sex offender or child-victim offender is a delinquent 1858

child, and a juvenile court, pursuant to section 2152.82, 2152.83, 1859  
2152.84, or 2152.85 of the Revised Code, classifies the child a 1860  
tier I sex offender/child-victim offender or a tier II sex 1861  
offender/child-victim offender relative to the offense. 1862

(6) A sex offender who is convicted of, pleads guilty to, was 1863  
convicted of, or pleaded guilty to a sexually oriented offense, if 1864  
the sexually oriented offense and the circumstances in which it 1865  
was committed are such that division (F) of section 2971.03 of the 1866  
Revised Code automatically classifies the offender as a tier III 1867  
sex offender/child-victim offender; 1868

(7) A sex offender or child-victim offender who is convicted 1869  
of, pleads guilty to, was convicted of, pleaded guilty to, is 1870  
adjudicated a delinquent child for committing, or was adjudicated 1871  
a delinquent child for committing a sexually oriented offense or 1872  
child-victim offense in another state, in a federal court, 1873  
military court, or Indian tribal court, or in a court in any 1874  
nation other than the United States if both of the following 1875  
apply: 1876

(a) Under the law of the jurisdiction in which the offender 1877  
was convicted or pleaded guilty or the delinquent child was 1878  
adjudicated, the offender or delinquent child is in a category 1879  
substantially equivalent to a category of tier III sex 1880  
offender/child-victim offender described in division (G)(1), (2), 1881  
(3), (4), (5), or (6) of this section. 1882

(b) Subsequent to the conviction, plea of guilty, or 1883  
adjudication in the other jurisdiction, the offender or delinquent 1884  
child resides, has temporary domicile, attends school or an 1885  
institution of higher education, is employed, or intends to reside 1886  
in this state in any manner and for any period of time that 1887  
subjects the offender or delinquent child to a duty to register or 1888  
provide notice of intent to reside under section 2950.04 or 1889  
2950.041 of the Revised Code. 1890

(H) "Confinement" includes, but is not limited to, a 1891  
community residential sanction imposed pursuant to section 2929.16 1892  
or 2929.26 of the Revised Code. 1893

(I) "Prosecutor" has the same meaning as in section 2935.01 1894  
of the Revised Code. 1895

(J) "Supervised release" means a release of an offender from 1896  
a prison term, a term of imprisonment, or another type of 1897  
confinement that satisfies either of the following conditions: 1898

(1) The release is on parole, a conditional pardon, under a 1899  
community control sanction, under transitional control, or under a 1900  
post-release control sanction, and it requires the person to 1901  
report to or be supervised by a parole officer, probation officer, 1902  
field officer, or another type of supervising officer. 1903

(2) The release is any type of release that is not described 1904  
in division (J)(1) of this section and that requires the person to 1905  
report to or be supervised by a probation officer, a parole 1906  
officer, a field officer, or another type of supervising officer. 1907

(K) "Sexually violent predator specification," "sexually 1908  
violent predator," "sexually violent offense," "sexual motivation 1909  
specification," "designated homicide, assault, or kidnapping 1910  
offense," and "violent sex offense" have the same meanings as in 1911  
section 2971.01 of the Revised Code. 1912

(L) "Post-release control sanction" and "transitional 1913  
control" have the same meanings as in section 2967.01 of the 1914  
Revised Code. 1915

(M) "Juvenile offender registrant" means a person who is 1916  
adjudicated a delinquent child for committing on or after January 1917  
1, 2002, a sexually oriented offense or a child-victim oriented 1918  
offense, who is fourteen years of age or older at the time of 1919  
committing the offense, and who a juvenile court judge, pursuant 1920  
to an order issued under section 2152.82, 2152.83, 2152.84, 1921

2152.85, or 2152.86 of the Revised Code, classifies a juvenile 1922  
offender registrant and specifies has a duty to comply with 1923  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1924  
Code. "Juvenile offender registrant" includes a person who prior 1925  
to January 1, 2008, was a "juvenile offender registrant" under the 1926  
definition of the term in existence prior to January 1, 2008, and 1927  
a person who prior to July 31, 2003, was a "juvenile sex offender 1928  
registrant" under the former definition of that former term. 1929

(N) "Public registry-qualified juvenile offender registrant" 1930  
means a person who is adjudicated a delinquent child and on whom a 1931  
juvenile court has imposed a serious youthful offender 1932  
dispositional sentence under section 2152.13 of the Revised Code 1933  
before, on, or after January 1, 2008, and to whom all of the 1934  
following apply: 1935

(1) The person is adjudicated a delinquent child for 1936  
committing, attempting to commit, conspiring to commit, or 1937  
complicity in committing one of the following acts: 1938

(a) A violation of section 2907.02 of the Revised Code, 1939  
division (B) of section 2907.05 of the Revised Code, or section 1940  
2907.03 of the Revised Code if the victim of the violation was 1941  
less than twelve years of age; 1942

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1943  
the Revised Code that was committed with a purpose to gratify the 1944  
sexual needs or desires of the child; 1945

(c) A violation of division (B) of section 2903.03 of the 1946  
Revised Code. 1947

(2) The person was fourteen, fifteen, sixteen, or seventeen 1948  
years of age at the time of committing the act. 1949

(3) A juvenile court judge, pursuant to an order issued under 1950  
section 2152.86 of the Revised Code, classifies the person a 1951  
juvenile offender registrant, specifies the person has a duty to 1952

comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1953  
Code, and classifies the person a public registry-qualified 1954  
juvenile offender registrant, and the classification of the person 1955  
as a public registry-qualified juvenile offender registrant has 1956  
not been terminated pursuant to division (D) of section 2152.86 of 1957  
the Revised Code. 1958

(O) "Secure facility" means any facility that is designed and 1959  
operated to ensure that all of its entrances and exits are locked 1960  
and under the exclusive control of its staff and to ensure that, 1961  
because of that exclusive control, no person who is 1962  
institutionalized or confined in the facility may leave the 1963  
facility without permission or supervision. 1964

(P) "Out-of-state juvenile offender registrant" means a 1965  
person who is adjudicated a delinquent child in a court in another 1966  
state, in a federal court, military court, or Indian tribal court, 1967  
or in a court in any nation other than the United States for 1968  
committing a sexually oriented offense or a child-victim oriented 1969  
offense, who on or after January 1, 2002, moves to and resides in 1970  
this state or temporarily is domiciled in this state for more than 1971  
five days, and who has a duty under section 2950.04 or 2950.041 of 1972  
the Revised Code to register in this state and the duty to 1973  
otherwise comply with that applicable section and sections 2950.05 1974  
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1975  
registrant" includes a person who prior to January 1, 2008, was an 1976  
"out-of-state juvenile offender registrant" under the definition 1977  
of the term in existence prior to January 1, 2008, and a person 1978  
who prior to July 31, 2003, was an "out-of-state juvenile sex 1979  
offender registrant" under the former definition of that former 1980  
term. 1981

(Q) "Juvenile court judge" includes a magistrate to whom the 1982  
juvenile court judge confers duties pursuant to division (A)(15) 1983  
of section 2151.23 of the Revised Code. 1984



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

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

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

(U) "Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

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

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

(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the

Revised Code. 2016

**Sec. 2951.041.** (A)(1) If an offender is charged with a 2017  
criminal offense, including but not limited to a violation of 2018  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 2019  
the Revised Code, and the court has reason to believe that drug or 2020  
alcohol usage by the offender was a factor leading to the criminal 2021  
offense with which the offender is charged or that, at the time of 2022  
committing that offense, the offender had a mental illness or was 2023  
a person with intellectual disability and that the mental illness 2024  
or status as a person with intellectual disability was a factor 2025  
leading to the offender's criminal behavior, the court may accept, 2026  
prior to the entry of a guilty plea, the offender's request for 2027  
intervention in lieu of conviction. The request shall include a 2028  
statement from the offender as to whether the offender is alleging 2029  
that drug or alcohol usage by the offender was a factor leading to 2030  
the criminal offense with which the offender is charged or is 2031  
alleging that, at the time of committing that offense, the 2032  
offender had a mental illness or was a person with intellectual 2033  
disability and that the mental illness or status as a person with 2034  
intellectual disability was a factor leading to the criminal 2035  
offense with which the offender is charged. The request also shall 2036  
include a waiver of the defendant's right to a speedy trial, the 2037  
preliminary hearing, the time period within which the grand jury 2038  
may consider an indictment against the offender, and arraignment, 2039  
unless the hearing, indictment, or arraignment has already 2040  
occurred. The court may reject an offender's request without a 2041  
hearing. If the court elects to consider an offender's request, 2042  
the court shall conduct a hearing to determine whether the 2043  
offender is eligible under this section for intervention in lieu 2044  
of conviction and shall stay all criminal proceedings pending the 2045  
outcome of the hearing. If the court schedules a hearing, the 2046  
court shall order an assessment of the offender for the purpose of 2047

determining the offender's eligibility for intervention in lieu of 2048  
conviction and recommending an appropriate intervention plan. 2049

If the offender alleges that drug or alcohol usage by the 2050  
offender was a factor leading to the criminal offense with which 2051  
the offender is charged, the court may order that the offender be 2052  
assessed by a program certified pursuant to section 3793.06 of the 2053  
Revised Code or a properly credentialed professional for the 2054  
purpose of determining the offender's eligibility for intervention 2055  
in lieu of conviction and recommending an appropriate intervention 2056  
plan. The program or the properly credentialed professional shall 2057  
provide a written assessment of the offender to the court. 2058

(2) The victim notification provisions of division (C) of 2059  
section 2930.08 of the Revised Code apply in relation to any 2060  
hearing held under division (A)(1) of this section. 2061

(B) An offender is eligible for intervention in lieu of 2062  
conviction if the court finds all of the following: 2063

(1) The offender previously has not been convicted of or 2064  
pleaded guilty to a felony offense of violence or previously has 2065  
been convicted of or pleaded guilty to any felony that is not an 2066  
offense of violence and the prosecuting attorney recommends that 2067  
the offender be found eligible for participation in intervention 2068  
in lieu of treatment under this section, previously has not been 2069  
through intervention in lieu of conviction under this section or 2070  
any similar regimen, and is charged with a felony for which the 2071  
court, upon conviction, would impose ~~sentence~~ a community control 2072  
sanction on the offender under division (B)~~(3)(b)~~(2) of section 2073  
2929.13 of the Revised Code or with a misdemeanor. 2074

(2) The offense is not a felony of the first, second, or 2075  
third degree, is not an offense of violence, is not a violation of 2076  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 2077  
not a violation of division (A)(1) of section 2903.08 of the 2078

Revised Code, is not a violation of division (A) of section 2079  
4511.19 of the Revised Code or a municipal ordinance that is 2080  
substantially similar to that division, and is not an offense for 2081  
which a sentencing court is required to impose a mandatory prison 2082  
term, a mandatory term of local incarceration, or a mandatory term 2083  
of imprisonment in a jail. 2084

(3) The offender is not charged with a violation of section 2085  
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 2086  
with a violation of section 2925.03 of the Revised Code that is a 2087  
felony of the first, second, third, or fourth degree, and is not 2088  
charged with a violation of section 2925.11 of the Revised Code 2089  
that is a felony of the first, second, or third degree. 2090

(4) If an offender alleges that drug or alcohol usage by the 2091  
offender was a factor leading to the criminal offense with which 2092  
the offender is charged, the court has ordered that the offender 2093  
be assessed by a program certified pursuant to section 3793.06 of 2094  
the Revised Code or a properly credentialed professional for the 2095  
purpose of determining the offender's eligibility for intervention 2096  
in lieu of conviction and recommending an appropriate intervention 2097  
plan, the offender has been assessed by a program of that nature 2098  
or a properly credentialed professional in accordance with the 2099  
court's order, and the program or properly credentialed 2100  
professional has filed the written assessment of the offender with 2101  
the court. 2102

(5) If an offender alleges that, at the time of committing 2103  
the criminal offense with which the offender is charged, the 2104  
offender had a mental illness or was a person with intellectual 2105  
disability and that the mental illness or status as a person with 2106  
intellectual disability was a factor leading to that offense, the 2107  
offender has been assessed by a psychiatrist, psychologist, 2108  
independent social worker, or professional clinical counselor for 2109  
the purpose of determining the offender's eligibility for 2110

intervention in lieu of conviction and recommending an appropriate 2111  
intervention plan. 2112

(6) The offender's drug usage, alcohol usage, mental illness, 2113  
or intellectual disability, whichever is applicable, was a factor 2114  
leading to the criminal offense with which the offender is 2115  
charged, intervention in lieu of conviction would not demean the 2116  
seriousness of the offense, and intervention would substantially 2117  
reduce the likelihood of any future criminal activity. 2118

(7) The alleged victim of the offense was not sixty-five 2119  
years of age or older, permanently and totally disabled, under 2120  
thirteen years of age, or a peace officer engaged in the officer's 2121  
official duties at the time of the alleged offense. 2122

(8) If the offender is charged with a violation of section 2123  
2925.24 of the Revised Code, the alleged violation did not result 2124  
in physical harm to any person, and the offender previously has 2125  
not been treated for drug abuse. 2126

(9) The offender is willing to comply with all terms and 2127  
conditions imposed by the court pursuant to division (D) of this 2128  
section. 2129

(10) The offender is not charged with an offense that would 2130  
result in the offender being disqualified under Chapter 4506. of 2131  
the Revised Code from operating a commercial motor vehicle or 2132  
would subject the offender to any other sanction under that 2133  
chapter. 2134

(C) At the conclusion of a hearing held pursuant to division 2135  
(A) of this section, the court shall enter its determination as to 2136  
whether the offender is eligible for intervention in lieu of 2137  
conviction and as to whether to grant the offender's request. If 2138  
the court finds under division (B) of this section that the 2139  
offender is eligible for intervention in lieu of conviction and 2140  
grants the offender's request, the court shall accept the 2141

offender's plea of guilty and waiver of the defendant's right to a 2142  
speedy trial, the preliminary hearing, the time period within 2143  
which the grand jury may consider an indictment against the 2144  
offender, and arraignment, unless the hearing, indictment, or 2145  
arraignment has already occurred. In addition, the court then may 2146  
stay all criminal proceedings and order the offender to comply 2147  
with all terms and conditions imposed by the court pursuant to 2148  
division (D) of this section. If the court finds that the offender 2149  
is not eligible or does not grant the offender's request, the 2150  
criminal proceedings against the offender shall proceed as if the 2151  
offender's request for intervention in lieu of conviction had not 2152  
been made. 2153

(D) If the court grants an offender's request for 2154  
intervention in lieu of conviction, the court shall place the 2155  
offender under the general control and supervision of the county 2156  
probation department, the adult parole authority, or another 2157  
appropriate local probation or court services agency, if one 2158  
exists, as if the offender was subject to a community control 2159  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 2160  
Revised Code. The court shall establish an intervention plan for 2161  
the offender. The terms and conditions of the intervention plan 2162  
shall require the offender, for at least one year from the date on 2163  
which the court grants the order of intervention in lieu of 2164  
conviction, to abstain from the use of illegal drugs and alcohol, 2165  
to participate in treatment and recovery support services, and to 2166  
submit to regular random testing for drug and alcohol use and may 2167  
include any other treatment terms and conditions, or terms and 2168  
conditions similar to community control sanctions, which may 2169  
include community service or restitution, that are ordered by the 2170  
court. 2171

(E) If the court grants an offender's request for 2172  
intervention in lieu of conviction and the court finds that the 2173

offender has successfully completed the intervention plan for the 2174  
offender, including the requirement that the offender abstain from 2175  
using illegal drugs and alcohol for a period of at least one year 2176  
from the date on which the court granted the order of intervention 2177  
in lieu of conviction, the requirement that the offender 2178  
participate in treatment and recovery support services, and all 2179  
other terms and conditions ordered by the court, the court shall 2180  
dismiss the proceedings against the offender. Successful 2181  
completion of the intervention plan and period of abstinence under 2182  
this section shall be without adjudication of guilt and is not a 2183  
criminal conviction for purposes of any disqualification or 2184  
disability imposed by law and upon conviction of a crime, and the 2185  
court may order the sealing of records related to the offense in 2186  
question in the manner provided in sections 2953.31 to 2953.36 of 2187  
the Revised Code. 2188

