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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

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A B I L L

To amend sections 2152.86, 2903.03, 2929.20, 2930.03,	1
2930.06, 2930.16, 2950.01, 2967.03, 2967.12,	2
2967.121, 2967.19, 2967.26, 2967.28, 2971.04,	3
2971.05, 5120.66, 5149.07, and 5149.101 of the	4
Revised Code to require automatic notice to	5
victims of aggravated murder, murder, first,	6
second, or third degree felony offenses of	7
violence, or offenses punishable by a sentence of	8
life imprisonment of certain prisoner or alleged	9
juvenile offender release or transfer proceedings	10
unless the victim has requested that the notice	11
not be provided; to expand victim participation in	12
parole hearings; to require the Department of	13
Rehabilitation and Correction to provide certain	14
information related to paroles to designated	15
public officials; to require the Department to	16
notify the appropriate prosecuting attorney when a	17
felon serving a specified sentence is released	18
pursuant to a pardon, commutation of sentence,	19
parole, or completed prison term; to require that	20

the Department, in cases in which a prosecuting 21
attorney currently is notified that a Department 22
prisoner is being considered for an early release 23
or a specified type of transfer to a less 24
restrictive setting, provide the prosecuting 25
attorney and any law enforcement agency, upon 26
request, with an institutional summary report 27
prepared with respect to the prisoner; to make 28
other changes related to the release of prisoners 29
and victim's rights; to provide that voluntary 30
manslaughter committed with a sexual motivation is 31
a sexually oriented offense, makes an offender or 32
juvenile offender registrant who commits it a tier 33
III sex offender/child-victim offender, and may 34
qualify a juvenile offender registrant who commits 35
it as a public registry-qualified juvenile 36
offender registrant; and to name the victim and 37
family notification provisions Roberta's Law. 38

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

Section 1. That sections 2152.86, 2903.03, 2929.20, 2930.03, 39
2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2967.19, 40
2967.26, 2967.28, 2971.04, 2971.05, 5120.66, 5149.07, and 5149.101 41
of the Revised Code be amended to read as follows: 42

Sec. 2152.86. (A)(1) The court that, on or after January 1, 43
2008, adjudicates a child a delinquent child for committing an act 44
shall issue as part of the dispositional order an order that 45
classifies the child a juvenile offender registrant, specifies 46
that the child has a duty to comply with sections 2950.04, 47
2950.041, 2950.05, and 2950.06 of the Revised Code, and 48
additionally classifies the child a public registry-qualified 49

juvenile offender registrant if the child was fourteen, fifteen, 50
sixteen, or seventeen years of age at the time of committing the 51
act, the court imposed on the child a serious youthful offender 52
dispositional sentence under section 2152.13 of the Revised Code, 53
and the child is adjudicated a delinquent child for committing, 54
attempting to commit, conspiring to commit, or complicity in 55
committing any of the following acts: 56

(a) A violation of section 2907.02 of the Revised Code, 57
division (B) of section 2907.05 of the Revised Code, or section 58
2907.03 of the Revised Code if the victim of the violation was 59
less than twelve years of age; 60

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 61
the Revised Code that was committed with a purpose to gratify the 62
sexual needs or desires of the child; 63

(c) A violation of division (B) of section 2903.03 of the 64
Revised Code. 65

(2) Upon a child's release, on or after January 1, 2008, from 66
the department of youth services, the court shall issue an order 67
that classifies the child a juvenile offender registrant, 68
specifies that the child has a duty to comply with sections 69
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 70
additionally classifies the child a public registry-qualified 71
juvenile offender registrant if all of the following apply: 72

(a) The child was adjudicated a delinquent child, and a 73
juvenile court imposed on the child a serious youthful offender 74
dispositional sentence under section 2152.13 of the Revised Code 75
for committing one of the acts described in division (A)(1)(a) or 76
(b) of this section or for committing on or after the effective 77
date of this amendment a violation of division (B) of section 78
2903.03 of the Revised Code. 79

(b) The child was fourteen, fifteen, sixteen, or seventeen 80

years of age at the time of committing the act. 81

(c) The court did not issue an order classifying the child as 82
both a juvenile offender registrant and a public 83
registry-qualified juvenile offender registrant pursuant to 84
division (A)(1) of this section. 85

(3) If a court issued an order classifying a child a juvenile 86
offender registrant pursuant to section 2152.82 or 2152.83 of the 87
Revised Code prior to January 1, 2008, not later than February 1, 88
2008, the court shall issue a new order that reclassifies the 89
child as a juvenile offender registrant, specifies that the child 90
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 91
2950.06 of the Revised Code, and additionally classifies the child 92
a public registry-qualified juvenile offender registrant if all of 93
the following apply: 94

(a) The sexually oriented offense that was the basis of the 95
previous order that classified the child a juvenile offender 96
registrant was an act described in division (A)(1)(a) or (b) of 97
this section. 98

(b) The child was fourteen, fifteen, sixteen, or seventeen 99
years of age at the time of committing the act. 100

(c) The court imposed on the child a serious youthful 101
offender dispositional sentence under section 2152.13 of the 102
Revised Code for the act described in division (A)(1)(a) or (b) of 103
this section. 104

(B)(1) If an order is issued under division (A)(1), (2), or 105
(3) of this section, the classification of tier III sex 106
offender/child-victim offender automatically applies to the 107
delinquent child based on the sexually oriented offense the child 108
committed, subject to a possible reclassification pursuant to 109
division (D) of this section for a child whose delinquent act was 110
committed prior to January 1, 2008. If an order is issued under 111

division (A)(2) of this section regarding a child whose delinquent 112
act described in division (A)(1)(a) or (b) of this section was 113
committed prior to January 1, 2008, or if an order is issued under 114
division (A)(3) of this section regarding a delinquent child, the 115
order shall inform the child and the child's parent, guardian, or 116
custodian, that the child has a right to a hearing as described in 117
division (D) of this section and inform the child and the child's 118
parent, guardian, or custodian of the procedures for requesting 119
the hearing and the period of time within which the request for 120
the hearing must be made. Section 2152.831 of the Revised Code 121
does not apply regarding an order issued under division (A)(1), 122
(2), or (3) of this section. 123

(2) The judge that issues an order under division (A)(1), 124
(2), or (3) of this section shall provide to the delinquent child 125
who is the subject of the order and to the delinquent child's 126
parent, guardian, or custodian the notice required under divisions 127
(A) and (B) of section 2950.03 of the Revised Code and shall 128
provide as part of that notice a copy of the order required under 129
division (A)(1), (2), or (3) of this section. The judge shall 130
include the order in the delinquent child's dispositional order 131
and shall specify in the dispositional order that the order issued 132
under division (A)(1), (2), or (3) of this section was made 133
pursuant to this section. 134

(C) An order issued under division (A)(1), (2), or (3) of 135
this section shall remain in effect for the period of time 136
specified in section 2950.07 of the Revised Code as it exists on 137
and after January 1, 2008, subject to a judicial termination of 138
that period of time as provided in section 2950.15 of the Revised 139
Code, subject to a possible reclassification of the child pursuant 140
to division (D) of this section if the child's delinquent act was 141
committed prior to January 1, 2008. If an order is issued under 142
division (A)(1), (2), or (3) of this section, the child's 143

attainment of eighteen or twenty-one years of age does not affect 144
or terminate the order, and the order remains in effect for the 145
period of time described in this division. If an order is issued 146
under division (A)(3) of this section, the duty to comply with 147
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 148
Code based upon that order shall be considered, for purposes of 149
section 2950.07 of the Revised Code and for all other purposes, to 150
be a continuation of the duty to comply with those sections 151
imposed upon the child prior to January 1, 2008, under the order 152
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 153
Chapter 2950. of the Revised Code. 154

(D)(1) If an order is issued under division (A)(2) of this 155
section regarding a delinquent child whose delinquent act 156
described in division (A)(1)(a) or (b) of this section was 157
committed prior to January 1, 2008, or if an order is issued under 158
division (A)(3) of this section regarding a delinquent child, 159
except as otherwise provided in this division, the child may 160
request as a matter of right a court hearing to contest the 161
court's classification in the order of the child as a public 162
registry-qualified juvenile offender registrant. To request the 163
hearing, not later than the date that is sixty days after the 164
delinquent child is provided with the copy of the order, the 165
delinquent child shall file a petition with the juvenile court 166
that issued the order. 167

If the delinquent child requests a hearing by timely filing a 168
petition with the juvenile court, the delinquent child shall serve 169
a copy of the petition on the prosecutor who handled the case in 170
which the delinquent child was adjudicated a delinquent child for 171
committing the sexually oriented offense or child-victim oriented 172
offense that resulted in the delinquent child's registration duty 173
under section 2950.04 or 2950.041 of the Revised Code. The 174
prosecutor shall represent the interest of the state in the 175

hearing. In any hearing under this division, the Rules of Juvenile
Procedure apply except to the extent that those Rules would by
their nature be clearly inapplicable. The court shall schedule a
hearing and shall provide notice to the delinquent child and the
delinquent child's parent, guardian, or custodian and to the
prosecutor of the date, time, and place of the hearing.

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

If the court decides to terminate the court's classification
of the delinquent child as a public registry-qualified juvenile
offender registrant, the court shall issue an order that specifies
that it has determined that the child is not a public
registry-qualified juvenile offender registrant and that it has
terminated the court's classification of the delinquent child as a
public registry-qualified juvenile offender registrant. The court
promptly shall serve a copy of the order upon the sheriff with
whom the delinquent child most recently registered under section
2950.04 or 2950.041 of the Revised Code and upon the bureau of
criminal identification and investigation. The delinquent child
and the prosecutor have the right to appeal the decision of the

court issued under this division. 208

If the delinquent child fails to request a hearing in 209
accordance with this division within the applicable sixty-day 210
period specified in this division, the failure constitutes a 211
waiver by the delinquent child of the delinquent child's right to 212
a hearing under this division, and the delinquent child is bound 213
by the court's classification of the delinquent child as a public 214
registry-qualified juvenile offender registrant. 215

(2) An order issued under division (D)(1) of this section is 216
independent of any order of a type described in division (F) of 217
section 2950.031 of the Revised Code or division (E) of section 218
2950.032 of the Revised Code, and the court may issue an order 219
under both division (D)(1) of this section and an order of a type 220
described in division (F) of section 2950.031 of the Revised Code 221
or division (E) of section 2950.032 of the Revised Code. A court 222
that conducts a hearing under division (D)(1) of this section may 223
consolidate that hearing with a hearing conducted for the same 224
delinquent child under division (F) of section 2950.031 of the 225
Revised Code or division (E) of section 2950.032 of the Revised 226
Code. 227

Sec. 2903.03. (A) No person, while under the influence of 228
sudden passion or in a sudden fit of rage, either of which is 229
brought on by serious provocation occasioned by the victim that is 230
reasonably sufficient to incite the person into using deadly 231
force, shall knowingly cause the death of another or the unlawful 232
termination of another's pregnancy. 233

(B) No person, with a sexual motivation, shall violate 234
division (A) of this section. 235

(C) Whoever violates this section is guilty of voluntary 236
manslaughter, a felony of the first degree. 237

(D) As used in this section, "sexual motivation" has the same 238
meaning as in section 2971.01 of the Revised Code. 239

Sec. 2929.20. (A) As used in this section: 240

(1)(a) Except as provided in division (A)(1)(b) of this 241
section, "eligible offender" means any person who, on or after 242
April 7, 2009, is serving a stated prison term that includes one 243
or more nonmandatory prison terms. 244

(b) "Eligible offender" does not include any person who, on 245
or after April 7, 2009, is serving a stated prison term for any of 246
the following criminal offenses that was a felony and was 247
committed while the person held a public office in this state: 248

(i) A violation of section 2921.02, 2921.03, 2921.05, 249
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 250
Code; 251

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 252
2921.12 of the Revised Code, when the conduct constituting the 253
violation was related to the duties of the offender's public 254
office or to the offender's actions as a public official holding 255
that public office; 256

(iii) A violation of an existing or former municipal 257
ordinance or law of this or any other state or the United States 258
that is substantially equivalent to any violation listed in 259
division (A)(1)(b)(i) of this section; 260

(iv) A violation of an existing or former municipal ordinance 261
or law of this or any other state or the United States that is 262
substantially equivalent to any violation listed in division 263
(A)(1)(b)(ii) of this section, when the conduct constituting the 264
violation was related to the duties of the offender's public 265
office or to the offender's actions as a public official holding 266
that public office; 267

(v) A conspiracy to commit, attempt to commit, or complicity 268
in committing any offense listed in division (A)(1)(b)(i) or 269
described in division (A)(1)(b)(iii) of this section; 270

(vi) A conspiracy to commit, attempt to commit, or complicity 271
in committing any offense listed in division (A)(1)(b)(ii) or 272
described in division (A)(1)(b)(iv) of this section, if the 273
conduct constituting the offense that was the subject of the 274
conspiracy, that would have constituted the offense attempted, or 275
constituting the offense in which the offender was complicit was 276
or would have been related to the duties of the offender's public 277
office or to the offender's actions as a public official holding 278
that public office. 279

(2) "Nonmandatory prison term" means a prison term that is 280
not a mandatory prison term. 281

(3) "Public office" means any elected federal, state, or 282
local government office in this state. 283

(4) "Victim's representative" has the same meaning as in 284
section 2930.01 of the Revised Code. 285

(B) On the motion of an eligible offender or upon its own 286
motion, the sentencing court may reduce the eligible offender's 287
aggregated nonmandatory prison term or terms through a judicial 288
release under this section. 289

(C) An eligible offender may file a motion for judicial 290
release with the sentencing court within the following applicable 291
periods: 292

(1) If the aggregated nonmandatory prison term or terms is 293
less than two years, the eligible offender may file the motion not 294
earlier than thirty days after the offender is delivered to a 295
state correctional institution or, if the prison term includes a 296
mandatory prison term or terms, not earlier than thirty days after 297
the expiration of all mandatory prison terms. 298

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

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

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

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

(D) Upon receipt of a timely motion for judicial release filed by an eligible offender under division (C) of this section or upon the sentencing court's own motion made within the appropriate time specified in that division, the court may deny the motion without a hearing or schedule a hearing on the motion. The court shall not grant the motion without a hearing. If a court denies a motion without a hearing, the court later may consider

judicial release for that eligible offender on a subsequent motion 331
filed by that eligible offender unless the court denies the motion 332
with prejudice. If a court denies a motion with prejudice, the 333
court may later consider judicial release on its own motion. If a 334
court denies a motion after a hearing, the court shall not 335
consider a subsequent motion for that eligible offender. The court 336
shall hold only one hearing for any eligible offender. 337

A hearing under this section shall be conducted in open court 338
~~within not less than thirty or more than~~ sixty days after the 339
motion is filed, provided that the court may delay the hearing for 340
one hundred eighty additional days. If the court holds a hearing, 341
the court shall enter a ruling on the motion within ten days after 342
the hearing. If the court denies the motion without a hearing, the 343
court shall enter its ruling on the motion within sixty days after 344
the motion is filed. 345

(E) If a court schedules a hearing under division (D) of this 346
section, the court shall notify the eligible offender and the head 347
of the state correctional institution in which the eligible 348
offender is confined prior to the hearing. The head of the state 349
correctional institution immediately shall notify the appropriate 350
person at the department of rehabilitation and correction of the 351
hearing, and the department within twenty-four hours after receipt 352
of the notice, shall post on the database it maintains pursuant to 353
section 5120.66 of the Revised Code the offender's name and all of 354
the information specified in division (A)(1)(c)(i) of that 355
section. If the court schedules a hearing for judicial release, 356
the court promptly shall give notice of the hearing to the 357
prosecuting attorney of the county in which the eligible offender 358
was indicted. Upon receipt of the notice from the court, the 359
prosecuting attorney shall do whichever of the following is 360
applicable: 361

(1) Subject to division (E)(2) of this section, notify the 362

victim of the offense or the victim's representative pursuant to 363
division (B) of section 2930.16 of the Revised Code; 364

(2) If the offense was an offense of violence that is a 365
felony of the first, second, or third degree, except as otherwise 366
provided in this division, notify the victim or the victim's 367
representative of the hearing regardless of whether the victim or 368
victim's representative has requested the notification. The notice 369
of the hearing shall not be given under this division to a victim 370
or victim's representative if the victim or victim's 371
representative has requested pursuant to division (B)(2) of 372
section 2930.03 of the Revised Code that the victim or the 373
victim's representative not be provided the notice. If notice is 374
to be provided to a victim or victim's representative under this 375
division, the prosecuting attorney may give the notice by any 376
reasonable means, including regular mail, telephone, and 377
electronic mail, in accordance with division (D)(1) of section 378
2930.16 of the Revised Code. If the notice is based on an offense 379
committed prior to the effective date of this amendment, the 380
notice also shall include the opt-out information described in 381
division (D)(1) of section 2930.16 of the Revised Code. The 382
prosecuting attorney, in accordance with division (D)(2) of 383
section 2930.16 of the Revised Code, shall keep a record of all 384
attempts to provide the notice, and of all notices provided, under 385
this division. Division (E)(2) of this section, and the 386
notice-related provisions of division (K) of this section, 387
division (D)(1) of section 2930.16, division (H) of section 388
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 389
of section 2967.26, division (D)(1) of section 2967.28, and 390
division (A)(2) of section 5149.101 of the Revised Code enacted in 391
the act in which division (E)(2) of this section was enacted, 392
shall be known as "Roberta's Law." 393

(F) Upon an offender's successful completion of 394

rehabilitative activities, the head of the state correctional 395
institution may notify the sentencing court of the successful 396
completion of the activities. 397

(G) Prior to the date of the hearing on a motion for judicial 398
release under this section, the head of the state correctional 399
institution in which the eligible offender is confined shall send 400
to the court a an institutional summary report on the eligible 401
offender's conduct in the institution and in any institution from 402
which the eligible offender may have been transferred. Upon the 403
request of the prosecuting attorney of the county in which the 404
eligible offender was indicted or of any law enforcement agency, 405
the head of the state correctional institution, at the same time 406
the person sends the institutional summary report to the court, 407
also shall send a copy of the report to the requesting prosecuting 408
attorney and law enforcement agencies. The institutional summary 409
report shall cover the eligible offender's participation in 410
school, vocational training, work, treatment, and other 411
rehabilitative activities and any disciplinary action taken 412
against the eligible offender. The report shall be made part of 413
the record of the hearing. 414

(H) If the court grants a hearing on a motion for judicial 415
release under this section, the eligible offender shall attend the 416
hearing if ordered to do so by the court. Upon receipt of a copy 417
of the journal entry containing the order, the head of the state 418
correctional institution in which the eligible offender is 419
incarcerated shall deliver the eligible offender to the sheriff of 420
the county in which the hearing is to be held. The sheriff shall 421
convey the eligible offender to and from the hearing. 422

(I) At the hearing on a motion for judicial release under 423
this section, the court shall afford the eligible offender and the 424
eligible offender's attorney an opportunity to present written 425
and, if present, oral information relevant to the motion. The 426

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

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

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

If the court grants a motion for judicial release, the court shall notify the appropriate person at the department of rehabilitation and correction, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code. The court also shall notify the prosecuting attorney of the county in which the eligible offender was indicted that the motion has been granted. Unless the victim or the victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the

victim or victim's representative not be provided the notice, the 491
prosecuting attorney shall notify the victim or the victim's 492
representative of the judicial release in any manner, and in 493
accordance with the same procedures, pursuant to which the 494
prosecuting attorney is authorized to provide notice of the 495
hearing pursuant to division (E)(2) of this section. If the notice 496
is based on an offense committed prior to the effective date of 497
this amendment, the notice to the victim or victim's 498
representative also shall include the opt-out information 499
described in division (D)(1) of section 2930.16 of the Revised 500
Code. 501