(F) If the court grants an offender's request for 2189  
intervention in lieu of conviction and the offender fails to 2190  
comply with any term or condition imposed as part of the 2191  
intervention plan for the offender, the supervising authority for 2192  
the offender promptly shall advise the court of this failure, and 2193  
the court shall hold a hearing to determine whether the offender 2194  
failed to comply with any term or condition imposed as part of the 2195  
plan. If the court determines that the offender has failed to 2196  
comply with any of those terms and conditions, it shall enter a 2197  
finding of guilty and shall impose an appropriate sanction under 2198  
Chapter 2929. of the Revised Code. If the court sentences the 2199  
offender to a prison term, the court, after consulting with the 2200  
department of rehabilitation and correction regarding the 2201  
availability of services, may order continued court-supervised 2202  
activity and treatment of the offender during the prison term and, 2203  
upon consideration of reports received from the department 2204  
concerning the offender's progress in the program of activity and 2205  
treatment, may consider judicial release under section 2929.20 of 2206

the Revised Code. 2207

(G) As used in this section: 2208

(1) "Community control sanction" has the same meaning as in 2209  
section 2929.01 of the Revised Code. 2210

(2) "Intervention in lieu of conviction" means any 2211  
court-supervised activity that complies with this section. 2212

(3) "Peace officer" has the same meaning as in section 2213  
2935.01 of the Revised Code. 2214

(4) "Mental illness" and "psychiatrist" have the same 2215  
meanings as in section 5122.01 of the Revised Code. 2216

(5) "Person with intellectual disability" means a person 2217  
having significantly subaverage general intellectual functioning 2218  
existing concurrently with deficiencies in adaptive behavior, 2219  
manifested during the developmental period. 2220

(6) "Psychologist" has the same meaning as in section 4732.01 2221  
of the Revised Code. 2222

(H) Whenever the term "mentally retarded person" is used in 2223  
any statute, rule, contract, grant, or other document, the 2224  
reference shall be deemed to include a "person with intellectual 2225  
disability," as defined in this section. 2226

**Sec. 2953.08.** (A) In addition to any other right to appeal 2227  
and except as provided in division (D) of this section, a 2228  
defendant who is convicted of or pleads guilty to a felony may 2229  
appeal as a matter of right the sentence imposed upon the 2230  
defendant on one of the following grounds: 2231

(1) The sentence consisted of or included the maximum prison 2232  
term allowed for the offense by division (A) of section 2929.14 or 2233  
section 2929.142 of the Revised Code, the maximum prison term was 2234  
not required for the offense pursuant to Chapter 2925. or any 2235



other provision of the Revised Code, and the court imposed the 2236  
sentence under one of the following circumstances: 2237

(a) The sentence was imposed for only one offense. 2238

(b) The sentence was imposed for two or more offenses arising 2239  
out of a single incident, and the court imposed the maximum prison 2240  
term for the offense of the highest degree. 2241

(2) The sentence consisted of or included a prison term, and 2242  
the offense for which it was imposed is a felony of the fourth or 2243  
fifth degree or is a felony drug offense that is a violation of a 2244  
provision of Chapter 2925. of the Revised Code and that is 2245  
specified as being subject to division (B) of section 2929.13 of 2246  
the Revised Code for purposes of sentencing, ~~and the court did not~~ 2247  
~~specify at sentencing that it found one or more factors specified~~ 2248  
~~in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised~~ 2249  
~~Code to apply relative to the defendant.~~ If the court specifies 2250  
that it found one or more of ~~those~~ the factors in division 2251  
(B)(1)(b) of section 2929.13 of the Revised Code to apply relative 2252  
to the defendant, the defendant is not entitled under this 2253  
division to appeal as a matter of right the sentence imposed upon 2254  
the offender. 2255

(3) The person was convicted of or pleaded guilty to a 2256  
violent sex offense or a designated homicide, assault, or 2257  
kidnapping offense, was adjudicated a sexually violent predator in 2258  
relation to that offense, and was sentenced pursuant to division 2259  
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 2260  
of the indefinite term imposed pursuant to division (A)(3) of 2261  
section 2971.03 of the Revised Code is the longest term available 2262  
for the offense from among the range of terms listed in section 2263  
2929.14 of the Revised Code. As used in this division, "designated 2264  
homicide, assault, or kidnapping offense" and "violent sex 2265  
offense" have the same meanings as in section 2971.01 of the 2266  
Revised Code. As used in this division, "adjudicated a sexually 2267

violent predator" has the same meaning as in section 2929.01 of 2268  
the Revised Code, and a person is "adjudicated a sexually violent 2269  
predator" in the same manner and the same circumstances as are 2270  
described in that section. 2271

(4) The sentence is contrary to law. 2272

(5) The sentence consisted of an additional prison term of 2273  
ten years imposed pursuant to division (B)(2)(a) of section 2274  
2929.14 of the Revised Code. 2275

(B) In addition to any other right to appeal and except as 2276  
provided in division (D) of this section, a prosecuting attorney, 2277  
a city director of law, village solicitor, or similar chief legal 2278  
officer of a municipal corporation, or the attorney general, if 2279  
one of those persons prosecuted the case, may appeal as a matter 2280  
of right a sentence imposed upon a defendant who is convicted of 2281  
or pleads guilty to a felony or, in the circumstances described in 2282  
division (B)(3) of this section the modification of a sentence 2283  
imposed upon such a defendant, on any of the following grounds: 2284

(1) The sentence did not include a prison term despite a 2285  
presumption favoring a prison term for the offense for which it 2286  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 2287  
the Revised Code. 2288

(2) The sentence is contrary to law. 2289

(3) The sentence is a modification under section 2929.20 of 2290  
the Revised Code of a sentence that was imposed for a felony of 2291  
the first or second degree. 2292

(C)(1) In addition to the right to appeal a sentence granted 2293  
under division (A) or (B) of this section, a defendant who is 2294  
convicted of or pleads guilty to a felony may seek leave to appeal 2295  
a sentence imposed upon the defendant on the basis that the 2296  
sentencing judge has imposed consecutive sentences under division 2297  
(C)(3) of section 2929.14 of the Revised Code and that the 2298

consecutive sentences exceed the maximum prison term allowed by 2299  
division (A) of that section for the most serious offense of which 2300  
the defendant was convicted. Upon the filing of a motion under 2301  
this division, the court of appeals may grant leave to appeal the 2302  
sentence if the court determines that the allegation included as 2303  
the basis of the motion is true. 2304

(2) A defendant may seek leave to appeal an additional 2305  
sentence imposed upon the defendant pursuant to division (B)(2)(a) 2306  
or (b) of section 2929.14 of the Revised Code if the additional 2307  
sentence is for a definite prison term that is longer than five 2308  
years. 2309

(D)(1) A sentence imposed upon a defendant is not subject to 2310  
review under this section if the sentence is authorized by law, 2311  
has been recommended jointly by the defendant and the prosecution 2312  
in the case, and is imposed by a sentencing judge. 2313

(2) Except as provided in division (C)(2) of this section, a 2314  
sentence imposed upon a defendant is not subject to review under 2315  
this section if the sentence is imposed pursuant to division 2316  
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 2317  
otherwise provided in this division, a defendant retains all 2318  
rights to appeal as provided under this chapter or any other 2319  
provision of the Revised Code. A defendant has the right to appeal 2320  
under this chapter or any other provision of the Revised Code the 2321  
court's application of division (B)(2)(c) of section 2929.14 of 2322  
the Revised Code. 2323

(3) A sentence imposed for aggravated murder or murder 2324  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 2325  
subject to review under this section. 2326

(E) A defendant, prosecuting attorney, city director of law, 2327  
village solicitor, or chief municipal legal officer shall file an 2328  
appeal of a sentence under this section to a court of appeals 2329

within the time limits specified in Rule 4(B) of the Rules of 2330  
Appellate Procedure, provided that if the appeal is pursuant to 2331  
division (B)(3) of this section, the time limits specified in that 2332  
rule shall not commence running until the court grants the motion 2333  
that makes the sentence modification in question. A sentence 2334  
appeal under this section shall be consolidated with any other 2335  
appeal in the case. If no other appeal is filed, the court of 2336  
appeals may review only the portions of the trial record that 2337  
pertain to sentencing. 2338

(F) On the appeal of a sentence under this section, the 2339  
record to be reviewed shall include all of the following, as 2340  
applicable: 2341

(1) Any presentence, psychiatric, or other investigative 2342  
report that was submitted to the court in writing before the 2343  
sentence was imposed. An appellate court that reviews a 2344  
presentence investigation report prepared pursuant to section 2345  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 2346  
connection with the appeal of a sentence under this section shall 2347  
comply with division (D)(3) of section 2951.03 of the Revised Code 2348  
when the appellate court is not using the presentence 2349  
investigation report, and the appellate court's use of a 2350  
presentence investigation report of that nature in connection with 2351  
the appeal of a sentence under this section does not affect the 2352  
otherwise confidential character of the contents of that report as 2353  
described in division (D)(1) of section 2951.03 of the Revised 2354  
Code and does not cause that report to become a public record, as 2355  
defined in section 149.43 of the Revised Code, following the 2356  
appellate court's use of the report. 2357

(2) The trial record in the case in which the sentence was 2358  
imposed; 2359

(3) Any oral or written statements made to or by the court at 2360  
the sentencing hearing at which the sentence was imposed; 2361

(4) Any written findings that the court was required to make 2362  
in connection with the modification of the sentence pursuant to a 2363  
judicial release under division (I) of section 2929.20 of the 2364  
Revised Code. 2365

(G)(1) If the sentencing court was required to make the 2366  
findings required by division (B) or (D) of section 2929.13 or 2367  
division (I) of section 2929.20 of the Revised Code, or to state 2368  
the findings of the trier of fact required by division (B)(2)(e) 2369  
of section 2929.14 of the Revised Code, relative to the imposition 2370  
or modification of the sentence, and if the sentencing court 2371  
failed to state the required findings on the record, the court 2372  
hearing an appeal under division (A), (B), or (C) of this section 2373  
shall remand the case to the sentencing court and instruct the 2374  
sentencing court to state, on the record, the required findings. 2375

(2) The court hearing an appeal under division (A), (B), or 2376  
(C) of this section shall review the record, including the 2377  
findings underlying the sentence or modification given by the 2378  
sentencing court. 2379

The appellate court may increase, reduce, or otherwise modify 2380  
a sentence that is appealed under this section or may vacate the 2381  
sentence and remand the matter to the sentencing court for 2382  
resentencing. The appellate court's standard for review is not 2383  
whether the sentencing court abused its discretion. The appellate 2384  
court may take any action authorized by this division if it 2385  
clearly and convincingly finds either of the following: 2386

(a) That the record does not support the sentencing court's 2387  
findings under division (B) or (D) of section 2929.13, division 2388  
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2389  
2929.20 of the Revised Code, whichever, if any, is relevant; 2390

(b) That the sentence is otherwise contrary to law. 2391

(H) A judgment or final order of a court of appeals under 2392

this section may be appealed, by leave of court, to the supreme 2393  
court. 2394

(I)(1) There is hereby established the felony sentence appeal 2395  
cost oversight committee, consisting of eight members. One member 2396  
shall be the chief justice of the supreme court or a 2397  
representative of the court designated by the chief justice, one 2398  
member shall be a member of the senate appointed by the president 2399  
of the senate, one member shall be a member of the house of 2400  
representatives appointed by the speaker of the house of 2401  
representatives, one member shall be the director of budget and 2402  
management or a representative of the office of budget and 2403  
management designated by the director, one member shall be a judge 2404  
of a court of appeals, court of common pleas, municipal court, or 2405  
county court appointed by the chief justice of the supreme court, 2406  
one member shall be the state public defender or a representative 2407  
of the office of the state public defender designated by the state 2408  
public defender, one member shall be a prosecuting attorney 2409  
appointed by the Ohio prosecuting attorneys association, and one 2410  
member shall be a county commissioner appointed by the county 2411  
commissioners association of Ohio. No more than three of the 2412  
appointed members of the committee may be members of the same 2413  
political party. 2414

The president of the senate, the speaker of the house of 2415  
representatives, the chief justice of the supreme court, the Ohio 2416  
prosecuting attorneys association, and the county commissioners 2417  
association of Ohio shall make the initial appointments to the 2418  
committee of the appointed members no later than ninety days after 2419  
July 1, 1996. Of those initial appointments to the committee, the 2420  
members appointed by the speaker of the house of representatives 2421  
and the Ohio prosecuting attorneys association shall serve a term 2422  
ending two years after July 1, 1996, the member appointed by the 2423  
chief justice of the supreme court shall serve a term ending three 2424

years after July 1, 1996, and the members appointed by the 2425  
president of the senate and the county commissioners association 2426  
of Ohio shall serve terms ending four years after July 1, 1996. 2427  
Thereafter, terms of office of the appointed members shall be for 2428  
four years, with each term ending on the same day of the same 2429  
month as did the term that it succeeds. Members may be 2430  
reappointed. Vacancies shall be filled in the same manner provided 2431  
for original appointments. A member appointed to fill a vacancy 2432  
occurring prior to the expiration of the term for which that 2433  
member's predecessor was appointed shall hold office as a member 2434  
for the remainder of the predecessor's term. An appointed member 2435  
shall continue in office subsequent to the expiration date of that 2436  
member's term until that member's successor takes office or until 2437  
a period of sixty days has elapsed, whichever occurs first. 2438

If the chief justice of the supreme court, the director of 2439  
the office of budget and management, or the state public defender 2440  
serves as a member of the committee, that person's term of office 2441  
as a member shall continue for as long as that person holds office 2442  
as chief justice, director of the office of budget and management, 2443  
or state public defender. If the chief justice of the supreme 2444  
court designates a representative of the court to serve as a 2445  
member, the director of budget and management designates a 2446  
representative of the office of budget and management to serve as 2447  
a member, or the state public defender designates a representative 2448  
of the office of the state public defender to serve as a member, 2449  
the person so designated shall serve as a member of the commission 2450  
for as long as the official who made the designation holds office 2451  
as chief justice, director of the office of budget and management, 2452  
or state public defender or until that official revokes the 2453  
designation. 2454

The chief justice of the supreme court or the representative 2455  
of the supreme court appointed by the chief justice shall serve as 2456

chairperson of the committee. The committee shall meet within two 2457  
weeks after all appointed members have been appointed and shall 2458  
organize as necessary. Thereafter, the committee shall meet at 2459  
least once every six months or more often upon the call of the 2460  
chairperson or the written request of three or more members, 2461  
provided that the committee shall not meet unless moneys have been 2462  
appropriated to the judiciary budget administered by the supreme 2463  
court specifically for the purpose of providing financial 2464  
assistance to counties under division (I)(2) of this section and 2465  
the moneys so appropriated then are available for that purpose. 2466

The members of the committee shall serve without 2467  
compensation, but, if moneys have been appropriated to the 2468  
judiciary budget administered by the supreme court specifically 2469  
for the purpose of providing financial assistance to counties 2470  
under division (I)(2) of this section, each member shall be 2471  
reimbursed out of the moneys so appropriated that then are 2472  
available for actual and necessary expenses incurred in the 2473  
performance of official duties as a committee member. 2474

(2) The state criminal sentencing commission periodically 2475  
shall provide to the felony sentence appeal cost oversight 2476  
committee all data the commission collects pursuant to division 2477  
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 2478  
data from the state criminal sentencing commission, the felony 2479  
sentence appeal cost oversight committee periodically shall review 2480  
the data; determine whether any money has been appropriated to the 2481  
judiciary budget administered by the supreme court specifically 2482  
for the purpose of providing state financial assistance to 2483  
counties in accordance with this division for the increase in 2484  
expenses the counties experience as a result of the felony 2485  
sentence appeal provisions set forth in this section or as a 2486  
result of a postconviction relief proceeding brought under 2487  
division (A)(2) of section 2953.21 of the Revised Code or an 2488



appeal of a judgment in that proceeding; if it determines that any 2489  
money has been so appropriated, determine the total amount of 2490  
moneys that have been so appropriated specifically for that 2491  
purpose and that then are available for that purpose; and develop 2492  
a recommended method of distributing those moneys to the counties. 2493  
The committee shall send a copy of its recommendation to the 2494  
supreme court. Upon receipt of the committee's recommendation, the 2495  
supreme court shall distribute to the counties, based upon that 2496  
recommendation, the moneys that have been so appropriated 2497  
specifically for the purpose of providing state financial 2498  
assistance to counties under this division and that then are 2499  
available for that purpose. 2500

**Sec. 2967.03.** The adult parole authority may exercise its 2501  
functions and duties in relation to the pardon, commutation of 2502  
sentence, or reprieve of a convict upon direction of the governor 2503  
or upon its own initiative. It may exercise its functions and 2504  
duties in relation to the parole of a prisoner who is eligible for 2505  
parole upon the initiative of the head of the institution in which 2506  
the prisoner is confined or upon its own initiative. When a 2507  
prisoner becomes eligible for parole, the head of the institution 2508  
in which the prisoner is confined shall notify the authority in 2509  
the manner prescribed by the authority. The authority may 2510  
investigate and examine, or cause the investigation and 2511  
examination of, prisoners confined in state correctional 2512  
institutions concerning their conduct in the institutions, their 2513  
mental and moral qualities and characteristics, their knowledge of 2514  
a trade or profession, their former means of livelihood, their 2515  
family relationships, and any other matters affecting their 2516  
fitness to be at liberty without being a threat to society. 2517

The authority may recommend to the governor the pardon, 2518  
commutation of sentence, medical release, or reprieve of any 2519  
convict or prisoner or grant a parole to any prisoner for whom 2520

parole is authorized, if in its judgment there is reasonable 2521  
ground to believe that granting a pardon, commutation, medical 2522  
release, or reprieve to the convict or paroling the prisoner would 2523  
further the interests of justice and be consistent with the 2524  
welfare and security of society. However, the authority shall not 2525  
recommend a pardon, commutation of sentence, or medical release 2526  
of, or grant a parole to, any convict or prisoner until the 2527  
authority has complied with the applicable notice requirements of 2528  
sections 2930.16 and 2967.12 of the Revised Code and until it has 2529  
considered any statement made by a victim or a victim's 2530  
representative that is relevant to the convict's or prisoner's 2531  
case and that was sent to the authority pursuant to section 2532  
2930.17 of the Revised Code, any other statement made by a victim 2533  
or a victim's representative that is relevant to the convict's or 2534  
prisoner's case and that was received by the authority after it 2535  
provided notice of the pendency of the action under sections 2536  
2930.16 and 2967.12 of the Revised Code, and any written statement 2537  
of any person submitted to the court pursuant to division ~~(G)~~(I) 2538  
of section 2967.12 of the Revised Code. If a victim, victim's 2539  
representative, or the victim's spouse, parent, sibling, or child 2540  
appears at a full board hearing of the parole board and gives 2541  
testimony as authorized by section 5149.101 of the Revised Code, 2542  
the authority shall consider the testimony in determining whether 2543  
to grant a parole. The trial judge and prosecuting attorney of the 2544  
trial court in which a person was convicted shall furnish to the 2545  
authority, at the request of the authority, a summarized statement 2546  
of the facts proved at the trial and of all other facts having 2547  
reference to the propriety of recommending a pardon, commutation, 2548  
or medical release, or granting a parole, together with a 2549  
recommendation for or against a pardon, commutation, medical 2550  
release, or parole, and the reasons for the recommendation. The 2551  
trial judge, the prosecuting attorney, specified law enforcement 2552  
agency members, and a representative of the prisoner may appear at 2553

a full board hearing of the parole board and give testimony in 2554  
regard to the grant of a parole to the prisoner as authorized by 2555  
section 5149.101 of the Revised Code. All state and local 2556  
officials shall furnish information to the authority, when so 2557  
requested by it in the performance of its duties. 2558

The adult parole authority shall exercise its functions and 2559  
duties in relation to the release of prisoners who are serving a 2560  
stated prison term in accordance with section 2967.28 of the 2561  
Revised Code. 2562

**Sec. 2967.12.** (A) Except as provided in division (G) of this 2563  
section, at least ~~three weeks~~ sixty days before the adult parole 2564  
authority recommends any pardon or commutation of sentence, or 2565  
grants any parole, the authority shall provide a notice of the 2566  
pendency of the pardon, commutation, or parole, setting forth the 2567  
name of the person on whose behalf it is made, the offense of 2568  
which the person was convicted or to which the person pleaded 2569  
guilty, the time of conviction or the guilty plea, and the term of 2570  
the person's sentence, to the prosecuting attorney and the judge 2571  
of the court of common pleas of the county in which the indictment 2572  
against the person was found. If there is more than one judge of 2573  
that court of common pleas, the authority shall provide the notice 2574  
to the presiding judge. Upon the request of the prosecuting 2575  
attorney or of any law enforcement agency, the authority shall 2576  
provide to the requesting prosecuting attorney and law enforcement 2577  
agencies an institutional summary report that covers the subject 2578  
person's participation while confined in a state correctional 2579  
institution in training, work, and other rehabilitative activities 2580  
and any disciplinary action taken against the person while so 2581  
confined. The department of rehabilitation and correction may 2582  
utilize electronic means to provide this notice. The department of 2583  
rehabilitation and correction, at the same time that it provides 2584  
the notice to the prosecuting attorney and judge under this 2585

division, also shall post on the database it maintains pursuant to 2586  
section 5120.66 of the Revised Code the offender's name and all of 2587  
the information specified in division (A)(1)(c)(iii) of that 2588  
section. 2589

(B) If a request for notification has been made pursuant to 2590  
section 2930.16 of the Revised Code or if division (H) of this 2591  
section applies, the office of victim services or the adult parole 2592  
authority also shall provide notice to the victim or the victim's 2593  
representative at least ~~three weeks~~ sixty days prior to 2594  
recommending any pardon or commutation of sentence for, or 2595  
granting any parole to, the person. The notice shall include the 2596  
information required by division (A) of this section and may be 2597  
provided by telephone or through electronic means. The notice also 2598  
shall inform the victim or the victim's representative that the 2599  
victim or representative may send a written statement relative to 2600  
the victimization and the pending action to the adult parole 2601  
authority and that, if the authority receives any written 2602  
statement prior to recommending a pardon or commutation or 2603  
granting a parole for a person, the authority will consider the 2604  
statement before it recommends a pardon or commutation or grants a 2605  
parole. If the person is being considered for parole, the notice 2606  
shall inform the victim or the victim's representative that a full 2607  
board hearing of the parole board may be held and that the victim 2608  
or victim's representative may contact the office of victims' 2609  
services for further information. If the person being considered 2610  
for parole was convicted of or pleaded guilty to ~~violating a~~ 2611  
violation of section 2903.01 or 2903.02 of the Revised Code, an 2612  
offense of violence that is a felony of the first, second, or 2613  
third degree, or an offense punished by a sentence of life 2614  
imprisonment, the notice shall inform the victim of that offense, 2615  
the victim's representative, or a member of the victim's immediate 2616  
family that the victim, the victim's representative, and the 2617  
victim's immediate family have the right to give testimony at a 2618

full board hearing of the parole board and that the victim or 2619  
victim's representative may contact the office of victims' 2620  
services for further information. ~~As used in this division, "the~~ 2621  
~~victim's immediate family" means the mother, father, spouse,~~ 2622  
~~sibling, or child of the victim.~~ 2623

(C) When notice of the pendency of any pardon, commutation of 2624  
sentence, or parole has been provided to a judge or prosecutor or 2625  
posted on the database as required in division (A) of this section 2626  
and a hearing on the pardon, commutation, or parole is continued 2627  
to a date certain, the authority shall provide notice of the 2628  
further consideration of the pardon, commutation, or parole at 2629  
least ~~three weeks~~ sixty days before the further consideration. The 2630  
notice of the further consideration shall be provided to the 2631  
proper judge and prosecuting attorney at least ~~three weeks~~ sixty 2632  
days before the further consideration, and may be provided using 2633  
electronic means, and, if the initial notice was posted on the 2634  
database as provided in division (A) of this section, the notice 2635  
of the further consideration shall be posted on the database at 2636  
least ~~three weeks~~ sixty days before the further consideration. If 2637  
the prosecuting attorney or a law enforcement agency was provided 2638  
a copy of the institutional summary report relative to the subject 2639  
person under division (A) of this section, the authority shall 2640  
include with the notice of the further consideration sent to the 2641  
prosecuting attorney any new information with respect to the 2642  
person that relates to activities and actions of the person that 2643  
are of a type covered by the report and shall send to the law 2644  
enforcement agency a report that provides notice of the further 2645  
consideration and includes any such new information with respect 2646  
to the person. When notice of the pendency of any pardon, 2647  
commutation, or parole has been given as provided in division (B) 2648  
of this section and the hearing on it is continued to a date 2649  
certain, the authority shall give notice of the further 2650  
consideration to the victim or the victim's representative in 2651

accordance with section 2930.03 of the Revised Code. 2652

(D) In case of an application for the pardon or commutation 2653  
of sentence of a person sentenced to capital punishment, the 2654  
governor may modify the requirements of notification and 2655  
publication if there is not sufficient time for compliance with 2656  
the requirements before the date fixed for the execution of 2657  
sentence. 2658

(E) If an offender is serving a prison term imposed under 2659  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 2660  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2661  
Code and if the parole board terminates its control over the 2662  
offender's service of that term pursuant to section 2971.04 of the 2663  
Revised Code, the parole board immediately shall provide written 2664  
notice of its termination of control or the transfer of control to 2665  
the entities and persons specified in section 2971.04 of the 2666  
Revised Code. 2667

(F) The failure of the adult parole authority to comply with 2668  
the notice or posting provisions of division (A), (B), or (C) of 2669  
this section or the failure of the parole board to comply with the 2670  
notice provisions of division (E) of this section do not give any 2671  
rights or any grounds for appeal or post-conviction relief to the 2672  
person serving the sentence. 2673

(G) Divisions (A), (B), and (C) of this section do not apply 2674  
to any release of a person that is of the type described in 2675  
division (B)(2)(b) of section 5120.031 of the Revised Code. 2676

(H) If a defendant is incarcerated for the commission of 2677  
aggravated murder, murder, or an offense of violence that is a 2678  
felony of the first, second, or third degree or is under a 2679  
sentence of life imprisonment, except as otherwise provided in 2680  
this division, the notice described in division (B) of this 2681  
section shall be given to the victim or victim's representative 2682

regardless of whether the victim or victim's representative has 2683  
made a request for notification. The notice described in division 2684  
(B) of this section shall not be given under this division to a 2685  
victim or victim's representative if the victim or victim's 2686  
representative has requested pursuant to division (B)(2) of 2687  
section 2930.03 of the Revised Code that the victim or the 2688  
victim's representative not be provided the notice. The notice 2689  
described in division (B) of this section does not have to be 2690  
given under this division to a victim or victim's representative 2691  
if notice was given to the victim or victim's representative with 2692  
respect to at least two prior considerations of pardon, 2693  
commutation, or parole of a person and the victim or victim's 2694  
representative did not provide any written statement relative to 2695  
the victimization and the pending action, did not attend any 2696  
hearing conducted relative to the pending action, and did not 2697  
otherwise respond to the office with respect to the pending 2698  
action. Regardless of whether the victim or victim's 2699  
representative has requested that the notice described in division 2700  
(B) of this section be provided or not be provided, the office of 2701  
victim services or adult parole authority shall give similar 2702  
notice to the law enforcement agency that arrested the defendant 2703  
if any officer of that agency was a victim of the offense and to 2704  
any member of the victim's immediate family who requests 2705  
notification. If notice is to be given under this division, the 2706  
office or authority may give the notice by any reasonable means, 2707  
including regular mail, telephone, and electronic mail, in 2708  
accordance with division (D)(1) of section 2930.16 of the Revised 2709  
Code. If the notice is based on an offense committed prior to the 2710  
effective date of this amendment, the notice to the victim or 2711  
victim's representative also shall include the opt-out information 2712  
described in division (D)(1) of section 2930.16 of the Revised 2713  
Code. The office or authority, in accordance with division (D)(2) 2714  
of section 2930.16 of the Revised Code, shall keep a record of all 2715

attempts to provide the notice, and of all notices provided, under 2716  
this division. 2717

Division (H) of this section, and the notice-related 2718  
provisions of divisions (E)(2) and (K) of section 2929.20, 2719  
division (D)(1) of section 2930.16, division (E)(1)(b) of section 2720  
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 2721  
section 2967.28, and division (A)(2) of section 5149.101 of the 2722  
Revised Code enacted in the act in which division (H) of this 2723  
section was enacted, shall be known as "Roberta's Law." 2724

(I) In addition to and independent of the right of a victim 2725  
to make a statement as described in division (A) of this section 2726  
or pursuant to section 2930.17 of the Revised Code or to otherwise 2727  
make a statement, the authority for a judge or prosecuting 2728  
attorney to furnish statements and information, make 2729  
recommendations, and give testimony as described in division (A) 2730  
of this section, the right of a prosecuting attorney, judge, or 2731  
victim to give testimony or submit a statement at a full parole 2732  
board hearing pursuant to section 5149.101 of the Revised Code, 2733  
and any other right or duty of a person to present information or 2734  
make a statement, any person may send to the adult parole 2735  
authority at any time prior to the authority's recommending a 2736  
pardon or commutation or granting a parole for the offender a 2737  
written statement relative to the offense and the pending action. 2738

(J) As used in this section, "victim's immediate family" 2739  
means the mother, father, spouse, sibling, or child of the victim, 2740  
provided that in no case does "victim's immediate family" include 2741  
the offender with respect to whom the notice in question applies. 2742

**Sec. 2967.121.** (A) Subject to division ~~(C)~~(D) of this 2743  
section, at least two weeks before any convict who is serving a 2744  
sentence for committing aggravated murder, murder, or a felony of 2745  
the first, second, or third degree or who is serving a sentence of 2746



life imprisonment is released from confinement in any state 2747  
correctional institution pursuant to a pardon, commutation of 2748  
sentence, parole, or completed prison term, the adult parole 2749  
authority shall provide notice of the release to the prosecuting 2750  
attorney of the county in which the indictment of the convict was 2751  
found. The 2752

~~(B) The~~ notice required by this division ~~(A) of this section~~ 2753  
may be contained in a weekly list of all ~~felons~~ convicts who are 2754  
serving a sentence for aggravated murder, murder, or a felony of 2755  
the first, second, or third degree or are serving a sentence of 2756  
life imprisonment and who are scheduled for release. ~~The notice~~ 2757

(B) Subject to division (D) of this section, if a convict who 2758  
is serving a sentence for committing aggravated murder, murder, or 2759  
a felony of the first, second, or third degree or who is serving a 2760  
sentence of life imprisonment is released from confinement 2761  
pursuant to a pardon, commutation of sentence, parole, or 2762  
completed prison term, the adult parole authority shall send 2763  
notice of the release to the prosecuting attorney of the county in 2764  
which the indictment of the convict was filed. The notice required 2765  
by this division shall be sent to the appropriate prosecuting 2766  
attorney at the end of the month in which the convict is released 2767  
and may be contained in a monthly list of all convicts who are 2768  
released in that month and for whom this division requires a 2769  
notice to be sent to that prosecuting attorney. 2770

(C) The notices required by divisions (A) and (B) of this 2771  
section shall contain all of the following: 2772

- (1) The name of the convict being released; 2773
- (2) The date of the convict's release; 2774
- (3) The offense for the violation of which the convict was 2775  
convicted and incarcerated; 2776
- (4) The date of the convict's conviction pursuant to which 2777

the convict was incarcerated; 2778

(5) The sentence imposed for that conviction; 2779

(6) The length of any supervision that the convict will be 2780  
under; 2781

(7) The name, business address, and business phone number of 2782  
the convict's supervising officer; 2783