(L) In addition to and independent of the right of a victim 502
to make a statement pursuant to section 2930.14, 2930.17, or 503
2946.051 of the Revised Code and any right of a person to present 504
written information or make a statement pursuant to division (I) 505
of this section, any person may submit to the court, at any time 506
prior to the hearing on the offender's motion for judicial 507
release, a written statement concerning the effects of the 508
offender's crime or crimes, the circumstances surrounding the 509
crime or crimes, the manner in which the crime or crimes were 510
perpetrated, and the person's opinion as to whether the offender 511
should be released. 512

(M) The changes to this section that are made on ~~the~~ 513
~~effective date of this division~~ September 30, 2011, apply to any 514
judicial release decision made on or after ~~the effective date of~~ 515
~~this division~~ September 30, 2011, for any eligible offender. 516

Sec. 2930.03. (A) A person or entity required or authorized 517
under this chapter to give notice to a victim shall give the 518
notice to the victim by any means reasonably calculated to provide 519
prompt actual notice. Except when a provision requires that notice 520
is to be given in a specific manner, a notice may be oral or 521

written. 522

(B)(1) Except for receipt of the initial information and 523
notice required to be given to a victim under divisions (A) and 524
(B) of section 2930.04, section 2930.05, and divisions (A) and (B) 525
of section 2930.06 of the Revised Code and the notice required to 526
be given to a victim under division (D) of section 2930.16 of the 527
Revised Code, a victim who wishes to receive any notice authorized 528
by this chapter shall make a request for the notice to the 529
prosecutor or the custodial agency that is to provide the notice, 530
as specified in this chapter. If the victim does not make a 531
request as described in this division, the prosecutor or custodial 532
agency is not required to provide any notice described in this 533
chapter other than the initial information and notice required to 534
be given to a victim under divisions (A) and (B) of section 535
2930.04, section 2930.05, and divisions (A) and (B) of section 536
2930.06 of the Revised Code and the notice required to be given to 537
a victim under division (D) of section 2930.16 of the Revised 538
Code. 539

(2) A victim who does not wish to receive any of the notices 540
required to be given to a victim under division (E)(2) or (K) of 541
section 2929.20, division (D) of section 2930.16, division (H) of 542
section 2967.12, division (E)(1)(b) of section 2967.19, division 543
(A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, 544
or division (A)(2) of section 5149.101 of the Revised Code shall 545
make a request to the prosecutor or custodial agency that is to 546
provide the particular notice that the notice not be provided to 547
the victim. Unless the victim makes a request as described in this 548
division, the prosecutor or custodial agency shall provide the 549
notices required to be given to a victim under division (E)(2) or 550
(K) of section 2929.20, division (D) of section 2930.16, division 551
(H) of section 2967.12, division (E)(1)(b) of section 2967.19, 552
division (A)(3)(b) of section 2967.26, division (D)(1) of section 553

2967.28, or division (A)(2) of section 5149.101 of the Revised 554
Code in any manner, and in accordance with the procedures, 555
specified in the particular division. This division also applies 556
to a victim's representative or a member of a victim's immediate 557
family that is authorized to receive any of the notices specified 558
in this division. 559

(C) A person or agency that is required to furnish notice 560
under this chapter shall give the notice to the victim at the 561
address or telephone number provided to the person or agency by 562
the victim. A victim who requests to receive notice under this 563
chapter as described in division (B) of this section shall inform 564
the person or agency of the name, address, or telephone number of 565
the victim and of any change to that information. 566

(D) A person or agency that has furnished information to a 567
victim in accordance with any requirement or authorization under 568
this chapter shall notify the victim promptly of any significant 569
changes to that information. 570

(E) Divisions (A) to (D) of this section do not apply 571
regarding a notice that a prosecutor is required to provide under 572
section 2930.061 of the Revised Code. A prosecutor required to 573
provide notice under that section shall provide the notice as 574
specified in that section. 575

Sec. 2930.06. (A) The prosecutor in a case, to the extent 576
practicable, shall confer with the victim in the case before 577
pretrial diversion is granted to the defendant or alleged juvenile 578
offender in the case, before amending or dismissing an indictment, 579
information, or complaint against that defendant or alleged 580
juvenile offender, before agreeing to a negotiated plea for that 581
defendant or alleged juvenile offender, before a trial of that 582
defendant by judge or jury, or before the juvenile court conducts 583
an adjudicatory hearing for that alleged juvenile offender. If the 584

juvenile court disposes of a case prior to the prosecutor's 585
involvement in the case, the court or a court employee shall 586
notify the victim in the case that the alleged juvenile offender 587
will be granted pretrial diversion, the complaint against that 588
alleged juvenile offender will be amended or dismissed, or the 589
court will conduct an adjudicatory hearing for that alleged 590
juvenile offender. If the prosecutor fails to confer with the 591
victim at any of those times, the court, if informed of the 592
failure, shall note on the record the failure and the prosecutor's 593
reasons for the failure. A prosecutor's failure to confer with a 594
victim as required by this division and a court's failure to 595
provide the notice as required by this division do not affect the 596
validity of an agreement between the prosecutor and the defendant 597
or alleged juvenile offender in the case, a pretrial diversion of 598
the defendant or alleged juvenile offender, an amendment or 599
dismissal of an indictment, information, or complaint filed 600
against the defendant or alleged juvenile offender, a plea entered 601
by the defendant or alleged juvenile defender, an admission 602
entered by the defendant or alleged juvenile offender, or any 603
other disposition in the case. A court shall not dismiss a 604
criminal complaint, charge, information, or indictment or a 605
delinquent child complaint solely at the request of the victim and 606
over the objection of the prosecuting attorney, village solicitor, 607
city director of law, or other chief legal officer responsible for 608
the prosecution of the case. 609

(B) After a prosecution in a case has been commenced, the 610
prosecutor or a designee of the prosecutor other than a court or 611
court employee, to the extent practicable, promptly shall give the 612
victim all of the following information, except that, if the 613
juvenile court disposes of a case prior to the prosecutor's 614
involvement in the case, the court or a court employee, to the 615
extent practicable, promptly shall give the victim all of the 616
following information: 617

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

(2) The file number of the case;

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

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

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

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

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

(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E)(2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, or division (A)(2) of section 5149.101 of the

Revised Code will be given unless the victim asks that the 649
notification not be provided. 650

(C) Upon the request of the victim, the prosecutor or, if it 651
is a delinquency proceeding and a prosecutor is not involved in 652
the case, the court shall give the victim notice of the date, 653
time, and place of any scheduled criminal or juvenile proceedings 654
in the case and notice of any changes in those proceedings or in 655
the schedule in the case. 656

(D) A victim who requests notice under division (C) of this 657
section and who elects pursuant to division (B) of section 2930.03 658
of the Revised Code to receive any further notice from the 659
prosecutor or, if it is a delinquency proceeding and a prosecutor 660
is not involved in the case, the court under this chapter shall 661
keep the prosecutor or the court informed of the victim's current 662
address and telephone number until the case is dismissed or 663
terminated, the defendant is acquitted or sentenced, the 664
delinquent child complaint is dismissed, the defendant is 665
adjudicated a delinquent child, or the appellate process is 666
completed, whichever is the final disposition in the case. 667

(E) If a defendant is charged with the commission of a 668
misdemeanor offense that is not identified in division (A)(2) of 669
section 2930.01 of the Revised Code and if a police report or a 670
complaint, indictment, or information that charges the commission 671
of that offense and provides the basis for a criminal prosecution 672
of that defendant identifies one or more individuals as 673
individuals against whom that offense was committed, after a 674
prosecution in the case has been commenced, the prosecutor or a 675
designee of the prosecutor other than a court or court employee, 676
to the extent practicable, promptly shall notify each of the 677
individuals so identified in the report, complaint, indictment, or 678
information that, if the defendant is convicted of or pleads 679
guilty to the offense, the individual may make an oral or written 680

statement to the court hearing the case regarding the sentence to 681
be imposed upon the defendant and that the court must consider any 682
statement so made that is relevant. Before imposing sentence in 683
the case, the court shall permit the individuals so identified in 684
the report, complaint, indictment, or information to make an oral 685
or written statement. Division (A) of section 2930.14 of the 686
Revised Code applies regarding any statement so made. The court 687
shall consider a statement so made, in accordance with division 688
(B) of that section and division (D) of section 2929.22 of the 689
Revised Code. 690

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 691
a case who has requested to receive notice under this section 692
shall be given notice of the incarceration of the defendant. If an 693
alleged juvenile offender is committed to the temporary custody of 694
a school, camp, institution, or other facility operated for the 695
care of delinquent children or to the legal custody of the 696
department of youth services, a victim in a case who has requested 697
to receive notice under this section shall be given notice of the 698
commitment. Promptly after sentence is imposed upon the defendant 699
or the commitment of the alleged juvenile offender is ordered, the 700
prosecutor in the case shall notify the victim of the date on 701
which the defendant will be released from confinement or the 702
prosecutor's reasonable estimate of that date or the date on which 703
the alleged juvenile offender will have served the minimum period 704
of commitment or the prosecutor's reasonable estimate of that 705
date. The prosecutor also shall notify the victim of the name of 706
the custodial agency of the defendant or alleged juvenile offender 707
and tell the victim how to contact that custodial agency. If the 708
custodial agency is the department of rehabilitation and 709
correction, the prosecutor shall notify the victim of the services 710
offered by the office of victims' services pursuant to section 711
5120.60 of the Revised Code. If the custodial agency is the 712

department of youth services, the prosecutor shall notify the 713
victim of the services provided by the office of victims' services 714
within the release authority of the department pursuant to section 715
5139.55 of the Revised Code and the victim's right pursuant to 716
section 5139.56 of the Revised Code to submit a written request to 717
the release authority to be notified of actions the release 718
authority takes with respect to the alleged juvenile offender. The 719
victim shall keep the custodial agency informed of the victim's 720
current address and telephone number. 721