(8) The address at which the convict will reside. 2784

~~(C)~~(D)(1) Divisions (A) ~~and~~, (B), and (C) of this section do 2785  
not apply to the release from confinement of an offender if the 2786  
offender is serving a prison term imposed under division (A)(3), 2787  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 2788  
(c), or (d) of section 2971.03 of the Revised Code, if the court 2789  
pursuant to section 2971.05 of the Revised Code modifies the 2790  
requirement that the offender serve that entire term in a state 2791  
correctional institution, and if the release from confinement is 2792  
pursuant to that modification. In a case of that type, the court 2793  
that modifies the requirement promptly shall provide written 2794  
notice of the modification and the order that modifies the 2795  
requirement or revises the modification to the offender, the 2796  
department of rehabilitation and correction, the prosecuting 2797  
attorney, and any state agency or political subdivision that is 2798  
affected by the order. 2799

(2) Divisions (A) ~~and~~, (B), and (C) of this section do not 2800  
apply to the release from confinement of an offender if, upon 2801  
admission to the state correctional institution, the offender has 2802  
less than fourteen days to serve on the sentence. 2803

**Sec. 2967.19.** (A) As used in this section: 2804

(1) "Deadly weapon" and "dangerous ordnance" have the same 2805  
meanings as in section 2923.11 of the Revised Code. 2806

(2) "Disqualifying prison term" means any of the following: 2807

(a) A prison term imposed for aggravated murder, murder, 2808  
voluntary manslaughter, involuntary manslaughter, felonious 2809  
assault, kidnapping, rape, aggravated arson, aggravated burglary, 2810  
or aggravated robbery; 2811

(b) A prison term imposed for complicity in, an attempt to 2812  
commit, or conspiracy to commit any offense listed in division 2813  
(A)(2)(a) of this section; 2814

(c) A prison term of life imprisonment, including any term of 2815  
life imprisonment that has parole eligibility; 2816

(d) A prison term imposed for any felony other than carrying 2817  
a concealed weapon an essential element of which is any conduct or 2818  
failure to act expressly involving any deadly weapon or dangerous 2819  
ordnance; 2820

(e) A prison term imposed for any violation of section 2821  
2925.03 of the Revised Code that is a felony of the first or 2822  
second degree; 2823

(f) A prison term imposed for engaging in a pattern of 2824  
corrupt activity in violation of section 2923.32 of the Revised 2825  
Code; 2826

(g) A prison term imposed pursuant to section 2971.03 of the 2827  
Revised Code; 2828

(h) A prison term imposed for any sexually oriented offense. 2829

(3) "Eligible prison term" means any prison term that is not 2830  
a disqualifying prison term and is not a restricting prison term. 2831

(4) "Restricting prison term" means any of the following: 2832

(a) A mandatory prison term imposed under division (B)(1)(a), 2833  
(B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2834  
2929.14 of the Revised Code for a specification of the type 2835  
described in that division; 2836

(b) In the case of an offender who has been sentenced to a 2837

mandatory prison term for a specification of the type described in 2838  
division (A)(4)(a) of this section, the prison term imposed for 2839  
the felony offense for which the specification was stated at the 2840  
end of the body of the indictment, count in the indictment, or 2841  
information charging the offense; 2842

(c) A prison term imposed for trafficking in persons; 2843

(d) A prison term imposed for any offense that is described 2844  
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii) 2845  
of this section applies to the offender: 2846

(i) The offense is a felony of the first or second degree 2847  
that is an offense of violence and that is not described in 2848  
division (A)(2)(a) or (b) of this section, an attempt to commit a 2849  
felony of the first or second degree that is an offense of 2850  
violence and that is not described in division (A)(2)(a) or (b) of 2851  
this section if the attempt is a felony of the first or second 2852  
degree, or an offense under an existing or former law of this 2853  
state, another state, or the United States that is or was 2854  
substantially equivalent to any other offense described in this 2855  
division. 2856

(ii) The offender previously was convicted of or pleaded 2857  
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 2858  
this section. 2859

(5) "Sexually oriented offense" has the same meaning as in 2860  
section 2950.01 of the Revised Code. 2861

(B) The director of the department of rehabilitation and 2862  
correction may recommend in writing to the sentencing court that 2863  
the court consider releasing from prison any offender who, on or 2864  
after September 30, 2011, is confined in a state correctional 2865  
institution, who is serving a stated prison term of one year or 2866  
more, and who is eligible under division (C) of this section for a 2867  
release under this section. If the director wishes to recommend 2868

that the sentencing court consider releasing an offender under 2869  
this section, the director shall notify the sentencing court in 2870  
writing of the offender's eligibility not earlier than ninety days 2871  
prior to the date on which the offender becomes eligible as 2872  
described in division (C) of this section. The director's 2873  
submission of the written notice constitutes a recommendation by 2874  
the director that the court strongly consider release of the 2875  
offender consistent with the purposes and principles of sentencing 2876  
set forth in sections 2929.11 and 2929.13 of the Revised Code. 2877  
Only an offender recommended by the director under division (B) of 2878  
this section may be considered for early release under this 2879  
section. 2880

(C)(1) An offender serving a stated prison term of one year 2881  
or more and who has commenced service of that stated prison term 2882  
becomes eligible for release from prison under this section only 2883  
as described in this division. An offender serving a stated prison 2884  
term that includes a disqualifying prison term is not eligible for 2885  
release from prison under this section. An offender serving a 2886  
stated prison term that consists solely of one or more restricting 2887  
prison terms is not eligible for release under this section. An 2888  
offender serving a stated prison term of one year or more that 2889  
includes one or more restricting prison terms and one or more 2890  
eligible prison terms becomes eligible for release under this 2891  
section after having fully served all restricting prison terms and 2892  
having served eighty per cent of the stated prison term that 2893  
remains to be served after all restricting prison terms have been 2894  
fully served. An offender serving a stated prison term that 2895  
consists solely of one or more eligible prison terms becomes 2896  
eligible for release under this section after having served eighty 2897  
per cent of that stated prison term. For purposes of determining 2898  
an offender's eligibility for release under this section, if the 2899  
offender's stated prison term includes consecutive prison terms, 2900  
any restricting prison terms shall be deemed served prior to any 2901

eligible prison terms that run consecutively to the restricting 2902  
prison terms, and the eligible prison terms are deemed to commence 2903  
after all of the restricting prison terms have been fully served. 2904

An offender serving a stated prison term of one year or more 2905  
that includes a mandatory prison term that is not a disqualifying 2906  
prison term and is not a restricting prison term is not 2907  
automatically ineligible as a result of the offender's service of 2908  
that mandatory term for release from prison under this section, 2909  
and the offender's eligibility for release from prison under this 2910  
section is determined in accordance with this division. 2911

(2) If an offender confined in a state correctional 2912  
institution under a stated prison term is eligible for release 2913  
under this section as described in division (C)(1) of this 2914  
section, the director of the department of rehabilitation and 2915  
correction may recommend in writing that the sentencing court 2916  
consider releasing the offender from prison under this section by 2917  
submitting to the sentencing court the written notice described in 2918  
division (B) of this section. 2919

(D) The director shall include with any notice submitted to 2920  
the sentencing court under division (B) of this section an 2921  
institutional summary report that covers the offender's 2922  
participation while confined in a state correctional institution 2923  
in school, training, work, treatment, and other rehabilitative 2924  
activities and any disciplinary action taken against the offender 2925  
while so confined. The director shall include with the notice any 2926  
other documentation requested by the court, if available. 2927

(E)(1) When the director submits a written notice to a 2928  
sentencing court that an offender is eligible to be considered for 2929  
early release under this section, the department promptly shall 2930  
provide to the prosecuting attorney of the county in which the 2931  
offender was indicted a copy of the written notice, a copy of the 2932  
institutional summary report, and any other information provided 2933

to the court and shall provide a copy of the institutional summary 2934  
report to any law enforcement agency that requests the report. The 2935  
department also promptly shall ~~give~~ do whichever of the following 2936  
is applicable: 2937

(a) Subject to division (E)(1)(b) of this section, give 2938  
written notice of the submission to any victim of the offender or 2939  
victim's representative of any victim of the offender who is 2940  
registered with the office of victim's services. 2941

(b) If the offense was aggravated murder, murder, an offense 2942  
of violence that is a felony of the first, second, or third 2943  
degree, or an offense punished by a sentence of life imprisonment, 2944  
except as otherwise provided in this division, notify the victim 2945  
or the victim's representative of the filing of the petition 2946  
regardless of whether the victim or victim's representative has 2947  
registered with the office of victim's services. The notice of the 2948  
filing of the petition shall not be given under this division to a 2949  
victim or victim's representative if the victim or victim's 2950  
representative has requested pursuant to division (B)(2) of 2951  
section 2930.03 of the Revised Code that the victim or the 2952  
victim's representative not be provided the notice. If notice is 2953  
to be provided to a victim or victim's representative under this 2954  
division, the department may give the notice by any reasonable 2955  
means, including regular mail, telephone, and electronic mail, in 2956  
accordance with division (D)(1) of section 2930.16 of the Revised 2957  
Code. If the notice is based on an offense committed prior to the 2958  
effective date of this amendment, the notice also shall include 2959  
the opt-out information described in division (D)(1) of section 2960  
2930.16 of the Revised Code. The department, in accordance with 2961  
division (D)(2) of section 2930.16 of the Revised Code, shall keep 2962  
a record of all attempts to provide the notice, and of all notices 2963  
provided, under this division. 2964

Division (E)(1)(b) of this section, and the notice-related 2965

provisions of divisions (E)(2) and (K) of section 2929.20, 2966  
division (D)(1) of section 2930.16, division (H) of section 2967  
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 2968  
section 2967.28, and division (A)(2) of section 5149.101 of the 2969  
Revised Code enacted in the act in which division (E)(2) of this 2970  
section was enacted, shall be known as "Roberta's Law." 2971

The (2) When the director submits a petition under this 2972  
section, the department also promptly shall post a copy of the 2973  
written notice on the database it maintains under section 5120.66 2974  
of the Revised Code and include information on where a person may 2975  
send comments regarding the recommendation of early release. 2976

The information provided to the court, the prosecutor, and 2977  
the victim or victim's representative under divisions (D) and (E) 2978  
of this section shall include the name and contact information of 2979  
a specific department of rehabilitation and correction employee 2980  
who is available to answer questions about the offender who is the 2981  
subject of the written notice submitted by the director, 2982  
including, but not limited to, the offender's institutional 2983  
conduct and rehabilitative activities while incarcerated. 2984

(F) Upon receipt of a written notice submitted by the 2985  
director under division (B) of this section, the court either 2986  
shall, on its own motion, schedule a hearing to consider releasing 2987  
the offender who is the subject of the notice or shall inform the 2988  
department that it will not be conducting a hearing relative to 2989  
the offender. The court shall not grant an early release to an 2990  
offender without holding a hearing. If a court declines to hold a 2991  
hearing relative to an offender with respect to a written notice 2992  
submitted by the director, the court may later consider release of 2993  
that offender under this section on its own motion by scheduling a 2994  
hearing for that purpose. Within thirty days after the written 2995  
notice is submitted, the court shall inform the department whether 2996  
or not the court is scheduling a hearing on the offender who is 2997



the subject of the notice. 2998

(G) If the court schedules a hearing upon receiving a written 2999  
notice submitted under division (B) of this section or upon its 3000  
own motion under division (F) of this section, the court shall 3001  
notify the head of the state correctional institution in which the 3002  
offender is confined of the hearing prior to the hearing. If the 3003  
court makes a journal entry ordering the offender to be conveyed 3004  
to the hearing, except as otherwise provided in this division, the 3005  
head of the correctional institution shall deliver the offender to 3006  
the sheriff of the county in which the hearing is to be held, and 3007  
the sheriff shall convey the offender to and from the hearing. 3008  
Upon the court's own motion or the motion of the offender or the 3009  
prosecuting attorney of the county in which the offender was 3010  
indicted, the court may permit the offender to appear at the 3011  
hearing by video conferencing equipment if equipment of that 3012  
nature is available and compatible. 3013

Upon receipt of notice from a court of a hearing on the 3014  
release of an offender under this division, the head of the state 3015  
correctional institution in which the offender is confined 3016  
immediately shall notify the appropriate person at the department 3017  
of rehabilitation and correction of the hearing, and the 3018  
department within twenty-four hours after receipt of the notice 3019  
shall post on the database it maintains pursuant to section 3020  
5120.66 of the Revised Code the offender's name and all of the 3021  
information specified in division (A)(1)(c)(i) of that section. If 3022  
the court schedules a hearing under this section, the court 3023  
promptly shall give notice of the hearing to the prosecuting 3024  
attorney of the county in which the offender was indicted. Upon 3025  
receipt of the notice from the court, the prosecuting attorney 3026  
shall notify pursuant to section 2930.16 of the Revised Code any 3027  
victim of the offender or the victim's representative of the 3028  
hearing. 3029

(H) If the court schedules a hearing under this section, at 3030  
the hearing, the court shall afford the offender and the 3031  
offender's attorney an opportunity to present written information 3032  
and, if present, oral information relevant to the offender's early 3033  
release. The court shall afford a similar opportunity to the 3034  
prosecuting attorney, victim or victim's representative, as 3035  
defined in section 2930.01 of the Revised Code, and any other 3036  
person the court determines is likely to present additional 3037  
relevant information. If the court pursuant to division (G) of 3038  
this section permits the offender to appear at the hearing by 3039  
video conferencing equipment, the offender's opportunity to 3040  
present oral information shall be as a part of the video 3041  
conferencing. The court shall consider any statement of a victim 3042  
made under section 2930.14 or 2930.17 of the Revised Code, any 3043  
victim impact statement prepared under section 2947.051 of the 3044  
Revised Code, and any report and other documentation submitted by 3045  
the director under division (D) of this section. After ruling on 3046  
whether to grant the offender early release, the court shall 3047  
notify the victim in accordance with sections 2930.03 and 2930.16 3048  
of the Revised Code. 3049

(I) If the court grants an offender early release under this 3050  
section, it shall order the release of the offender, shall place 3051  
the offender under one or more appropriate community control 3052  
sanctions, under appropriate conditions, and under the supervision 3053  
of the department of probation that serves the court, and shall 3054  
reserve the right to reimpose the sentence that it reduced and 3055  
from which the offender was released if the offender violates the 3056  
sanction. The court shall not make a release under this section 3057  
effective prior to the date on which the offender becomes eligible 3058  
as described in division (C) of this section. If the sentence 3059  
under which the offender is confined in a state correctional 3060  
institution and from which the offender is being released was 3061  
imposed for a felony of the first or second degree, the court 3062

shall consider ordering that the offender be monitored by means of 3063  
a global positioning device. If the court reimposes the sentence 3064  
that it reduced and from which the offender was released and if 3065  
the violation of the sanction is a new offense, the court may 3066  
order that the reimposed sentence be served either concurrently 3067  
with, or consecutive to, any new sentence imposed upon the 3068  
offender as a result of the violation that is a new offense. The 3069  
period of all community control sanctions imposed under this 3070  
division shall not exceed five years. The court, in its 3071  
discretion, may reduce the period of community control sanctions 3072  
by the amount of time the offender spent in jail or prison for the 3073  
offense. 3074

If the court grants an offender early release under this 3075  
section, it shall notify the appropriate person at the department 3076  
of rehabilitation and correction of the release, and the 3077  
department shall post notice of the release on the database it 3078  
maintains pursuant to section 5120.66 of the Revised Code. 3079

(J) The department shall adopt under Chapter 119. of the 3080  
Revised Code any rules necessary to implement this section. 3081