(B)(1) Upon the victim's request or in accordance with 722
division (D) of this section, the prosecutor promptly shall notify 723
the victim of any hearing for judicial release of the defendant 724
pursuant to section 2929.20 of the Revised Code, of any hearing 725
for release of the defendant pursuant to section 2967.19 of the 726
Revised Code, or of any hearing for judicial release or early 727
release of the alleged juvenile offender pursuant to section 728
2151.38 of the Revised Code and of the victim's right to make a 729
statement under those sections. The court shall notify the victim 730
of its ruling in each of those hearings and on each of those 731
applications. 732

(2) If an offender is sentenced to a prison term pursuant to 733
division (A)(3) or (B) of section 2971.03 of the Revised Code, 734
upon the request of the victim of the crime or in accordance with 735
division (D) of this section, the prosecutor promptly shall notify 736
the victim of any hearing to be conducted pursuant to section 737
2971.05 of the Revised Code to determine whether to modify the 738
requirement that the offender serve the entire prison term in a 739
state correctional facility in accordance with division (C) of 740
that section, whether to continue, revise, or revoke any existing 741
modification of that requirement, or whether to terminate the 742
prison term in accordance with division (D) of that section. The 743
court shall notify the victim of any order issued at the 744

conclusion of the hearing. 745

(C) Upon the victim's request made at any time before the 746
particular notice would be due or in accordance with division (D) 747
of this section, the custodial agency of a defendant or alleged 748
juvenile offender shall give the victim any of the following 749
notices that is applicable: 750

(1) At least ~~three weeks~~ sixty days before the adult parole 751
authority recommends a pardon or commutation of sentence for the 752
defendant or at least ~~three weeks~~ sixty days prior to a hearing 753
before the adult parole authority regarding a grant of parole to 754
the defendant, notice of the victim's right to submit a statement 755
regarding the impact of the defendant's release in accordance with 756
section 2967.12 of the Revised Code and, if applicable, of the 757
victim's right to appear at a full board hearing of the parole 758
board to give testimony as authorized by section 5149.101 of the 759
Revised Code; 760

(2) At least ~~three weeks~~ sixty days before the defendant is 761
transferred to transitional control under section 2967.26 of the 762
Revised Code, notice of the pendency of the transfer and of the 763
victim's right under that section to submit a statement regarding 764
the impact of the transfer; 765

(3) At least ~~thirty~~ sixty days before the release authority 766
of the department of youth services holds a release review, 767
release hearing, or discharge review for the alleged juvenile 768
offender, notice of the pendency of the review or hearing, of the 769
victim's right to make an oral or written statement regarding the 770
impact of the crime upon the victim or regarding the possible 771
release or discharge, and, if the notice pertains to a hearing, of 772
the victim's right to attend and make statements or comments at 773
the hearing as authorized by section 5139.56 of the Revised Code; 774

(4) Prompt notice of the defendant's or alleged juvenile 775

offender's escape from a facility of the custodial agency in which 776
the defendant was incarcerated or in which the alleged juvenile 777
offender was placed after commitment, of the defendant's or 778
alleged juvenile offender's absence without leave from a mental 779
health or mental retardation and developmental disabilities 780
facility or from other custody, and of the capture of the 781
defendant or alleged juvenile offender after an escape or absence; 782

(5) Notice of the defendant's or alleged juvenile offender's 783
death while in confinement or custody; 784

(6) Notice of the filing of a petition by the director of 785
rehabilitation and correction pursuant to section 2967.19 of the 786
Revised Code requesting the early release under that section of 787
the defendant; 788

(7) Notice of the defendant's or alleged juvenile offender's 789
release from confinement or custody and the terms and conditions 790
of the release. 791

(D)(1) If a defendant is incarcerated for the commission of 792
aggravated murder, murder, or an offense of violence that is a 793
felony of the first, second, or third degree or is under a 794
sentence of life imprisonment or if an alleged juvenile offender 795
has been charged with the commission of an act that would be 796
aggravated murder, murder, or an offense of violence that is a 797
felony of the first, second, or third degree or be subject to a 798
sentence of life imprisonment if committed by an adult, except as 799
otherwise provided in this division, the notices described in 800
divisions (B) and (C) of this section shall be given regardless of 801
whether the victim has requested the notification. The notices 802
described in divisions (B) and (C) of this section shall not be 803
given under this division to a victim if the victim has requested 804
pursuant to division (B)(2) of section 2930.03 of the Revised Code 805
that the victim not be provided the notice. Regardless of whether 806
the victim has requested that the notices described in division 807

(C) of this section be provided or not be provided, the custodial 808
agency shall give notice similar to those notices to the 809
prosecutor in the case, to the sentencing court, to the law 810
enforcement agency that arrested the defendant or alleged juvenile 811
offender if any officer of that agency was a victim of the 812
offense, and to any member of the victim's immediate family who 813
requests notification. If the notice given under this division to 814
the victim is based on an offense committed prior to the effective 815
date of this amendment and if the prosecutor or custodial agency 816
has not previously successfully provided any notice to the victim 817
under this division or division (B) or (C) of this section with 818
respect to that offense and the offender who committed it, the 819
notice also shall inform the victim that the victim may request 820
that the victim not be provided any further notices with respect 821
to that offense and the offender who committed it and shall 822
describe the procedure for making that request. If the notice 823
given under this division to the victim pertains to a hearing 824
regarding a grant of a parole to the defendant, the notice also 825
shall inform the victim that the victim, a member of the victim's 826
immediate family, or the victim's representative may request a 827
victim conference, as described in division (E) of this section, 828
and shall provide an explanation of a victim conference. 829

The prosecutor or custodial agency may give the notices to 830
which this division applies by any reasonable means, including 831
regular mail, telephone, and electronic mail. If the prosecutor or 832
custodial agency attempts to provide notice to a victim under this 833
division but the attempt is unsuccessful because the prosecutor or 834
custodial agency is unable to locate the victim, is unable to 835
provide the notice by its chosen method because it cannot 836
determine the mailing address, telephone number, or electronic 837
mail address at which to provide the notice, or, if the notice is 838
sent by mail, the notice is returned, the prosecutor or custodial 839
agency shall make another attempt to provide the notice to the 840

victim. If the second attempt is unsuccessful, the prosecutor or 841
custodial agency shall make at least one more attempt to provide 842
the notice. If the notice is based on an offense committed prior 843
to the effective date of this amendment, in each attempt to 844
provide the notice to the victim, the notice shall include the 845
opt-out information described in the preceding paragraph. The 846
prosecutor or custodial agency, in accordance with division (D)(2) 847
of this section, shall keep a record of all attempts to provide 848
the notice, and of all notices provided, under this division. 849

Division (D)(1) of this section, and the notice-related 850
provisions of divisions (E)(2) and (K) of section 2929.20, 851
division (H) of section 2967.12, division (E)(1)(b) of section 852
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 853
section 2967.28, and division (A)(2) of section 5149.101 of the 854
Revised Code enacted in the act in which division (D)(1) of this 855
section was enacted, shall be known as "Roberta's Law." 856

(2) Each prosecutor and custodial agency that attempts to 857
give any notice to which division (D)(1) of this section applies 858
shall keep a record of all attempts to give the notice. The record 859
shall indicate the person who was to be the recipient of the 860
notice, the date on which the attempt was made, the manner in 861
which the attempt was made, and the person who made the attempt. 862
If the attempt is successful and the notice is given, the record 863
shall indicate that fact. The record shall be kept in a manner 864
that allows public inspection of attempts and notices given to 865
persons other than victims without revealing the names, addresses, 866
or other identifying information relating to victims. The record 867
of attempts and notices given to victims is not a public record, 868
but the prosecutor or custodial agency shall provide upon request 869
a copy of that record to a prosecuting attorney, judge, law 870
enforcement agency, or member of the general assembly. The record 871
of attempts and notices given to persons other than victims is a 872

public record. A record kept under this division may be indexed by 873
offender name, or in any other manner determined by the prosecutor 874
or the custodial agency. Each prosecutor or custodial agency that 875
is required to keep a record under this division shall determine 876
the procedures for keeping the record and the manner in which it 877
is to be kept, subject to the requirements of this division. 878

(E) The adult parole authority shall adopt rules under 879
Chapter 119. of the Revised Code providing for a victim 880
conference, upon request of the victim, a member of the victim's 881
immediate family, or the victim's representative, prior to a 882
parole hearing in the case of a prisoner who is incarcerated for 883
the commission of aggravated murder, murder, or an offense of 884
violence that is a felony of the first, second, or third degree or 885
is under a sentence of life imprisonment. The rules shall provide 886
for, but not be limited to, all of the following: 887

(1) Subject to division (E)(3) of this section, attendance by 888
the victim, members of the victim's immediate family, the victim's 889
representative, and, if practicable, other individuals; 890

(2) Allotment of up to one hour for the conference; 891

(3) A specification of the number of persons specified in 892
division (E)(1) of this section who may be present at any single 893
victim conference, if limited by the department pursuant to 894
division (F) of this section. 895

(F) The department may limit the number of persons specified 896
in division (E)(1) of this section who may be present at any 897
single victim conference, provided that the department shall not 898
limit the number of persons who may be present at any single 899
conference to fewer than three. If the department limits the 900
number of persons who may be present at any single victim 901
conference, the department shall permit and schedule, upon request 902
of the victim, a member of the victim's immediate family, or the 903

victim's representative, multiple victim conferences for the 904
persons specified in division (E)(1) of this section. 905