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 3082  
correction, by rule, may establish a transitional control program 3083  
for the purpose of closely monitoring a prisoner's adjustment to 3084  
community supervision during the final one hundred eighty days of 3085  
the prisoner's confinement. If the department establishes a 3086  
transitional control program under this division, the division of 3087  
parole and community services of the department of rehabilitation 3088  
and correction may transfer eligible prisoners to transitional 3089  
control status under the program during the final one hundred 3090  
eighty days of their confinement and under the terms and 3091  
conditions established by the department, shall provide for the 3092  
confinement as provided in this division of each eligible prisoner 3093

so transferred, and shall supervise each eligible prisoner so 3094  
transferred in one or more community control sanctions. Each 3095  
eligible prisoner who is transferred to transitional control 3096  
status under the program shall be confined in a suitable facility 3097  
that is licensed pursuant to division (C) of section 2967.14 of 3098  
the Revised Code, or shall be confined in a residence the 3099  
department has approved for this purpose and be monitored pursuant 3100  
to an electronic monitoring device, as defined in section 2929.01 3101  
of the Revised Code. If the department establishes a transitional 3102  
control program under this division, the rules establishing the 3103  
program shall include criteria that define which prisoners are 3104  
eligible for the program, criteria that must be satisfied to be 3105  
approved as a residence that may be used for confinement under the 3106  
program of a prisoner that is transferred to it and procedures for 3107  
the department to approve residences that satisfy those criteria, 3108  
and provisions of the type described in division (C) of this 3109  
section. At a minimum, the criteria that define which prisoners 3110  
are eligible for the program shall provide all of the following: 3111

(a) That a prisoner is eligible for the program if the 3112  
prisoner is serving a prison term or term of imprisonment for an 3113  
offense committed prior to March 17, 1998, and if, at the time at 3114  
which eligibility is being determined, the prisoner would have 3115  
been eligible for a furlough under this section as it existed 3116  
immediately prior to March 17, 1998, or would have been eligible 3117  
for conditional release under former section 2967.23 of the 3118  
Revised Code as that section existed immediately prior to March 3119  
17, 1998; 3120

(b) That no prisoner who is serving a mandatory prison term 3121  
is eligible for the program until after expiration of the 3122  
mandatory term; 3123

(c) That no prisoner who is serving a prison term or term of 3124  
life imprisonment without parole imposed pursuant to section 3125

2971.03 of the Revised Code is eligible for the program. 3126

(2) At least ~~three weeks~~ sixty days prior to transferring to 3127  
transitional control under this section a prisoner who is serving 3128  
a term of imprisonment or prison term for an offense committed on 3129  
or after July 1, 1996, the division of parole and community 3130  
services of the department of rehabilitation and correction shall 3131  
give notice of the pendency of the transfer to transitional 3132  
control to the court of common pleas of the county in which the 3133  
indictment against the prisoner was found and of the fact that the 3134  
court may disapprove the transfer of the prisoner to transitional 3135  
control and shall include a the institutional summary report 3136  
prepared by the head of the state correctional institution in 3137  
which the prisoner is confined. The head of the state correctional 3138  
institution in which the prisoner is confined, upon the request of 3139  
the division of parole and community services, shall provide to 3140  
the division for inclusion in the notice sent to the court under 3141  
this division a an institutional summary report on the prisoner's 3142  
conduct in the institution and in any institution from which the 3143  
prisoner may have been transferred. The institutional summary 3144  
report shall cover the prisoner's participation in school, 3145  
vocational training, work, treatment, and other rehabilitative 3146  
activities and any disciplinary action taken against the prisoner. 3147  
If the court disapproves of the transfer of the prisoner to 3148  
transitional control, the court shall notify the division of the 3149  
disapproval within thirty days after receipt of the notice. If the 3150  
court timely disapproves the transfer of the prisoner to 3151  
transitional control, the division shall not proceed with the 3152  
transfer. If the court does not timely disapprove the transfer of 3153  
the prisoner to transitional control, the division may transfer 3154  
the prisoner to transitional control. 3155

(3)(a) If the victim of an offense for which a prisoner was 3156  
sentenced to a prison term or term of imprisonment has requested 3157

notification under section 2930.16 of the Revised Code and has 3158  
provided the department of rehabilitation and correction with the 3159  
victim's name and address or if division (A)(3)(b) of this section 3160  
applies, the division of parole and community services, at least 3161  
~~three weeks~~ sixty days prior to transferring the prisoner to 3162  
transitional control pursuant to this section, shall notify the 3163  
victim of the pendency of the transfer and of the victim's right 3164  
to submit a statement to the division regarding the impact of the 3165  
transfer of the prisoner to transitional control. If the victim 3166  
subsequently submits a statement of that nature to the division, 3167  
the division shall consider the statement in deciding whether to 3168  
transfer the prisoner to transitional control. 3169

(b) If a prisoner is incarcerated for the commission of 3170  
aggravated murder, murder, or an offense of violence that is a 3171  
felony of the first, second, or third degree or under a sentence 3172  
of life imprisonment, except as otherwise provided in this 3173  
division, the notice described in division (A)(3)(a) of this 3174  
section shall be given regardless of whether the victim has 3175  
requested the notification. The notice described in division 3176  
(A)(3)(a) of this section shall not be given under this division 3177  
to a victim if the victim has requested pursuant to division 3178  
(B)(2) of section 2930.03 of the Revised Code that the victim not 3179  
be provided the notice. If notice is to be provided to a victim 3180  
under this division, the authority may give the notice by any 3181  
reasonable means, including regular mail, telephone, and 3182  
electronic mail, in accordance with division (D)(1) of section 3183  
2930.16 of the Revised Code. If the notice is based on an offense 3184  
committed prior to the effective date of this amendment, the 3185  
notice also shall include the opt-out information described in 3186  
division (D)(1) of section 2930.16 of the Revised Code. The 3187  
authority, in accordance with division (D)(2) of section 2930.16 3188  
of the Revised Code, shall keep a record of all attempts to 3189  
provide the notice, and of all notices provided, under this 3190

division. 3191

Division (A)(3)(b) of this section, and the notice-related 3192  
provisions of divisions (E)(2) and (K) of section 2929.20, 3193  
division (D)(1) of section 2930.16, division (H) of section 3194  
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 3195  
section 2967.28, and division (A)(2) of section 5149.101 of the 3196  
Revised Code enacted in the act in which division (A)(3)(b) of 3197  
this section was enacted, shall be known as "Roberta's Law." 3198

(4) The department of rehabilitation and correction, at least 3199  
~~three weeks~~ sixty days prior to transferring a prisoner to 3200  
transitional control pursuant to this section, shall post on the 3201  
database it maintains pursuant to section 5120.66 of the Revised 3202  
Code the prisoner's name and all of the information specified in 3203  
division (A)(1)(c)(iv) of that section. In addition to and 3204  
independent of the right of a victim to submit a statement as 3205  
described in division (A)(3) of this section or to otherwise make 3206  
a statement and in addition to and independent of any other right 3207  
or duty of a person to present information or make a statement, 3208  
any person may send to the division of parole and community 3209  
services at any time prior to the division's transfer of the 3210  
prisoner to transitional control a written statement regarding the 3211  
transfer of the prisoner to transitional control. In addition to 3212  
the information, reports, and statements it considers under 3213  
divisions (A)(2) and (3) of this section or that it otherwise 3214  
considers, the division shall consider each statement submitted in 3215  
accordance with this division in deciding whether to transfer the 3216  
prisoner to transitional control. 3217

(B) Each prisoner transferred to transitional control under 3218  
this section shall be confined in the manner described in division 3219  
(A) of this section during any period of time that the prisoner is 3220  
not actually working at the prisoner's approved employment, 3221  
engaged in a vocational training or another educational program, 3222

engaged in another program designated by the director, or engaged 3223  
in other activities approved by the department. 3224

(C) The department of rehabilitation and correction shall 3225  
adopt rules for transferring eligible prisoners to transitional 3226  
control, supervising and confining prisoners so transferred, 3227  
administering the transitional control program in accordance with 3228  
this section, and using the moneys deposited into the transitional 3229  
control fund established under division (E) of this section. 3230

(D) The department of rehabilitation and correction may adopt 3231  
rules for the issuance of passes for the limited purposes 3232  
described in this division to prisoners who are transferred to 3233  
transitional control under this section. If the department adopts 3234  
rules of that nature, the rules shall govern the granting of the 3235  
passes and shall provide for the supervision of prisoners who are 3236  
temporarily released pursuant to one of those passes. Upon the 3237  
adoption of rules under this division, the department may issue 3238  
passes to prisoners who are transferred to transitional control 3239  
status under this section in accordance with the rules and the 3240  
provisions of this division. All passes issued under this division 3241  
shall be for a maximum of forty-eight hours and may be issued only 3242  
for the following purposes: 3243

(1) To visit a relative in imminent danger of death; 3244

(2) To have a private viewing of the body of a deceased 3245  
relative; 3246

(3) To visit with family; 3247

(4) To otherwise aid in the rehabilitation of the prisoner. 3248

(E) The division of parole and community services may require 3249  
a prisoner who is transferred to transitional control to pay to 3250  
the division the reasonable expenses incurred by the division in 3251  
supervising or confining the prisoner while under transitional 3252  
control. Inability to pay those reasonable expenses shall not be 3253



grounds for refusing to transfer an otherwise eligible prisoner to 3254  
transitional control. Amounts received by the division of parole 3255  
and community services under this division shall be deposited into 3256  
the transitional control fund, which is hereby created in the 3257  
state treasury and which hereby replaces and succeeds the furlough 3258  
services fund that formerly existed in the state treasury. All 3259  
moneys that remain in the furlough services fund on March 17, 3260  
1998, shall be transferred on that date to the transitional 3261  
control fund. The transitional control fund shall be used solely 3262  
to pay costs related to the operation of the transitional control 3263  
program established under this section. The director of 3264  
rehabilitation and correction shall adopt rules in accordance with 3265  
section 111.15 of the Revised Code for the use of the fund. 3266

(F) A prisoner who violates any rule established by the 3267  
department of rehabilitation and correction under division (A), 3268  
(C), or (D) of this section may be transferred to a state 3269  
correctional institution pursuant to rules adopted under division 3270  
(A), (C), or (D) of this section, but the prisoner shall receive 3271  
credit towards completing the prisoner's sentence for the time 3272  
spent under transitional control. 3273

If a prisoner is transferred to transitional control under 3274  
this section, upon successful completion of the period of 3275  
transitional control, the prisoner may be released on parole or 3276  
under post-release control pursuant to section 2967.13 or 2967.28 3277  
of the Revised Code and rules adopted by the department of 3278  
rehabilitation and correction. If the prisoner is released under 3279  
post-release control, the duration of the post-release control, 3280  
the type of post-release control sanctions that may be imposed, 3281  
the enforcement of the sanctions, and the treatment of prisoners 3282  
who violate any sanction applicable to the prisoner are governed 3283  
by section 2967.28 of the Revised Code. 3284

Sec. 2967.28. (A) As used in this section: 3285

(1) "Monitored time" means the monitored time sanction 3286  
specified in section 2929.17 of the Revised Code. 3287

(2) "Deadly weapon" and "dangerous ordnance" have the same 3288  
meanings as in section 2923.11 of the Revised Code. 3289

(3) "Felony sex offense" means a violation of a section 3290  
contained in Chapter 2907. of the Revised Code that is a felony. 3291

(4) "Risk reduction sentence" means a prison term imposed by 3292  
a court, when the court recommends pursuant to section 2929.143 of 3293  
the Revised Code that the offender serve the sentence under 3294  
section 5120.036 of the Revised Code, and the offender may 3295  
potentially be released from imprisonment prior to the expiration 3296  
of the prison term if the offender successfully completes all 3297  
assessment and treatment or programming required by the department 3298  
of rehabilitation and correction under section 5120.036 of the 3299  
Revised Code. 3300

(5) "Victim's immediate family" has the same meaning as in 3301  
section 2967.12 of the Revised Code. 3302

(B) Each sentence to a prison term for a felony of the first 3303  
degree, for a felony of the second degree, for a felony sex 3304  
offense, or for a felony of the third degree that is an offense of 3305  
violence and is not a felony sex offense ~~and in the commission of~~ 3306  
~~which the offender caused or threatened to cause physical harm to~~ 3307  
~~a person~~ shall include a requirement that the offender be subject 3308  
to a period of post-release control imposed by the parole board 3309  
after the offender's release from imprisonment. This division 3310  
applies with respect to all prison terms of a type described in 3311  
this division, including a term of any such type that is a risk 3312  
reduction sentence. If a court imposes a sentence including a 3313  
prison term of a type described in this division on or after July 3314

11, 2006, the failure of a sentencing court to notify the offender 3315  
pursuant to division (B)(2)(c) of section 2929.19 of the Revised 3316  
Code of this requirement or to include in the judgment of 3317  
conviction entered on the journal a statement that the offender's 3318  
sentence includes this requirement does not negate, limit, or 3319  
otherwise affect the mandatory period of supervision that is 3320  
required for the offender under this division. Section 2929.191 of 3321  
the Revised Code applies if, prior to July 11, 2006, a court 3322  
imposed a sentence including a prison term of a type described in 3323  
this division and failed to notify the offender pursuant to 3324  
division (B)(2)(c) of section 2929.19 of the Revised Code 3325  
regarding post-release control or to include in the judgment of 3326  
conviction entered on the journal or in the sentence pursuant to 3327  
division (D)(1) of section 2929.14 of the Revised Code a statement 3328  
regarding post-release control. Unless reduced by the parole board 3329  
pursuant to division (D) of this section when authorized under 3330  
that division, a period of post-release control required by this 3331  
division for an offender shall be of one of the following periods: 3332

(1) For a felony of the first degree or for a felony sex 3333  
offense, five years; 3334

(2) For a felony of the second degree that is not a felony 3335  
sex offense, three years; 3336

(3) For a felony of the third degree that is an offense of 3337  
violence and is not a felony sex offense ~~and in the commission of~~ 3338  
~~which the offender caused or threatened physical harm to a person,~~ 3339  
three years. 3340

(C) Any sentence to a prison term for a felony of the third, 3341  
fourth, or fifth degree that is not subject to division (B)(1) or 3342  
(3) of this section shall include a requirement that the offender 3343  
be subject to a period of post-release control of up to three 3344  
years after the offender's release from imprisonment, if the 3345  
parole board, in accordance with division (D) of this section, 3346

determines that a period of post-release control is necessary for 3347  
that offender. This division applies with respect to all prison 3348  
terms of a type described in this division, including a term of 3349  
any such type that is a risk reduction sentence. Section 2929.191 3350  
of the Revised Code applies if, prior to July 11, 2006, a court 3351  
imposed a sentence including a prison term of a type described in 3352  
this division and failed to notify the offender pursuant to 3353  
division (B)(2)(d) of section 2929.19 of the Revised Code 3354  
regarding post-release control or to include in the judgment of 3355  
conviction entered on the journal or in the sentence pursuant to 3356  
division (D)(2) of section 2929.14 of the Revised Code a statement 3357  
regarding post-release control. Pursuant to an agreement entered 3358  
into under section 2967.29 of the Revised Code, a court of common 3359  
pleas or parole board may impose sanctions or conditions on an 3360  
offender who is placed on post-release control under this 3361  
division. 3362