(G) As used in this section, "victim's immediate family" has 906
the same meaning as in section 2967.12 of the Revised Code. 907

Sec. 2950.01. As used in this chapter, unless the context 908
clearly requires otherwise: 909

(A) "Sexually oriented offense" means any of the following 910
violations or offenses committed by a person, regardless of the 911
person's age: 912

(1) A violation of section 2907.02, 2907.03, 2907.05, 913
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 914
or 2907.323 of the Revised Code; 915

(2) A violation of section 2907.04 of the Revised Code when 916
the offender is less than four years older than the other person 917
with whom the offender engaged in sexual conduct, the other person 918
did not consent to the sexual conduct, and the offender previously 919
has not been convicted of or pleaded guilty to a violation of 920
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 921
violation of former section 2907.12 of the Revised Code; 922

(3) A violation of section 2907.04 of the Revised Code when 923
the offender is at least four years older than the other person 924
with whom the offender engaged in sexual conduct or when the 925
offender is less than four years older than the other person with 926
whom the offender engaged in sexual conduct and the offender 927
previously has been convicted of or pleaded guilty to a violation 928
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 929
violation of former section 2907.12 of the Revised Code; 930

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 931
the Revised Code when the violation was committed with a sexual 932
motivation; 933

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

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

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

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

(9) 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;

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

(11) 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 (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section;

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

(B)(1) "Sex offender" means, subject to division (B)(2) of 965
this section, a person who is convicted of, pleads guilty to, has 966
been convicted of, has pleaded guilty to, is adjudicated a 967
delinquent child for committing, or has been adjudicated a 968
delinquent child for committing any sexually oriented offense. 969

(2) "Sex offender" does not include a person who is convicted 970
of, pleads guilty to, has been convicted of, has pleaded guilty 971
to, is adjudicated a delinquent child for committing, or has been 972
adjudicated a delinquent child for committing a sexually oriented 973
offense if the offense involves consensual sexual conduct or 974
consensual sexual contact and either of the following applies: 975

(a) The victim of the sexually oriented offense was eighteen 976
years of age or older and at the time of the sexually oriented 977
offense was not under the custodial authority of the person who is 978
convicted of, pleads guilty to, has been convicted of, has pleaded 979
guilty to, is adjudicated a delinquent child for committing, or 980
has been adjudicated a delinquent child for committing the 981
sexually oriented offense. 982

(b) The victim of the offense was thirteen years of age or 983
older, and the person who is convicted of, pleads guilty to, has 984
been convicted of, has pleaded guilty to, is adjudicated a 985
delinquent child for committing, or has been adjudicated a 986
delinquent child for committing the sexually oriented offense is 987
not more than four years older than the victim. 988

(C) "Child-victim oriented offense" means any of the 989
following violations or offenses committed by a person, regardless 990
of the person's age, when the victim is under eighteen years of 991
age and is not a child of the person who commits the violation: 992

(1) A violation of division (A)(1), (2), (3), or (5) of 993
section 2905.01 of the Revised Code when the violation is not 994
included in division (A)(7) of this section; 995

(2) A violation of division (A) of section 2905.02, division 996
(A) of section 2905.03, or division (A) of section 2905.05 of the 997
Revised Code; 998

(3) A violation of any former law of this state, any existing 999
or former municipal ordinance or law of another state or the 1000
United States, any existing or former law applicable in a military 1001
court or in an Indian tribal court, or any existing or former law 1002
of any nation other than the United States that is or was 1003
substantially equivalent to any offense listed in division (C)(1) 1004
or (2) of this section; 1005

(4) Any attempt to commit, conspiracy to commit, or 1006
complicity in committing any offense listed in division (C)(1), 1007
(2), or (3) of this section. 1008

(D) "Child-victim offender" means a person who is convicted 1009
of, pleads guilty to, has been convicted of, has pleaded guilty 1010
to, is adjudicated a delinquent child for committing, or has been 1011
adjudicated a delinquent child for committing any child-victim 1012
oriented offense. 1013

(E) "Tier I sex offender/child-victim offender" means any of 1014
the following: 1015

(1) A sex offender who is convicted of, pleads guilty to, has 1016
been convicted of, or has pleaded guilty to any of the following 1017
sexually oriented offenses: 1018

(a) A violation of section 2907.06, 2907.07, 2907.08, or 1019
2907.32 of the Revised Code; 1020

(b) A violation of section 2907.04 of the Revised Code when 1021
the offender is less than four years older than the other person 1022
with whom the offender engaged in sexual conduct, the other person 1023
did not consent to the sexual conduct, and the offender previously 1024
has not been convicted of or pleaded guilty to a violation of 1025
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1026

violation of former section 2907.12 of the Revised Code; 1027

(c) A violation of division (A)(1), (2), (3), or (5) of 1028
section 2907.05 of the Revised Code; 1029

(d) A violation of division (A)(3) of section 2907.323 of the 1030
Revised Code; 1031

(e) A violation of division (A)(3) of section 2903.211, of 1032
division (B) of section 2905.03, or of division (B) of section 1033
2905.05 of the Revised Code; 1034

(f) A violation of any former law of this state, any existing 1035
or former municipal ordinance or law of another state or the 1036
United States, any existing or former law applicable in a military 1037
court or in an Indian tribal court, or any existing or former law 1038
of any nation other than the United States, that is or was 1039
substantially equivalent to any offense listed in division 1040
(E)(1)(a), (b), (c), (d), or (e) of this section; 1041

(g) Any attempt to commit, conspiracy to commit, or 1042
complicity in committing any offense listed in division (E)(1)(a), 1043
(b), (c), (d), (e), or (f) of this section. 1044

(2) A child-victim offender who is convicted of, pleads 1045
guilty to, has been convicted of, or has pleaded guilty to a 1046
child-victim oriented offense and who is not within either 1047
category of child-victim offender described in division (F)(2) or 1048
(G)(2) of this section. 1049

(3) A sex offender who is adjudicated a delinquent child for 1050
committing or has been adjudicated a delinquent child for 1051
committing any sexually oriented offense and who a juvenile court, 1052
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1053
Revised Code, classifies a tier I sex offender/child-victim 1054
offender relative to the offense. 1055

(4) A child-victim offender who is adjudicated a delinquent 1056

child for committing or has been adjudicated a delinquent child 1057
for committing any child-victim oriented offense and who a 1058
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1059
2152.85 of the Revised Code, classifies a tier I sex 1060
offender/child-victim offender relative to the offense. 1061

(F) "Tier II sex offender/child-victim offender" means any of 1062
the following: 1063

(1) A sex offender who is convicted of, pleads guilty to, has 1064
been convicted of, or has pleaded guilty to any of the following 1065
sexually oriented offenses: 1066

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 1067
the Revised Code; 1068

(b) A violation of section 2907.04 of the Revised Code when 1069
the offender is at least four years older than the other person 1070
with whom the offender engaged in sexual conduct, or when the 1071
offender is less than four years older than the other person with 1072
whom the offender engaged in sexual conduct and the offender 1073
previously has been convicted of or pleaded guilty to a violation 1074
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 1075
former section 2907.12 of the Revised Code; 1076

(c) A violation of division (A)(4) of section 2907.05 or of 1077
division (A)(1) or (2) of section 2907.323 of the Revised Code; 1078

(d) A violation of division (A)(1), (2), (3), or (5) of 1079
section 2905.01 of the Revised Code when the offense is committed 1080
with a sexual motivation; 1081

(e) A violation of division (A)(4) of section 2905.01 of the 1082
Revised Code when the victim of the offense is eighteen years of 1083
age or older; 1084

(f) A violation of division (B) of section 2905.02 or of 1085
division (B)(5) of section 2919.22 of the Revised Code; 1086

(g) A violation of any former law of this state, any existing 1087
or former municipal ordinance or law of another state or the 1088
United States, any existing or former law applicable in a military 1089
court or in an Indian tribal court, or any existing or former law 1090
of any nation other than the United States that is or was 1091
substantially equivalent to any offense listed in division 1092
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 1093

(h) Any attempt to commit, conspiracy to commit, or 1094
complicity in committing any offense listed in division (F)(1)(a), 1095
(b), (c), (d), (e), (f), or (g) of this section; 1096

(i) Any sexually oriented offense that is committed after the 1097
sex offender previously has been convicted of, pleaded guilty to, 1098
or has been adjudicated a delinquent child for committing any 1099
sexually oriented offense or child-victim oriented offense for 1100
which the offender was classified a tier I sex 1101
offender/child-victim offender. 1102

(2) A child-victim offender who is convicted of, pleads 1103
guilty to, has been convicted of, or has pleaded guilty to any 1104
child-victim oriented offense when the child-victim oriented 1105
offense is committed after the child-victim offender previously 1106
has been convicted of, pleaded guilty to, or been adjudicated a 1107
delinquent child for committing any sexually oriented offense or 1108
child-victim oriented offense for which the offender was 1109
classified a tier I sex offender/child-victim offender. 1110

(3) A sex offender who is adjudicated a delinquent child for 1111
committing or has been adjudicated a delinquent child for 1112
committing any sexually oriented offense and who a juvenile court, 1113
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1114
Revised Code, classifies a tier II sex offender/child-victim 1115
offender relative to the offense. 1116

(4) A child-victim offender who is adjudicated a delinquent 1117

child for committing or has been adjudicated a delinquent child 1118
for committing any child-victim oriented offense and whom a 1119
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1120
2152.85 of the Revised Code, classifies a tier II sex 1121
offender/child-victim offender relative to the current offense. 1122

(5) A sex offender or child-victim offender who is not in any 1123
category of tier II sex offender/child-victim offender set forth 1124
in division (F)(1), (2), (3), or (4) of this section, who prior to 1125
January 1, 2008, was adjudicated a delinquent child for committing 1126
a sexually oriented offense or child-victim oriented offense, and 1127
who prior to that date was determined to be a habitual sex 1128
offender or determined to be a habitual child-victim offender, 1129
unless either of the following applies: 1130