(D)(1) Before the prisoner is released from imprisonment, the 3363  
parole board or, pursuant to an agreement under section 2967.29 of 3364  
the Revised Code, the court shall impose upon a prisoner described 3365  
in division (B) of this section, shall impose upon a prisoner 3366  
described in division (C) of this section who is to be released 3367  
before the expiration of the prisoner's stated prison term under a 3368  
risk reduction sentence, may impose upon a prisoner described in 3369  
division (C) of this section who is not to be released before the 3370  
expiration of the prisoner's stated prison term under a risk 3371  
reduction sentence, and shall impose upon a prisoner described in 3372  
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 3373  
section 5120.032 of the Revised Code, one or more post-release 3374  
control sanctions to apply during the prisoner's period of 3375  
post-release control. Whenever the board or court imposes one or 3376  
more post-release control sanctions upon a prisoner, the board or 3377  
court, in addition to imposing the sanctions, also shall include 3378  
as a condition of the post-release control that the offender not 3379

leave the state without permission of the court or the offender's 3380  
parole or probation officer and that the offender abide by the 3381  
law. The board or court may impose any other conditions of release 3382  
under a post-release control sanction that the board or court 3383  
considers appropriate, and the conditions of release may include 3384  
any community residential sanction, community nonresidential 3385  
sanction, or financial sanction that the sentencing court was 3386  
authorized to impose pursuant to sections 2929.16, 2929.17, and 3387  
2929.18 of the Revised Code. Prior to the release of a prisoner 3388  
for whom it will impose one or more post-release control sanctions 3389  
under this division, the parole board or court shall review the 3390  
prisoner's criminal history, results from the single validated 3391  
risk assessment tool selected by the department of rehabilitation 3392  
and correction under section 5120.114 of the Revised Code, all 3393  
juvenile court adjudications finding the prisoner, while a 3394  
juvenile, to be a delinquent child, and the record of the 3395  
prisoner's conduct while imprisoned. The parole board or court 3396  
shall consider any recommendation regarding post-release control 3397  
sanctions for the prisoner made by the office of victims' 3398  
services. After considering those materials, the board or court 3399  
shall determine, for a prisoner described in division (B) of this 3400  
section, division (B)(2)(b) of section 5120.031, or division 3401  
(B)(1) of section 5120.032 of the Revised Code and for a prisoner 3402  
described in division (C) of this section who is to be released 3403  
before the expiration of the prisoner's stated prison term under a 3404  
risk reduction sentence, which post-release control sanction or 3405  
combination of post-release control sanctions is reasonable under 3406  
the circumstances or, for a prisoner described in division (C) of 3407  
this section who is not to be released before the expiration of 3408  
the prisoner's stated prison term under a risk reduction sentence, 3409  
whether a post-release control sanction is necessary and, if so, 3410  
which post-release control sanction or combination of post-release 3411  
control sanctions is reasonable under the circumstances. In the 3412

case of a prisoner convicted of a felony of the fourth or fifth 3413  
degree other than a felony sex offense, the board or court shall 3414  
presume that monitored time is the appropriate post-release 3415  
control sanction unless the board or court determines that a more 3416  
restrictive sanction is warranted. A post-release control sanction 3417  
imposed under this division takes effect upon the prisoner's 3418  
release from imprisonment. 3419

Regardless of whether the prisoner was sentenced to the 3420  
prison term prior to, on, or after July 11, 2006, prior to the 3421  
release of a prisoner for whom it will impose one or more 3422  
post-release control sanctions under this division, the parole 3423  
board shall notify the prisoner that, if the prisoner violates any 3424  
sanction so imposed or any condition of post-release control 3425  
described in division (B) of section 2967.131 of the Revised Code 3426  
that is imposed on the prisoner, the parole board may impose a 3427  
prison term of up to one-half of the stated prison term originally 3428  
imposed upon the prisoner. 3429

At least thirty days before the prisoner is released from 3430  
imprisonment, except as otherwise provided in this paragraph, the 3431  
department of rehabilitation and correction shall notify the 3432  
victim and the victim's immediate family of the date on which the 3433  
prisoner will be released, the period for which the prisoner will 3434  
be under post-release control supervision, and the terms and 3435  
conditions of the prisoner's post-release control regardless of 3436  
whether the victim or victim's immediate family has requested the 3437  
notification. The notice described in this paragraph shall not be 3438  
given to a victim or victim's immediate family if the victim or 3439  
the victim's immediate family has requested pursuant to division 3440  
(B)(2) of section 2930.03 of the Revised Code that the notice not 3441  
be provided to the victim or the victim's immediate family. At 3442  
least thirty days before the prisoner is released from 3443  
imprisonment and regardless of whether the victim or victim's 3444

immediate family has requested that the notice described in this 3445  
paragraph be provided or not be provided to the victim or the 3446  
victim's immediate family, the department also shall provide 3447  
notice of that nature to the prosecuting attorney in the case and 3448  
the law enforcement agency that arrested the prisoner if any 3449  
officer of that agency was a victim of the offense. 3450

If the notice given under the preceding paragraph to the 3451  
victim or the victim's immediate family is based on an offense 3452  
committed prior to the effective date of this amendment and if the 3453  
department of rehabilitation and correction has not previously 3454  
successfully provided any notice to the victim or the victim's 3455  
immediate family under division (B), (C), or (D) of section 3456  
2930.16 of the Revised Code with respect to that offense and the 3457  
offender who committed it, the notice also shall inform the victim 3458  
or the victim's immediate family that the victim or the victim's 3459  
immediate family may request that the victim or the victim's 3460  
immediate family not be provided any further notices with respect 3461  
to that offense and the offender who committed it and shall 3462  
describe the procedure for making that request. The department may 3463  
give the notices to which the preceding paragraph applies by any 3464  
reasonable means, including regular mail, telephone, and 3465  
electronic mail. If the department attempts to provide notice to 3466  
any specified person under the preceding paragraph but the attempt 3467  
is unsuccessful because the department is unable to locate the 3468  
specified person, is unable to provide the notice by its chosen 3469  
method because it cannot determine the mailing address, electronic 3470  
mail address, or telephone number at which to provide the notice, 3471  
or, if the notice is sent by mail, the notice is returned, the 3472  
department shall make another attempt to provide the notice to the 3473  
specified person. If the second attempt is unsuccessful, the 3474  
department shall make at least one more attempt to provide the 3475  
notice. If the notice is based on an offense committed prior to 3476  
the effective date of this amendment, in each attempt to provide 3477

the notice to the victim or victim's immediate family, the notice 3478  
shall include the opt-out information described in this paragraph. 3479  
The department, in the manner described in division (D)(2) of 3480  
section 2930.16 of the Revised Code, shall keep a record of all 3481  
attempts to provide the notice, and of all notices provided, under 3482  
this paragraph and the preceding paragraph. The record shall be 3483  
considered as if it was kept under division (D)(2) of section 3484  
2930.16 of the Revised Code. This paragraph, the preceding 3485  
paragraph, and the notice-related provisions of divisions (E)(2) 3486  
and (K) of section 2929.20, division (D)(1) of section 2930.16, 3487  
division (H) of section 2967.12, division (E)(1)(b) of section 3488  
2967.19, division (A)(3)(b) of section 2967.26, and division 3489  
(A)(2) of section 5149.101 of the Revised Code enacted in the act 3490  
in which this paragraph and the preceding paragraph were enacted, 3491  
shall be known as "Roberta's Law." 3492

(2) If a prisoner who is placed on post-release control under 3493  
this section is released before the expiration of the prisoner's 3494  
stated prison term by reason of credit earned under section 3495  
2967.193 of the Revised Code and if the prisoner earned sixty or 3496  
more days of credit, the adult parole authority shall supervise 3497  
the offender with an active global positioning system device for 3498  
the first fourteen days after the offender's release from 3499  
imprisonment. This division does not prohibit or limit the 3500  
imposition of any post-release control sanction otherwise 3501  
authorized by this section. 3502

(3) At any time after a prisoner is released from 3503  
imprisonment and during the period of post-release control 3504  
applicable to the releasee, the adult parole authority or, 3505  
pursuant to an agreement under section 2967.29 of the Revised 3506  
Code, the court may review the releasee's behavior under the 3507  
post-release control sanctions imposed upon the releasee under 3508  
this section. The authority or court may determine, based upon the 3509



review and in accordance with the standards established under 3510  
division (E) of this section, that a more restrictive or a less 3511  
restrictive sanction is appropriate and may impose a different 3512  
sanction. The authority also may recommend that the parole board 3513  
or court increase or reduce the duration of the period of 3514  
post-release control imposed by the court. If the authority 3515  
recommends that the board or court increase the duration of 3516  
post-release control, the board or court shall review the 3517  
releasee's behavior and may increase the duration of the period of 3518  
post-release control imposed by the court up to eight years. If 3519  
the authority recommends that the board or court reduce the 3520  
duration of control for an offense described in division (B) or 3521  
(C) of this section, the board or court shall review the 3522  
releasee's behavior and may reduce the duration of the period of 3523  
control imposed by the court. In no case shall the board or court 3524  
reduce the duration of the period of control imposed for an 3525  
offense described in division (B)(1) of this section to a period 3526  
less than the length of the stated prison term originally imposed, 3527  
and in no case shall the board or court permit the releasee to 3528  
leave the state without permission of the court or the releasee's 3529  
parole or probation officer. 3530

(E) The department of rehabilitation and correction, in 3531  
accordance with Chapter 119. of the Revised Code, shall adopt 3532  
rules that do all of the following: 3533

(1) Establish standards for the imposition by the parole 3534  
board of post-release control sanctions under this section that 3535  
are consistent with the overriding purposes and sentencing 3536  
principles set forth in section 2929.11 of the Revised Code and 3537  
that are appropriate to the needs of releasees; 3538

(2) Establish standards that provide for a period of 3539  
post-release control of up to three years for all prisoners 3540  
described in division (C) of this section who are to be released 3541

before the expiration of their stated prison term under a risk 3542  
reduction sentence and standards by which the parole board can 3543  
determine which prisoners described in division (C) of this 3544  
section who are not to be released before the expiration of their 3545  
stated prison term under a risk reduction sentence should be 3546  
placed under a period of post-release control; 3547

(3) Establish standards to be used by the parole board in 3548  
reducing the duration of the period of post-release control 3549  
imposed by the court when authorized under division (D) of this 3550  
section, in imposing a more restrictive post-release control 3551  
sanction than monitored time upon a prisoner convicted of a felony 3552  
of the fourth or fifth degree other than a felony sex offense, or 3553  
in imposing a less restrictive control sanction upon a releasee 3554  
based on the releasee's activities including, but not limited to, 3555  
remaining free from criminal activity and from the abuse of 3556  
alcohol or other drugs, successfully participating in approved 3557  
rehabilitation programs, maintaining employment, and paying 3558  
restitution to the victim or meeting the terms of other financial 3559  
sanctions; 3560

(4) Establish standards to be used by the adult parole 3561  
authority in modifying a releasee's post-release control sanctions 3562  
pursuant to division (D)(2) of this section; 3563

(5) Establish standards to be used by the adult parole 3564  
authority or parole board in imposing further sanctions under 3565  
division (F) of this section on releasees who violate post-release 3566  
control sanctions, including standards that do the following: 3567

(a) Classify violations according to the degree of 3568  
seriousness; 3569

(b) Define the circumstances under which formal action by the 3570  
parole board is warranted; 3571

(c) Govern the use of evidence at violation hearings; 3572

(d) Ensure procedural due process to an alleged violator; 3573

(e) Prescribe nonresidential community control sanctions for 3574  
most misdemeanor and technical violations; 3575

(f) Provide procedures for the return of a releasee to 3576  
imprisonment for violations of post-release control. 3577

(F)(1) Whenever the parole board imposes one or more 3578  
post-release control sanctions upon an offender under this 3579  
section, the offender upon release from imprisonment shall be 3580  
under the general jurisdiction of the adult parole authority and 3581  
generally shall be supervised by the field services section 3582  
through its staff of parole and field officers as described in 3583  
section 5149.04 of the Revised Code, as if the offender had been 3584  
placed on parole. If the offender upon release from imprisonment 3585  
violates the post-release control sanction or any conditions 3586  
described in division (A) of section 2967.131 of the Revised Code 3587  
that are imposed on the offender, the public or private person or 3588  
entity that operates or administers the sanction or the program or 3589  
activity that comprises the sanction shall report the violation 3590  
directly to the adult parole authority or to the officer of the 3591  
authority who supervises the offender. The authority's officers 3592  
may treat the offender as if the offender were on parole and in 3593  
violation of the parole, and otherwise shall comply with this 3594  
section. 3595

(2) If the adult parole authority or, pursuant to an 3596  
agreement under section 2967.29 of the Revised Code, the court 3597  
determines that a releasee has violated a post-release control 3598  
sanction or any conditions described in division (A) of section 3599  
2967.131 of the Revised Code imposed upon the releasee and that a 3600  
more restrictive sanction is appropriate, the authority or court 3601  
may impose a more restrictive sanction upon the releasee, in 3602  
accordance with the standards established under division (E) of 3603  
this section or in accordance with the agreement made under 3604

section 2967.29 of the Revised Code, or may report the violation 3605  
to the parole board for a hearing pursuant to division (F)(3) of 3606  
this section. The authority or court may not, pursuant to this 3607  
division, increase the duration of the releasee's post-release 3608  
control or impose as a post-release control sanction a residential 3609  
sanction that includes a prison term, but the authority or court 3610  
may impose on the releasee any other residential sanction, 3611  
nonresidential sanction, or financial sanction that the sentencing 3612  
court was authorized to impose pursuant to sections 2929.16, 3613  
2929.17, and 2929.18 of the Revised Code. 3614

(3) The parole board or, pursuant to an agreement under 3615  
section 2967.29 of the Revised Code, the court may hold a hearing 3616  
on any alleged violation by a releasee of a post-release control 3617  
sanction or any conditions described in division (A) of section 3618  
2967.131 of the Revised Code that are imposed upon the releasee. 3619  
If after the hearing the board or court finds that the releasee 3620  
violated the sanction or condition, the board or court may 3621  
increase the duration of the releasee's post-release control up to 3622  
the maximum duration authorized by division (B) or (C) of this 3623  
section or impose a more restrictive post-release control 3624  
sanction. When appropriate, the board or court may impose as a 3625  
post-release control sanction a residential sanction that includes 3626  
a prison term. The board or court shall consider a prison term as 3627  
a post-release control sanction imposed for a violation of 3628  
post-release control when the violation involves a deadly weapon 3629  
or dangerous ordnance, physical harm or attempted serious physical 3630  
harm to a person, or sexual misconduct, or when the releasee 3631  
committed repeated violations of post-release control sanctions. 3632  
Unless a releasee's stated prison term was reduced pursuant to 3633  
section 5120.032 of the Revised Code, the period of a prison term 3634  
that is imposed as a post-release control sanction under this 3635  
division shall not exceed nine months, and the maximum cumulative 3636  
prison term for all violations under this division shall not 3637

exceed one-half of the stated prison term originally imposed upon 3638  
the offender as part of this sentence. If a releasee's stated 3639  
prison term was reduced pursuant to section 5120.032 of the 3640  
Revised Code, the period of a prison term that is imposed as a 3641  
post-release control sanction under this division and the maximum 3642  
cumulative prison term for all violations under this division 3643  
shall not exceed the period of time not served in prison under the 3644  
sentence imposed by the court. The period of a prison term that is 3645  
imposed as a post-release control sanction under this division 3646  
shall not count as, or be credited toward, the remaining period of 3647  
post-release control. 3648

If an offender is imprisoned for a felony committed while 3649  
under post-release control supervision and is again released on 3650  
post-release control for a period of time determined by division 3651  
(F)(4)(d) of this section, the maximum cumulative prison term for 3652  
all violations under this division shall not exceed one-half of 3653  
the total stated prison terms of the earlier felony, reduced by 3654  
any prison term administratively imposed by the parole board or 3655  
court, plus one-half of the total stated prison term of the new 3656  
felony. 3657

(4) Any period of post-release control shall commence upon an 3658  
offender's actual release from prison. If an offender is serving 3659  
an indefinite prison term or a life sentence in addition to a 3660  
stated prison term, the offender shall serve the period of 3661  
post-release control in the following manner: 3662

(a) If a period of post-release control is imposed upon the 3663  
offender and if the offender also is subject to a period of parole 3664  
under a life sentence or an indefinite sentence, and if the period 3665  
of post-release control ends prior to the period of parole, the 3666  
offender shall be supervised on parole. The offender shall receive 3667  
credit for post-release control supervision during the period of 3668  
parole. The offender is not eligible for final release under 3669

section 2967.16 of the Revised Code until the post-release control 3670  
period otherwise would have ended. 3671

(b) If a period of post-release control is imposed upon the 3672  
offender and if the offender also is subject to a period of parole 3673  
under an indefinite sentence, and if the period of parole ends 3674  
prior to the period of post-release control, the offender shall be 3675  
supervised on post-release control. The requirements of parole 3676  
supervision shall be satisfied during the post-release control 3677  
period. 3678