(a) The sex offender or child-victim offender is reclassified 1131
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1132
tier I sex offender/child-victim offender or a tier III sex 1133
offender/child-victim offender relative to the offense. 1134

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 1135
2152.84, or 2152.85 of the Revised Code, classifies the child a 1136
tier I sex offender/child-victim offender or a tier III sex 1137
offender/child-victim offender relative to the offense. 1138

(G) "Tier III sex offender/child-victim offender" means any 1139
of the following: 1140

(1) A sex offender who is convicted of, pleads guilty to, has 1141
been convicted of, or has pleaded guilty to any of the following 1142
sexually oriented offenses: 1143

(a) A violation of section 2907.02 or 2907.03 of the Revised 1144
Code; 1145

(b) A violation of division (B) of section 2907.05 of the 1146
Revised Code; 1147

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1148
the Revised Code when the violation was committed with a sexual 1149
motivation; 1150

(d) A violation of division (A) of section 2903.04 of the 1151
Revised Code when the offender committed or attempted to commit 1152
the felony that is the basis of the violation with a sexual 1153
motivation; 1154

(e) A violation of division (A)(4) of section 2905.01 of the 1155
Revised Code when the victim of the offense is under eighteen 1156
years of age; 1157

(f) A violation of division (B) of section 2905.01 of the 1158
Revised Code when the victim of the offense is under eighteen 1159
years of age and the offender is not a parent of the victim of the 1160
offense; 1161

(g) A violation of division (B) of section 2903.03 of the 1162
Revised Code; 1163

(h) A violation of any former law of this state, any existing 1164
or former municipal ordinance or law of another state or the 1165
United States, any existing or former law applicable in a military 1166
court or in an Indian tribal court, or any existing or former law 1167
of any nation other than the United States that is or was 1168
substantially equivalent to any offense listed in division 1169
(G)(1)(a), (b), (c), (d), (e), ~~or~~ (f), or (g) of this section; 1170

~~(h)~~(i) Any attempt to commit, conspiracy to commit, or 1171
complicity in committing any offense listed in division (G)(1)(a), 1172
(b), (c), (d), (e), (f), ~~or~~ (g), or (h) of this section; 1173

~~(i)~~(j) Any sexually oriented offense that is committed after 1174
the sex offender previously has been convicted of, pleaded guilty 1175
to, or been adjudicated a delinquent child for committing any 1176
sexually oriented offense or child-victim oriented offense for 1177
which the offender was classified a tier II sex 1178

offender/child-victim offender or a tier III sex 1179
offender/child-victim offender. 1180

(2) A child-victim offender who is convicted of, pleads 1181
guilty to, has been convicted of, or has pleaded guilty to any 1182
child-victim oriented offense when the child-victim oriented 1183
offense is committed after the child-victim offender previously 1184
has been convicted of, pleaded guilty to, or been adjudicated a 1185
delinquent child for committing any sexually oriented offense or 1186
child-victim oriented offense for which the offender was 1187
classified a tier II sex offender/child-victim offender or a tier 1188
III sex offender/child-victim offender. 1189

(3) A sex offender who is adjudicated a delinquent child for 1190
committing or has been adjudicated a delinquent child for 1191
committing any sexually oriented offense and who a juvenile court, 1192
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1193
Revised Code, classifies a tier III sex offender/child-victim 1194
offender relative to the offense. 1195

(4) A child-victim offender who is adjudicated a delinquent 1196
child for committing or has been adjudicated a delinquent child 1197
for committing any child-victim oriented offense and whom a 1198
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1199
2152.85 of the Revised Code, classifies a tier III sex 1200
offender/child-victim offender relative to the current offense. 1201

(5) A sex offender or child-victim offender who is not in any 1202
category of tier III sex offender/child-victim offender set forth 1203
in division (G)(1), (2), (3), or (4) of this section, who prior to 1204
January 1, 2008, was convicted of or pleaded guilty to a sexually 1205
oriented offense or child-victim oriented offense or was 1206
adjudicated a delinquent child for committing a sexually oriented 1207
offense or child-victim oriented offense and classified a juvenile 1208
offender registrant, and who prior to that date was adjudicated a 1209
sexual predator or adjudicated a child-victim predator, unless 1210

either of the following applies: 1211

(a) The sex offender or child-victim offender is reclassified 1212
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1213
tier I sex offender/child-victim offender or a tier II sex 1214
offender/child-victim offender relative to the offense. 1215

(b) The sex offender or child-victim offender is a delinquent 1216
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 1217
2152.84, or 2152.85 of the Revised Code, classifies the child a 1218
tier I sex offender/child-victim offender or a tier II sex 1219
offender/child-victim offender relative to the offense. 1220

(6) A sex offender who is convicted of, pleads guilty to, was 1221
convicted of, or pleaded guilty to a sexually oriented offense, if 1222
the sexually oriented offense and the circumstances in which it 1223
was committed are such that division (F) of section 2971.03 of the 1224
Revised Code automatically classifies the offender as a tier III 1225
sex offender/child-victim offender; 1226

(7) A sex offender or child-victim offender who is convicted 1227
of, pleads guilty to, was convicted of, pleaded guilty to, is 1228
adjudicated a delinquent child for committing, or was adjudicated 1229
a delinquent child for committing a sexually oriented offense or 1230
child-victim offense in another state, in a federal court, 1231
military court, or Indian tribal court, or in a court in any 1232
nation other than the United States if both of the following 1233
apply: 1234

(a) Under the law of the jurisdiction in which the offender 1235
was convicted or pleaded guilty or the delinquent child was 1236
adjudicated, the offender or delinquent child is in a category 1237
substantially equivalent to a category of tier III sex 1238
offender/child-victim offender described in division (G)(1), (2), 1239
(3), (4), (5), or (6) of this section. 1240

(b) Subsequent to the conviction, plea of guilty, or 1241

adjudication in the other jurisdiction, the offender or delinquent 1242
child resides, has temporary domicile, attends school or an 1243
institution of higher education, is employed, or intends to reside 1244
in this state in any manner and for any period of time that 1245
subjects the offender or delinquent child to a duty to register or 1246
provide notice of intent to reside under section 2950.04 or 1247
2950.041 of the Revised Code. 1248

(H) "Confinement" includes, but is not limited to, a 1249
community residential sanction imposed pursuant to section 2929.16 1250
or 2929.26 of the Revised Code. 1251

(I) "Prosecutor" has the same meaning as in section 2935.01 1252
of the Revised Code. 1253

(J) "Supervised release" means a release of an offender from 1254
a prison term, a term of imprisonment, or another type of 1255
confinement that satisfies either of the following conditions: 1256

(1) The release is on parole, a conditional pardon, under a 1257
community control sanction, under transitional control, or under a 1258
post-release control sanction, and it requires the person to 1259
report to or be supervised by a parole officer, probation officer, 1260
field officer, or another type of supervising officer. 1261

(2) The release is any type of release that is not described 1262
in division (J)(1) of this section and that requires the person to 1263
report to or be supervised by a probation officer, a parole 1264
officer, a field officer, or another type of supervising officer. 1265

(K) "Sexually violent predator specification," "sexually 1266
violent predator," "sexually violent offense," "sexual motivation 1267
specification," "designated homicide, assault, or kidnapping 1268
offense," and "violent sex offense" have the same meanings as in 1269
section 2971.01 of the Revised Code. 1270

(L) "Post-release control sanction" and "transitional 1271
control" have the same meanings as in section 2967.01 of the 1272

Revised Code. 1273

(M) "Juvenile offender registrant" means a person who is 1274
adjudicated a delinquent child for committing on or after January 1275
1, 2002, a sexually oriented offense or a child-victim oriented 1276
offense, who is fourteen years of age or older at the time of 1277
committing the offense, and who a juvenile court judge, pursuant 1278
to an order issued under section 2152.82, 2152.83, 2152.84, 1279
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 1280
offender registrant and specifies has a duty to comply with 1281
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1282
Code. "Juvenile offender registrant" includes a person who prior 1283
to January 1, 2008, was a "juvenile offender registrant" under the 1284
definition of the term in existence prior to January 1, 2008, and 1285
a person who prior to July 31, 2003, was a "juvenile sex offender 1286
registrant" under the former definition of that former term. 1287

(N) "Public registry-qualified juvenile offender registrant" 1288
means a person who is adjudicated a delinquent child and on whom a 1289
juvenile court has imposed a serious youthful offender 1290
dispositional sentence under section 2152.13 of the Revised Code 1291
before, on, or after January 1, 2008, and to whom all of the 1292
following apply: 1293

(1) The person is adjudicated a delinquent child for 1294
committing, attempting to commit, conspiring to commit, or 1295
complicity in committing one of the following acts: 1296

(a) A violation of section 2907.02 of the Revised Code, 1297
division (B) of section 2907.05 of the Revised Code, or section 1298
2907.03 of the Revised Code if the victim of the violation was 1299
less than twelve years of age; 1300

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1301
the Revised Code that was committed with a purpose to gratify the 1302
sexual needs or desires of the child; 1303

(c) A violation of division (B) of section 2903.03 of the 1304
Revised Code. 1305

(2) The person was fourteen, fifteen, sixteen, or seventeen 1306
years of age at the time of committing the act. 1307

(3) A juvenile court judge, pursuant to an order issued under 1308
section 2152.86 of the Revised Code, classifies the person a 1309
juvenile offender registrant, specifies the person has a duty to 1310
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1311
Code, and classifies the person a public registry-qualified 1312
juvenile offender registrant, and the classification of the person 1313
as a public registry-qualified juvenile offender registrant has 1314
not been terminated pursuant to division (D) of section 2152.86 of 1315
the Revised Code. 1316