(c) If an offender is subject to more than one period of 3679  
post-release control, the period of post-release control for all 3680  
of the sentences shall be the period of post-release control that 3681  
expires last, as determined by the parole board or court. Periods 3682  
of post-release control shall be served concurrently and shall not 3683  
be imposed consecutively to each other. 3684

(d) The period of post-release control for a releasee who 3685  
commits a felony while under post-release control for an earlier 3686  
felony shall be the longer of the period of post-release control 3687  
specified for the new felony under division (B) or (C) of this 3688  
section or the time remaining under the period of post-release 3689  
control imposed for the earlier felony as determined by the parole 3690  
board or court. 3691

**Sec. 2971.04.** (A) If an offender is serving a prison term 3692  
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 3693  
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 3694  
the Revised Code, at any time after the offender has served the 3695  
minimum term imposed under that sentence, the parole board may 3696  
terminate its control over the offender's service of the prison 3697  
term. The parole board initially shall determine whether to 3698  
terminate its control over the offender's service of the prison 3699  
term upon the completion of the offender's service of the minimum 3700

term under the sentence and shall make subsequent determinations 3701  
at least once every two years after that first determination. The 3702  
parole board shall not terminate its control over the offender's 3703  
service of the prison term unless it finds at a hearing that the 3704  
offender does not represent a substantial risk of physical harm to 3705  
others. Upon the request of the prosecuting attorney or of any law 3706  
enforcement agency, the board shall provide to the requesting 3707  
prosecuting attorney and law enforcement agencies an institutional 3708  
summary report prepared by the department of rehabilitation and 3709  
correction that covers the offender's participation while confined 3710  
in a state correctional institution in training, work, and other 3711  
rehabilitative activities and any disciplinary action taken 3712  
against the offender while so confined. Prior to determining 3713  
whether to terminate its control over the offender's service of 3714  
the prison term, the parole board shall request the department of 3715  
rehabilitation and correction to prepare pursuant to section 3716  
5120.61 of the Revised Code an update of the most recent risk 3717  
assessment and report relative to the offender. The offender has 3718  
the right to be present at any hearing held under this section. ~~At~~ 3719

At the hearing, the offender and the prosecuting attorney may 3720  
make a statement and present evidence as to whether the parole 3721  
board should terminate its control over the offender's service of 3722  
the prison term. In making its determination as to whether to 3723  
terminate its control over the offender's service of the prison 3724  
term, the parole board may follow the standards and guidelines 3725  
adopted by the department of rehabilitation and correction under 3726  
section 5120.49 of the Revised Code and shall consider the updated 3727  
risk assessment and report relating to the offender prepared by 3728  
the department pursuant to section 5120.61 of the Revised Code in 3729  
response to the request made under this division and any 3730  
statements or evidence submitted by the offender or the 3731  
prosecuting attorney. If the parole board terminates its control 3732  
over an offender's service of a prison term imposed under division 3733

(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3734  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 3735  
Code, it shall recommend to the court modifications to the 3736  
requirement that the offender serve the entire term in a state 3737  
correctional institution. The court is not bound by the 3738  
recommendations submitted by the parole board. 3739

(B) If the parole board terminates its control over an 3740  
offender's service of a prison term imposed pursuant to division 3741  
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3742  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 3743  
Code, the parole board immediately shall provide written notice of 3744  
its termination of control to the department of rehabilitation and 3745  
correction, the court, and the prosecuting attorney, and, after 3746  
the board's termination of its control, the court shall have 3747  
control over the offender's service of that prison term. 3748

After the transfer, the court shall have control over the 3749  
offender's service of that prison term for the offender's entire 3750  
life, subject to the court's termination of the term pursuant to 3751  
section 2971.05 of the Revised Code. 3752

(C) If control over the offender's service of the prison term 3753  
is transferred to the court, all of the following apply: 3754

(1) The offender shall not be released solely as a result of 3755  
the transfer of control over the service of that prison term. 3756

(2) The offender shall not be permitted solely as a result of 3757  
the transfer to serve a portion of that term in a place other than 3758  
a state correctional institution. 3759

(3) The offender shall continue serving that term in a state 3760  
correctional institution, subject to the following: 3761

(a) A release pursuant to a pardon, commutation, or reprieve; 3762

(b) A modification or termination of the term by the court 3763



pursuant to this chapter. 3764

**Sec. 2971.05.** (A)(1) After control over an offender's service 3765  
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 3766  
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 3767  
(d) of section 2971.03 of the Revised Code has been transferred 3768  
pursuant to section 2971.04 of the Revised Code to the court, the 3769  
court shall schedule, within thirty days of any of the following, 3770  
a hearing on whether to modify in accordance with division (C) of 3771  
this section the requirement that the offender serve the entire 3772  
prison term in a state correctional institution or to terminate 3773  
the prison term in accordance with division (D) of this section: 3774  
3775

(a) Control over the offender's service of a prison term is 3776  
transferred pursuant to section 2971.04 of the Revised Code to the 3777  
court, and no hearing to modify the requirement has been held; 3778

(b) Two years elapse after the most recent prior hearing held 3779  
pursuant to division (A)(1) or (2) of this section; 3780

(c) The prosecuting attorney, the department of 3781  
rehabilitation and correction, or the adult parole authority 3782  
requests the hearing, and recommends that the requirement be 3783  
modified or that the offender's prison term be terminated. 3784

(2) After control over the offender's service of a prison 3785  
term has been transferred pursuant to section 2971.04 of the 3786  
Revised Code to the court, the court, within thirty days of either 3787  
of the following, shall conduct a hearing on whether to modify in 3788  
accordance with division (C) of this section the requirement that 3789  
the offender serve the entire prison term in a state correctional 3790  
institution, whether to continue, revise, or revoke an existing 3791  
modification of that requirement, or whether to terminate the term 3792  
in accordance with division (D) of this section: 3793

(a) The requirement that the offender serve the entire prison term in a state correctional institution has been modified, and the offender is taken into custody for any reason.

(b) The department of rehabilitation and correction or the prosecuting attorney notifies the court pursuant to section 2971.06 of the Revised Code regarding a known or suspected violation of a term or condition of the modification or a belief that there is a substantial likelihood that the offender has committed or is about to commit a sexually violent offense.

(3) After control over the offender's service of a prison term has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court, in any of the following circumstances, may conduct a hearing within thirty days to determine whether to modify in accordance with division (C) of this section the requirement that the offender serve the entire prison term in a state correctional institution, whether to continue, revise, or revoke an existing modification of that requirement, or whether to terminate the sentence in accordance with division (D) of this section:

(a) The offender requests the hearing;

(b) Upon the court's own motion;

(c) One or more examiners who have conducted a psychological examination and assessment of the offender file a statement that states that there no longer is a likelihood that the offender will engage in the future in a sexually violent offense.

(B)(1) Before a court holds a hearing pursuant to division (A) of this section, the court shall provide notice of the date, time, place, and purpose of the hearing to the offender, the prosecuting attorney, the department of rehabilitation and correction, and the adult parole authority and shall request the department to prepare pursuant to section 5120.61 of the Revised

Code an update of the most recent risk assessment and report 3825  
relative to the offender. Upon the request of the prosecuting 3826  
attorney or of any law enforcement agency, the department shall 3827  
provide to the requesting prosecuting attorney and law enforcement 3828  
agencies an institutional summary report prepared by the 3829  
department that covers the offender's participation while confined 3830  
in a state correctional institution in training, work, and other 3831  
rehabilitative activities and any disciplinary action taken 3832  
against the offender while so confined. The offender has the right 3833  
to be present at any hearing held under this section. At the 3834  
hearing, the offender and the prosecuting attorney may make a 3835  
statement and present evidence as to whether the requirement that 3836  
the offender serve the entire prison term in a state correctional 3837  
institution should or should not be modified, whether the existing 3838  
modification of the requirement should be continued, revised, or 3839  
revoked, and whether the prison term should or should not be 3840  
terminated. 3841

(2) At a hearing held pursuant to division (A) of this 3842  
section, the court may and, if the hearing is held pursuant to 3843  
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 3844  
determine by clear and convincing evidence whether the offender is 3845  
unlikely to commit a sexually violent offense in the future. 3846

(3) At the conclusion of the hearing held pursuant to 3847  
division (A) of this section, the court may order that the 3848  
requirement that the offender serve the entire prison term in a 3849  
state correctional institution be continued, that the requirement 3850  
be modified pursuant to division (C) of this section, that an 3851  
existing modification be continued, revised, or revoked pursuant 3852  
to division (C) of this section, or that the prison term be 3853  
terminated pursuant to division (D) of this section. 3854

(C)(1) If, at the conclusion of a hearing held pursuant to 3855  
division (A) of this section, the court determines by clear and 3856

convincing evidence that the offender will not represent a 3857  
substantial risk of physical harm to others, the court may modify 3858  
the requirement that the offender serve the entire prison term 3859  
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 3860  
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 3861  
the Revised Code in a state correctional institution in a manner 3862  
that the court considers appropriate. If the court modifies the 3863  
requirement for an offender whose prison term was imposed pursuant 3864  
to division (A)(3) of section 2971.03 of the Revised Code, the 3865  
court shall order the adult parole authority to supervise the 3866  
offender and shall require that the authority's supervision of the 3867  
offender be pursuant to division (E) of this section. If the court 3868  
modifies the requirement for an offender whose prison term was 3869  
imposed pursuant to division (B)(1)(a), (b), or (c), (2)(a), (b), 3870  
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 3871  
Revised Code, the court shall order the adult parole authority to 3872  
supervise the offender and may require that the authority's 3873  
supervision of the offender be pursuant to division (E) of this 3874  
section. 3875

(2) The modification of the requirement does not terminate 3876  
the prison term but serves only to suspend the requirement that 3877  
the offender serve the entire term in a state correctional 3878  
institution. The prison term shall remain in effect for the 3879  
offender's entire life unless the court terminates the prison term 3880  
pursuant to division (D) of this section. The offender shall 3881  
remain under the jurisdiction of the court for the offender's 3882  
entire life unless the court so terminates the prison term. The 3883  
modification of the requirement does not terminate the 3884  
classification of the offender, as described in division (F) of 3885  
section 2971.03 of the Revised Code, as a sexual predator for 3886  
purposes of Chapter 2950. of the Revised Code, and the offender is 3887  
subject to supervision, including supervision under division (E) 3888  
of this section if the court required the supervision of the 3889

offender to be pursuant to that division. 3890

(3) If the court revokes the modification under 3891  
consideration, the court shall order that the offender be returned 3892  
to the custody of the department of rehabilitation and correction 3893  
to continue serving the prison term to which the modification 3894  
applied, and section 2971.06 of the Revised Code applies regarding 3895  
the offender. 3896

(D)(1) If, at the conclusion of a hearing held pursuant to 3897  
division (A) of this section, the court determines by clear and 3898  
convincing evidence that the offender is unlikely to commit a 3899  
sexually violent offense in the future, the court may terminate 3900  
the offender's prison term imposed under division (A)(3), 3901  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 3902  
(c), or (d) of section 2971.03 of the Revised Code, subject to the 3903  
offender satisfactorily completing the period of conditional 3904  
release required by this division and, if applicable, compliance 3905  
with division (E) of this section. If the court terminates the 3906  
prison term, the court shall place the offender on conditional 3907  
release for five years, notify the adult parole authority of its 3908  
determination and of the termination of the prison term, and order 3909  
the adult parole authority to supervise the offender during the 3910  
five-year period of conditional release or, if division (E) 3911  
applies to the offender, to supervise the offender pursuant to and 3912  
for the period of time specified in that division. If the court 3913  
terminates the prison term for an offender whose prison term was 3914  
imposed pursuant to division (A)(3) of section 2971.03 of the 3915  
Revised Code, the court shall require that the authority's 3916  
supervision of the offender be pursuant to division (E) of this 3917  
section. If the court terminates the prison term for an offender 3918  
whose prison term was imposed pursuant to division (B)(1)(a), (b), 3919  
or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 3920  
section 2971.03 of the Revised Code, the court may require that 3921

the authority's supervision of the offender be pursuant to 3922  
division (E) of this section. Upon receipt of a notice from a 3923  
court pursuant to this division, the adult parole authority shall 3924  
supervise the offender who is the subject of the notice during the 3925  
five-year period of conditional release, periodically notify the 3926  
court of the offender's activities during that five-year period of 3927  
conditional release, and file with the court no later than thirty 3928  
days prior to the expiration of the five-year period of 3929  
conditional release a written recommendation as to whether the 3930  
termination of the offender's prison term should be finalized, 3931  
whether the period of conditional release should be extended, or 3932  
whether another type of action authorized pursuant to this chapter 3933  
should be taken. 3934

(2) Upon receipt of a recommendation of the adult parole 3935  
authority filed pursuant to division (D)(1) of this section, the 3936  
court shall hold a hearing to determine whether to finalize the 3937  
termination of the offender's prison term, to extend the period of 3938  
conditional release, or to take another type of action authorized 3939  
pursuant to this chapter. The court shall hold the hearing no 3940  
later than the date on which the five-year period of conditional 3941  
release terminates and shall provide notice of the date, time, 3942  
place, and purpose of the hearing to the offender and to the 3943  
prosecuting attorney. At the hearing, the offender, the 3944  
prosecuting attorney, and the adult parole authority employee who 3945  
supervised the offender during the period of conditional release 3946  
may make a statement and present evidence. 3947

If the court determines at the hearing to extend an 3948  
offender's period of conditional release, it may do so for 3949  
additional periods of one year in the same manner as the original 3950  
period of conditional release, and, except as otherwise described 3951  
in this division, all procedures and requirements that applied to 3952  
the original period of conditional release apply to the additional 3953

period of extended conditional release unless the court modifies a 3954  
procedure or requirement. If an offender's period of conditional 3955  
release is extended as described in this division, all references 3956  
to a five-year period of conditional release that are contained in 3957  
division (D)(1) of this section shall be construed, in applying 3958  
the provisions of that division to the extension, as being 3959  
references to the one-year period of the extension of the 3960  
conditional release. 3961

If the court determines at the hearing to take another type 3962  
of action authorized pursuant to this chapter, it may do so in the 3963  
same manner as if the action had been taken at any other stage of 3964  
the proceedings under this chapter. As used in this division, 3965  
"another type of action" includes the revocation of the 3966  
conditional release and the return of the offender to a state 3967  
correctional institution to continue to serve the prison term. 3968

If the court determines at the hearing to finalize the 3969  
termination of the offender's prison term, it shall notify the 3970  
department of rehabilitation and correction, the department shall 3971  
enter into its records a final release and issue to the offender a 3972  
certificate of final release, and the prison term thereafter shall 3973  
be considered completed and terminated in every way. 3974

(3) The termination of an offender's prison term pursuant to 3975  
division (D)(1) or (2) of this section does not affect the 3976  
classification of the offender, as described in division (F) of 3977  
section 2971.03 of the Revised Code, as a tier III sex 3978  
offender/child-victim offender for purposes of Chapter 2950. of 3979  
the Revised Code, does not terminate the adult parole authority's 3980  
supervision of the offender, and, if the court had required the 3981  
supervision of the offender to be pursuant to division (E) of this 3982  
section, does not terminate the supervision of the offender with 3983  
an active global positioning system device, pursuant to that 3984  
division. 3985

(E) If a prison term imposed upon an offender pursuant to 3986  
division (A)(3) of section 2971.03 of the Revised Code is modified 3987  
as provided in division (C) of this section or terminated as 3988  
provided in division (D) of this section, the adult parole 3989  
authority shall supervise the offender with an active global 3990  
positioning system device during any time period in which the 3991  
offender is not incarcerated in a state correctional institution. 3992  
If a prison term imposed upon an offender pursuant to division 3993  
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 3994  
or (d) of section 2971.03 of the Revised Code is modified as 3995  
provided in division (C) of this section or terminated as provided 3996  
in division (D) of this section, and if the court requires that 3997  
the adult parole authority's supervision of the offender be 3998  
pursuant to this division, the authority shall supervise the 3999  
offender with an active global positioning system device during 4000  
any time period in which the offender is not incarcerated in a 4001  
state correctional institution. If the adult parole authority is 4002  
required to supervise the offender with an active global 4003  
positioning system device as described in this division, unless 4004  
the court removes the offender's classification as a sexually 4005  
violent predator regarding an offender whose prison term was 4006  
imposed under division (A)(3) of section 2971.03 of the Revised 4007  
Code or terminates the requirement that supervision of the 4008  
offender be pursuant to this division regarding an offender whose 4009  
prison term was imposed under division (B)(1)(a), (b), or (c), 4010  
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 4011  
2971.03 of the Revised Code, the offender is subject to 4012  
supervision with an active global positioning system pursuant to 4013  
this division for the offender's entire life. The costs of 4014  
administering the supervision of offenders with an active global 4015  
positioning system device pursuant to this division shall be paid 4016  
out of funds from the reparations fund, created pursuant to 4017  
section 2743.191 of the Revised Code. This division shall only 4018



apply to a sexually violent predator sentenced pursuant to 4019  
division (A)(3) of section 2971.03 of the Revised Code who is 4020  
released from the custody of the department of rehabilitation and 4021  
correction on or after September 29, 2005, or an offender 4022  
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 4023  
the Revised Code on or after January 2, 2007. 4024

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 4025  
but not before January 1, 2006, the department of rehabilitation 4026  
and correction shall establish and operate on the internet a 4027  
database that contains all of the following: 4028

(1) For each inmate in the custody of the department under a 4029  
sentence imposed for a conviction of or plea of guilty to any 4030  
offense, all of the following information: 4031

(a) The inmate's name; 4032

(b) For each offense for which the inmate was sentenced to a 4033  
prison term or term of imprisonment and is in the department's 4034  
custody, the name of the offense, the Revised Code section of 4035  
which the offense is a violation, the gender of each victim of the 4036  
offense if those facts are known, whether each victim of the 4037  
offense was an adult or child if those facts are known, whether 4038  
any victim of the offense was a law enforcement officer if that 4039  
fact is known, the range of the possible prison terms or term of 4040  
imprisonment that could have been imposed for the offense, the 4041  
actual prison term or term of imprisonment imposed for the 4042  
offense, the county in which the offense was committed, the date 4043  
on which the inmate began serving the prison term or term of 4044  
imprisonment imposed for the offense, and either the date on which 4045  
the inmate will be eligible for parole relative to the offense if 4046  
the prison term or term of imprisonment is an indefinite term or 4047  
life term or the date on which the term ends if the prison term is 4048  
a definite term; 4049

(c) All of the following information that is applicable 4050  
regarding the inmate: 4051

(i) If known to the department prior to the conduct of any 4052  
hearing for judicial release of the defendant pursuant to section 4053  
2929.20 of the Revised Code in relation to any prison term or term 4054  
of imprisonment the inmate is serving for any offense or any 4055  
hearing for release of the defendant pursuant to section 2967.19 4056  
of the Revised Code in relation to any such term, notice of the 4057  
fact that the inmate will be having a hearing regarding a possible 4058  
grant of judicial release or release, the date of the hearing, and 4059  
the right of any person pursuant to division (J) of section 4060  
2929.20 or division (H) of section 2967.19 of the Revised Code, 4061  
whichever is applicable, to submit to the court a written 4062  
statement regarding the possible judicial release or release. The 4063  
department also shall post notice of the filing of any petition 4064  
for release of the inmate pursuant to section 2967.19 of the 4065  
Revised Code, as required by division (E) of that section. 4066

(ii) If the inmate is serving a prison term pursuant to 4067  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 4068  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 4069  
Code, prior to the conduct of any hearing pursuant to section 4070  
2971.05 of the Revised Code to determine whether to modify the 4071  
requirement that the inmate serve the entire prison term in a 4072  
state correctional facility in accordance with division (C) of 4073  
that section, whether to continue, revise, or revoke any existing 4074  
modification of that requirement, or whether to terminate the 4075  
prison term in accordance with division (D) of that section, 4076  
notice of the fact that the inmate will be having a hearing 4077  
regarding those determinations and ~~of~~ the date of the hearing; 4078

(iii) At least ~~three weeks~~ sixty days before the adult parole 4079  
authority recommends a pardon or commutation of sentence for the 4080  
inmate or at least ~~three weeks~~ sixty days prior to a hearing 4081

before the adult parole authority regarding a grant of parole to 4082  
the inmate in relation to any prison term or term of imprisonment 4083  
the inmate is serving for any offense, notice of the fact that the 4084  
inmate might be under consideration for a pardon or commutation of 4085  
sentence or will be having a hearing regarding a possible grant of 4086  
parole, ~~of~~ the date of any hearing regarding a possible grant of 4087  
parole, and ~~of~~ the right of any person to submit a written 4088  
statement regarding the pending action; 4089

(iv) At least ~~three weeks~~ sixty days before the inmate is 4090  
transferred to transitional control under section 2967.26 of the 4091  
Revised Code in relation to any prison term or term of 4092  
imprisonment the inmate is serving for any offense, notice of the 4093  
pendency of the transfer, ~~of~~ the date of the possible transfer, 4094  
and ~~of~~ the right of any person to submit a statement regarding the 4095  
possible transfer; 4096

(v) Prompt notice of the inmate's escape from any facility in 4097  
which the inmate was incarcerated and of the capture of the inmate 4098  
after an escape; 4099

(vi) Notice of the inmate's death while in confinement; 4100

(vii) Prior to the release of the inmate from confinement, 4101  
notice of the fact that the inmate will be released, of the date 4102  
of the release, and, if applicable, of the standard terms and 4103  
conditions of the release; 4104

(viii) Notice of the inmate's judicial release pursuant to 4105  
section 2929.20 of the Revised Code or release pursuant to section 4106  
2967.19 of the Revised Code. 4107

(2) Information as to where a person can send written 4108  
statements of the types referred to in divisions (A)(1)(c)(i), 4109  
(iii), and (iv) of this section. 4110

(B)(1) The department shall update the database required 4111  
under division (A) of this section every twenty-four hours to 4112

ensure that the information it contains is accurate and current. 4113

(2) The database required under division (A) of this section 4114  
is a public record open for inspection under section 149.43 of the 4115  
Revised Code. The department shall make the database searchable by 4116  
inmate name and by the county and zip code where the offender 4117  
intends to reside after release from a state correctional 4118  
institution if this information is known to the department. 4119

(3) The database required under division (A) of this section 4120  
may contain information regarding inmates who are listed in the 4121  
database in addition to the information described in that 4122  
division. 4123

(4) No information included on the database required under 4124  
division (A) of this section shall identify or enable the 4125  
identification of any victim of any offense committed by an 4126  
inmate. 4127

(C) The failure of the department to comply with the 4128  
requirements of division (A) or (B) of this section does not give 4129  
any rights or any grounds for appeal or post-conviction relief to 4130  
any inmate. 4131

(D) This section, and the related provisions of sections 4132  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 4133  
in the act in which this section was enacted, shall be known as 4134  
"Laura's Law." 4135

**Sec. 5149.07.** The department of rehabilitation and correction 4136  
shall maintain central files and records pertaining to the work of 4137  
the adult parole authority, and shall coordinate the department's 4138  
record-keeping with that of the adult parole authority. 4139  
Additionally, the department shall not later than the first Monday 4140  
of January of odd-numbered years prepare and submit to the 4141  
governor for ~~his~~ the governor's approval and signature a written 4142

report showing each case of pardon, commutation, or reprieve 4143  
granted during the preceding biennium, stating the name and crime 4144  
of the convict or prisoner, the sentence, its date, and the date 4145  
of the clemency action, together with the reasons listed therefor 4146  
in the governor's clemency record. The report shall conform to the 4147  
requirements of Section 11 of Article III, Ohio Constitution. 4148

4149

The department shall conduct research relative to the 4150  
functioning of clemency, probation, and parole as part of the 4151  
adult corrections program in this state, which research shall be 4152  
designed to yield information upon which the division of parole 4153  
and community services, the department of rehabilitation and 4154  
correction, the governor, and the general assembly can base policy 4155  
decisions. 4156

At the end of each quarter, the department shall submit to 4157  
the chairpersons of the committees of the senate and the house of 4158  
representatives that consider criminal justice legislation a 4159  
report on the number and results of parole hearings conducted 4160  
during the quarter and a list of persons incarcerated for 4161  
committing offenses of violence who were granted parole and a 4162  
summary of the terms and conditions of their parole. The 4163  
department shall provide the committees with any documentation 4164  
related to the reports that members of the committees may request. 4165

Upon request, the department shall provide a detailed 4166  
statement, supported by documentation, of the reasons why a 4167  
particular prisoner was granted parole to the law enforcement 4168  
agency that arrested the prisoner, the prosecuting attorney who 4169  
prosecuted the case, or any person who is a member of the general 4170  
assembly at the time the person makes the request. 4171

**Sec. 5149.101.** (A)(1) A board hearing officer, a board 4172  
member, or the office of victims' services may petition the board 4173

for a full board hearing that relates to the proposed parole or 4174  
re-parole of a prisoner. At a meeting of the board at which a 4175  
majority of board members are present, the majority of those 4176  
present shall determine whether a full board hearing shall be 4177  
held. 4178

(2) A victim of a violation of section 2903.01 or 2903.02 of 4179  
the Revised Code, an offense of violence that is a felony of the 4180  
first, second, or third degree, or an offense punished by a 4181  
sentence of life imprisonment, the victim's representative, or any 4182  
person described in division (B)(5) of this section may request 4183  
the board to hold a full board hearing that relates to the 4184  
proposed parole or re-parole of the person that committed the 4185  
violation. If a victim, victim's representative, or other person 4186  
requests a full board hearing pursuant to this division, the board 4187  
shall hold a full board hearing. 4188

At least thirty days before the full hearing, except as 4189  
otherwise provided in this division, the board shall give notice 4190  
of the date, time, and place of the hearing to the victim 4191  
regardless of whether the victim has requested the notification. 4192  
The notice of the date, time, and place of the hearing shall not 4193  
be given under this division to a victim if the victim has 4194  
requested pursuant to division (B)(2) of section 2930.03 of the 4195  
Revised Code that the notice not be provided to the victim. At 4196  
least thirty days before the full board hearing and regardless of 4197  
whether the victim has requested that the notice be provided or 4198  
not be provided under this division to the victim, the board shall 4199  
give similar notice to the prosecuting attorney in the case, the 4200  
law enforcement agency that arrested the prisoner if any officer 4201  
of that agency was a victim of the offense, and, if different than 4202  
the victim, the person who requested the full hearing. If the 4203  
prosecuting attorney has not previously been sent an institutional 4204  
summary report with respect to the prisoner, upon the request of 4205

the prosecuting attorney, the board shall include with the notice 4206  
sent to the prosecuting attorney an institutional summary report 4207  
that covers the offender's participation while confined in a state 4208  
correctional institution in training, work, and other 4209  
rehabilitative activities and any disciplinary action taken 4210  
against the offender while so confined. Upon the request of a law 4211  
enforcement agency that has not previously been sent an 4212  
institutional summary report with respect to the prisoner, the 4213  
board also shall send a copy of the institutional summary report 4214  
to the law enforcement agency. If notice is to be provided as 4215  
described in this division, the board may give the notice by any 4216  
reasonable means, including regular mail, telephone, and 4217  
electronic mail, in accordance with division (D)(1) of section 4218  
2930.16 of the Revised Code. If the notice is based on an offense 4219  
committed prior to the effective date of this amendment, the 4220  
notice also shall include the opt-out information described in 4221  
division (D)(1) of section 2930.16 of the Revised Code. The board, 4222  
in accordance with division (D)(2) of section 2930.16 of the 4223  
Revised Code, shall keep a record of all attempts to provide the 4224  
notice, and of all notices provided, under this division. 4225

The preceding paragraph, and the notice-related provisions of 4226  
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 4227  
section 2930.16, division (H) of section 2967.12, division 4228  
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 4229  
2967.26, and division (D)(1) of section 2967.28 of the Revised 4230  
Code enacted in the act in which this paragraph was enacted, shall 4231  
be known as "Roberta's Law." 4232

(B) At a full board hearing that relates to the proposed 4233  
parole or re-parole of a prisoner and that has been petitioned for 4234  
or requested in accordance with division (A) of this section, the 4235  
parole board shall permit the following persons to appear and to 4236  
give testimony or to submit written statements: 4237

(1) The prosecuting attorney of the county in which the 4238  
original indictment against the prisoner was found and members of 4239  
any law enforcement agency that assisted in the prosecution of the 4240  
original offense; 4241

(2) The judge of the court of common pleas who imposed the 4242  
original sentence of incarceration upon the prisoner, or the 4243  
judge's successor; 4244

(3) The victim of the original offense for which the prisoner 4245  
is serving the sentence or the victim's representative designated 4246  
pursuant to section 2930.02 of the Revised Code; 4247

(4) The victim of any behavior that resulted in parole being 4248  
revoked; 4249

(5) With respect to a full board hearing held pursuant to 4250  
division (A)(2) of this section, all of the following: 4251

(a) The spouse of the victim of the original offense; 4252

(b) The parent or parents of the victim of the original 4253  
offense; 4254

(c) The sibling of the victim of the original offense; 4255

(d) The child or children of the victim of the original 4256  
offense. 4257

(6) Counsel or some other person designated by the prisoner 4258  
as a representative, as described in division (C) of this section. 4259

(C) Except as otherwise provided in this division, a full 4260  
board hearing of the parole board is not subject to section 121.22 4261  
of the Revised Code. The persons who may attend a full board 4262  
hearing are the persons described in divisions (B)(1) to (6) of 4263  
this section, and representatives of the press, radio and 4264  
television stations, and broadcasting networks who are members of 4265  
a generally recognized professional media organization. 4266

At the request of a person described in division (B)(3) of 4267



this section, representatives of the news media described in this 4268  
division shall be excluded from the hearing while that person is 4269  
giving testimony at the hearing. The prisoner being considered for 4270  
parole has no right to be present at the hearing, but may be 4271  
represented by counsel or some other person designated by the 4272  
prisoner. 4273

If there is an objection at a full board hearing to a 4274  
recommendation for the parole of a prisoner, the board may approve 4275  
or disapprove the recommendation or defer its decision until a 4276  
subsequent full board hearing. The board may permit interested 4277  
persons other than those listed in this division and division (B) 4278  
of this section to attend full board hearings pursuant to rules 4279  
adopted by the adult parole authority. 4280

(D) If the victim of the original offense died as a result of 4281  
the offense and the offense was aggravated murder, murder, an 4282  
offense of violence that is a felony of the first, second, or 4283  
third degree, or an offense punished by a sentence of life 4284  
imprisonment, the family of the victim may show at a full board 4285  
hearing a video recording not exceeding five minutes in length 4286  
memorializing the victim. 4287

(E) The adult parole authority shall adopt rules for the 4288  
implementation of this section. The rules shall specify reasonable 4289  
restrictions on the number of media representatives that may 4290  
attend a hearing, based on considerations of space, and other 4291  
procedures designed to accomplish an effective, orderly process 4292  
for full board hearings. 4293

**Section 2.** That existing sections 2152.86, 2717.01, 2903.03, 4294  
2929.13, 2929.20, 2930.03, 2930.06, 2930.16, 2950.01, 2951.041, 4295  
2953.08, 2967.03, 2967.12, 2967.121, 2967.19, 2967.26, 2967.28, 4296  
2971.04, 2971.05, 5120.66, 5149.07, and 5149.101 of the Revised 4297  
Code are hereby repealed. 4298

**Section 3.** Section 2967.26 of the Revised Code is presented 4299  
in this act as a composite of the section as amended by both Am. 4300  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 4301  
The General Assembly, applying the principle stated in division 4302  
(B) of section 1.52 of the Revised Code that amendments are to be 4303  
harmonized if reasonably capable of simultaneous operation, finds 4304  
that the composite is the resulting version of the section in 4305  
effect prior to the effective date of the section as presented in 4306  
this act. 4307