(O) "Secure facility" means any facility that is designed and 1317
operated to ensure that all of its entrances and exits are locked 1318
and under the exclusive control of its staff and to ensure that, 1319
because of that exclusive control, no person who is 1320
institutionalized or confined in the facility may leave the 1321
facility without permission or supervision. 1322

(P) "Out-of-state juvenile offender registrant" means a 1323
person who is adjudicated a delinquent child in a court in another 1324
state, in a federal court, military court, or Indian tribal court, 1325
or in a court in any nation other than the United States for 1326
committing a sexually oriented offense or a child-victim oriented 1327
offense, who on or after January 1, 2002, moves to and resides in 1328
this state or temporarily is domiciled in this state for more than 1329
five days, and who has a duty under section 2950.04 or 2950.041 of 1330
the Revised Code to register in this state and the duty to 1331
otherwise comply with that applicable section and sections 2950.05 1332
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1333
registrant" includes a person who prior to January 1, 2008, was an 1334
"out-of-state juvenile offender registrant" under the definition 1335

of the term in existence prior to January 1, 2008, and a person 1336
who prior to July 31, 2003, was an "out-of-state juvenile sex 1337
offender registrant" under the former definition of that former 1338
term. 1339

(Q) "Juvenile court judge" includes a magistrate to whom the 1340
juvenile court judge confers duties pursuant to division (A)(15) 1341
of section 2151.23 of the Revised Code. 1342

(R) "Adjudicated a delinquent child for committing a sexually 1343
oriented offense" includes a child who receives a serious youthful 1344
offender dispositional sentence under section 2152.13 of the 1345
Revised Code for committing a sexually oriented offense. 1346

(S) "School" and "school premises" have the same meanings as 1347
in section 2925.01 of the Revised Code. 1348

(T) "Residential premises" means the building in which a 1349
residential unit is located and the grounds upon which that 1350
building stands, extending to the perimeter of the property. 1351
"Residential premises" includes any type of structure in which a 1352
residential unit is located, including, but not limited to, 1353
multi-unit buildings and mobile and manufactured homes. 1354

(U) "Residential unit" means a dwelling unit for residential 1355
use and occupancy, and includes the structure or part of a 1356
structure that is used as a home, residence, or sleeping place by 1357
one person who maintains a household or two or more persons who 1358
maintain a common household. "Residential unit" does not include a 1359
halfway house or a community-based correctional facility. 1360

(V) "Multi-unit building" means a building in which is 1361
located more than twelve residential units that have entry doors 1362
that open directly into the unit from a hallway that is shared 1363
with one or more other units. A residential unit is not considered 1364
located in a multi-unit building if the unit does not have an 1365
entry door that opens directly into the unit from a hallway that 1366

is shared with one or more other units or if the unit is in a 1367
building that is not a multi-unit building as described in this 1368
division. 1369

(W) "Community control sanction" has the same meaning as in 1370
section 2929.01 of the Revised Code. 1371

(X) "Halfway house" and "community-based correctional 1372
facility" have the same meanings as in section 2929.01 of the 1373
Revised Code. 1374

Sec. 2967.03. The adult parole authority may exercise its 1375
functions and duties in relation to the pardon, commutation of 1376
sentence, or reprieve of a convict upon direction of the governor 1377
or upon its own initiative. It may exercise its functions and 1378
duties in relation to the parole of a prisoner who is eligible for 1379
parole upon the initiative of the head of the institution in which 1380
the prisoner is confined or upon its own initiative. When a 1381
prisoner becomes eligible for parole, the head of the institution 1382
in which the prisoner is confined shall notify the authority in 1383
the manner prescribed by the authority. The authority may 1384
investigate and examine, or cause the investigation and 1385
examination of, prisoners confined in state correctional 1386
institutions concerning their conduct in the institutions, their 1387
mental and moral qualities and characteristics, their knowledge of 1388
a trade or profession, their former means of livelihood, their 1389
family relationships, and any other matters affecting their 1390
fitness to be at liberty without being a threat to society. 1391

The authority may recommend to the governor the pardon, 1392
commutation of sentence, medical release, or reprieve of any 1393
convict or prisoner or grant a parole to any prisoner for whom 1394
parole is authorized, if in its judgment there is reasonable 1395
ground to believe that granting a pardon, commutation, medical 1396
release, or reprieve to the convict or paroling the prisoner would 1397

further the interests of justice and be consistent with the 1398
welfare and security of society. However, the authority shall not 1399
recommend a pardon, commutation of sentence, or medical release 1400
of, or grant a parole to, any convict or prisoner until the 1401
authority has complied with the applicable notice requirements of 1402
sections 2930.16 and 2967.12 of the Revised Code and until it has 1403
considered any statement made by a victim or a victim's 1404
representative that is relevant to the convict's or prisoner's 1405
case and that was sent to the authority pursuant to section 1406
2930.17 of the Revised Code, any other statement made by a victim 1407
or a victim's representative that is relevant to the convict's or 1408
prisoner's case and that was received by the authority after it 1409
provided notice of the pendency of the action under sections 1410
2930.16 and 2967.12 of the Revised Code, and any written statement 1411
of any person submitted to the court pursuant to division ~~(G)~~(I) 1412
of section 2967.12 of the Revised Code. If a victim, victim's 1413
representative, or the victim's spouse, parent, sibling, or child 1414
appears at a full board hearing of the parole board and gives 1415
testimony as authorized by section 5149.101 of the Revised Code, 1416
the authority shall consider the testimony in determining whether 1417
to grant a parole. The trial judge and prosecuting attorney of the 1418
trial court in which a person was convicted shall furnish to the 1419
authority, at the request of the authority, a summarized statement 1420
of the facts proved at the trial and of all other facts having 1421
reference to the propriety of recommending a pardon, commutation, 1422
or medical release, or granting a parole, together with a 1423
recommendation for or against a pardon, commutation, medical 1424
release, or parole, and the reasons for the recommendation. The 1425
trial judge, the prosecuting attorney, specified law enforcement 1426
agency members, and a representative of the prisoner may appear at 1427
a full board hearing of the parole board and give testimony in 1428
regard to the grant of a parole to the prisoner as authorized by 1429
section 5149.101 of the Revised Code. All state and local 1430

officials shall furnish information to the authority, when so 1431
requested by it in the performance of its duties. 1432

The adult parole authority shall exercise its functions and 1433
duties in relation to the release of prisoners who are serving a 1434
stated prison term in accordance with section 2967.28 of the 1435
Revised Code. 1436

Sec. 2967.12. (A) Except as provided in division (G) of this 1437
section, at least ~~three weeks~~ sixty days before the adult parole 1438
authority recommends any pardon or commutation of sentence, or 1439
grants any parole, the authority shall provide a notice of the 1440
pendency of the pardon, commutation, or parole, setting forth the 1441
name of the person on whose behalf it is made, the offense of 1442
which the person was convicted or to which the person pleaded 1443
guilty, the time of conviction or the guilty plea, and the term of 1444
the person's sentence, to the prosecuting attorney and the judge 1445
of the court of common pleas of the county in which the indictment 1446
against the person was found. If there is more than one judge of 1447
that court of common pleas, the authority shall provide the notice 1448
to the presiding judge. Upon the request of the prosecuting 1449
attorney or of any law enforcement agency, the authority shall 1450
provide to the requesting prosecuting attorney and law enforcement 1451
agencies an institutional summary report that covers the subject 1452
person's participation while confined in a state correctional 1453
institution in training, work, and other rehabilitative activities 1454
and any disciplinary action taken against the person while so 1455
confined. The department of rehabilitation and correction may 1456
utilize electronic means to provide this notice. The department of 1457
rehabilitation and correction, at the same time that it provides 1458
the notice to the prosecuting attorney and judge under this 1459
division, also shall post on the database it maintains pursuant to 1460
section 5120.66 of the Revised Code the offender's name and all of 1461
the information specified in division (A)(1)(c)(iii) of that 1462

section. 1463

(B) If a request for notification has been made pursuant to 1464
section 2930.16 of the Revised Code or if division (H) of this 1465
section applies, the office of victim services or the adult parole 1466
authority also shall provide notice to the victim or the victim's 1467
representative at least ~~three weeks~~ sixty days prior to 1468
recommending any pardon or commutation of sentence for, or 1469
granting any parole to, the person. The notice shall include the 1470
information required by division (A) of this section and may be 1471
provided by telephone or through electronic means. The notice also 1472
shall inform the victim or the victim's representative that the 1473
victim or representative may send a written statement relative to 1474
the victimization and the pending action to the adult parole 1475
authority and that, if the authority receives any written 1476
statement prior to recommending a pardon or commutation or 1477
granting a parole for a person, the authority will consider the 1478
statement before it recommends a pardon or commutation or grants a 1479
parole. If the person is being considered for parole, the notice 1480
shall inform the victim or the victim's representative that a full 1481
board hearing of the parole board may be held and that the victim 1482
or victim's representative may contact the office of victims' 1483
services for further information. If the person being considered 1484
for parole was convicted of or pleaded guilty to ~~violating a~~ 1485
violation of section 2903.01 or 2903.02 of the Revised Code, an 1486
offense of violence that is a felony of the first, second, or 1487
third degree, or an offense punished by a sentence of life 1488
imprisonment, the notice shall inform the victim of that offense, 1489
the victim's representative, or a member of the victim's immediate 1490
family that the victim, the victim's representative, and the 1491
victim's immediate family have the right to give testimony at a 1492
full board hearing of the parole board and that the victim or 1493
victim's representative may contact the office of victims' 1494
services for further information. ~~As used in this division, "the~~ 1495

~~victim's immediate family" means the mother, father, spouse,~~ 1496
~~sibling, or child of the victim.~~ 1497

(C) When notice of the pendency of any pardon, commutation of 1498
sentence, or parole has been provided to a judge or prosecutor or 1499
posted on the database as required in division (A) of this section 1500
and a hearing on the pardon, commutation, or parole is continued 1501
to a date certain, the authority shall provide notice of the 1502
further consideration of the pardon, commutation, or parole at 1503
least ~~three weeks~~ sixty days before the further consideration. The 1504
notice of the further consideration shall be provided to the 1505
proper judge and prosecuting attorney at least ~~three weeks~~ sixty 1506
days before the further consideration, and may be provided using 1507
electronic means, and, if the initial notice was posted on the 1508
database as provided in division (A) of this section, the notice 1509
of the further consideration shall be posted on the database at 1510
least ~~three weeks~~ sixty days before the further consideration. If 1511
the prosecuting attorney or a law enforcement agency was provided 1512
a copy of the institutional summary report relative to the subject 1513
person under division (A) of this section, the authority shall 1514
include with the notice of the further consideration sent to the 1515
prosecuting attorney any new information with respect to the 1516
person that relates to activities and actions of the person that 1517
are of a type covered by the report and shall send to the law 1518
enforcement agency a report that provides notice of the further 1519
consideration and includes any such new information with respect 1520
to the person. When notice of the pendency of any pardon, 1521
commutation, or parole has been given as provided in division (B) 1522
of this section and the hearing on it is continued to a date 1523
certain, the authority shall give notice of the further 1524
consideration to the victim or the victim's representative in 1525
accordance with section 2930.03 of the Revised Code. 1526

(D) In case of an application for the pardon or commutation 1527

of sentence of a person sentenced to capital punishment, the 1528
governor may modify the requirements of notification and 1529
publication if there is not sufficient time for compliance with 1530
the requirements before the date fixed for the execution of 1531
sentence. 1532

(E) If an offender is serving a prison term imposed under 1533
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1534
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1535
Code and if the parole board terminates its control over the 1536
offender's service of that term pursuant to section 2971.04 of the 1537
Revised Code, the parole board immediately shall provide written 1538
notice of its termination of control or the transfer of control to 1539
the entities and persons specified in section 2971.04 of the 1540
Revised Code. 1541

(F) The failure of the adult parole authority to comply with 1542
the notice or posting provisions of division (A), (B), or (C) of 1543
this section or the failure of the parole board to comply with the 1544
notice provisions of division (E) of this section do not give any 1545
rights or any grounds for appeal or post-conviction relief to the 1546
person serving the sentence. 1547

(G) Divisions (A), (B), and (C) of this section do not apply 1548
to any release of a person that is of the type described in 1549
division (B)(2)(b) of section 5120.031 of the Revised Code. 1550

(H) If a defendant is incarcerated for the commission of 1551
aggravated murder, murder, or an offense of violence that is a 1552
felony of the first, second, or third degree or is under a 1553
sentence of life imprisonment, except as otherwise provided in 1554
this division, the notice described in division (B) of this 1555
section shall be given to the victim or victim's representative 1556
regardless of whether the victim or victim's representative has 1557
made a request for notification. The notice described in division 1558
(B) of this section shall not be given under this division to a 1559

victim or victim's representative if the victim or victim's 1560
representative has requested pursuant to division (B)(2) of 1561
section 2930.03 of the Revised Code that the victim or the 1562
victim's representative not be provided the notice. The notice 1563
described in division (B) of this section does not have to be 1564
given under this division to a victim or victim's representative 1565
if notice was given to the victim or victim's representative with 1566
respect to at least two prior considerations of pardon, 1567
commutation, or parole of a person and the victim or victim's 1568
representative did not provide any written statement relative to 1569
the victimization and the pending action, did not attend any 1570
hearing conducted relative to the pending action, and did not 1571
otherwise respond to the office with respect to the pending 1572
action. Regardless of whether the victim or victim's 1573
representative has requested that the notice described in division 1574
(B) of this section be provided or not be provided, the office of 1575
victim services or adult parole authority shall give similar 1576
notice to the law enforcement agency that arrested the defendant 1577
if any officer of that agency was a victim of the offense and to 1578
any member of the victim's immediate family who requests 1579
notification. If notice is to be given under this division, the 1580
office or authority may give the notice by any reasonable means, 1581
including regular mail, telephone, and electronic mail, in 1582
accordance with division (D)(1) of section 2930.16 of the Revised 1583
Code. If the notice is based on an offense committed prior to the 1584
effective date of this amendment, the notice to the victim or 1585
victim's representative also shall include the opt-out information 1586
described in division (D)(1) of section 2930.16 of the Revised 1587
Code. The office or authority, in accordance with division (D)(2) 1588
of section 2930.16 of the Revised Code, shall keep a record of all 1589
attempts to provide the notice, and of all notices provided, under 1590
this division. 1591

Division (H) of this section, and the notice-related 1592

provisions of divisions (E)(2) and (K) of section 2929.20, 1593
division (D)(1) of section 2930.16, division (E)(1)(b) of section 1594
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 1595
section 2967.28, and division (A)(2) of section 5149.101 of the 1596
Revised Code enacted in the act in which division (H) of this 1597
section was enacted, shall be known as "Roberta's Law." 1598

(I) In addition to and independent of the right of a victim 1599
to make a statement as described in division (A) of this section 1600
or pursuant to section 2930.17 of the Revised Code or to otherwise 1601
make a statement, the authority for a judge or prosecuting 1602
attorney to furnish statements and information, make 1603
recommendations, and give testimony as described in division (A) 1604
of this section, the right of a prosecuting attorney, judge, or 1605
victim to give testimony or submit a statement at a full parole 1606
board hearing pursuant to section 5149.101 of the Revised Code, 1607
and any other right or duty of a person to present information or 1608
make a statement, any person may send to the adult parole 1609
authority at any time prior to the authority's recommending a 1610
pardon or commutation or granting a parole for the offender a 1611
written statement relative to the offense and the pending action. 1612

(J) As used in this section, "victim's immediate family" 1613
means the mother, father, spouse, sibling, or child of the victim, 1614
provided that in no case does "victim's immediate family" include 1615
the offender with respect to whom the notice in question applies. 1616

Sec. 2967.121. (A) Subject to division ~~(C)~~(D) of this 1617
section, at least two weeks before any convict who is serving a 1618
sentence for committing aggravated murder, murder, or a felony of 1619
the first, second, or third degree or who is serving a sentence of 1620
life imprisonment is released from confinement in any state 1621
correctional institution pursuant to a pardon, commutation of 1622
sentence, parole, or completed prison term, the adult parole 1623

authority shall provide notice of the release to the prosecuting attorney of the county in which the indictment of the convict was found. The

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

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

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

- (1) The name of the convict being released;
- (2) The date of the convict's release;
- (3) The offense for the violation of which the convict was convicted and incarcerated;
- (4) The date of the convict's conviction pursuant to which the convict was incarcerated;
- (5) The sentence imposed for that conviction;

(6) The length of any supervision that the convict will be 1654
under; 1655

(7) The name, business address, and business phone number of 1656
the convict's supervising officer; 1657

(8) The address at which the convict will reside. 1658

~~(C)~~(D)(1) Divisions (A) ~~and~~, (B), and (C) of this section do 1659
not apply to the release from confinement of an offender if the 1660
offender is serving a prison term imposed under division (A)(3), 1661
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1662
(c), or (d) of section 2971.03 of the Revised Code, if the court 1663
pursuant to section 2971.05 of the Revised Code modifies the 1664
requirement that the offender serve that entire term in a state 1665
correctional institution, and if the release from confinement is 1666
pursuant to that modification. In a case of that type, the court 1667
that modifies the requirement promptly shall provide written 1668
notice of the modification and the order that modifies the 1669
requirement or revises the modification to the offender, the 1670
department of rehabilitation and correction, the prosecuting 1671
attorney, and any state agency or political subdivision that is 1672
affected by the order. 1673

(2) Divisions (A) ~~and~~, (B), and (C) of this section do not 1674
apply to the release from confinement of an offender if, upon 1675
admission to the state correctional institution, the offender has 1676
less than fourteen days to serve on the sentence. 1677

Sec. 2967.19. (A) As used in this section: 1678

(1) "Deadly weapon" and "dangerous ordnance" have the same 1679
meanings as in section 2923.11 of the Revised Code. 1680

(2) "Disqualifying prison term" means any of the following: 1681

(a) A prison term imposed for aggravated murder, murder, 1682
voluntary manslaughter, involuntary manslaughter, felonious 1683

assault, kidnapping, rape, aggravated arson, aggravated burglary, 1684
or aggravated robbery; 1685

(b) A prison term imposed for complicity in, an attempt to 1686
commit, or conspiracy to commit any offense listed in division 1687
(A)(2)(a) of this section; 1688

(c) A prison term of life imprisonment, including any term of 1689
life imprisonment that has parole eligibility; 1690

(d) A prison term imposed for any felony other than carrying 1691
a concealed weapon an essential element of which is any conduct or 1692
failure to act expressly involving any deadly weapon or dangerous 1693
ordnance; 1694

(e) A prison term imposed for any violation of section 1695
2925.03 of the Revised Code that is a felony of the first or 1696
second degree; 1697

(f) A prison term imposed for engaging in a pattern of 1698
corrupt activity in violation of section 2923.32 of the Revised 1699
Code; 1700

(g) A prison term imposed pursuant to section 2971.03 of the 1701
Revised Code; 1702

(h) A prison term imposed for any sexually oriented offense. 1703

(3) "Eligible prison term" means any prison term that is not 1704
a disqualifying prison term and is not a restricting prison term. 1705

(4) "Restricting prison term" means any of the following: 1706

(a) A mandatory prison term imposed under division (D)(1)(a), 1707
(D)(1)(c), (D)(1)(f), (D)(1)(g), (D)(2), or (D)(7) of section 1708
2929.14 of the Revised Code for a specification of the type 1709
described in that division; 1710

(b) In the case of an offender who has been sentenced to a 1711
mandatory prison term for a specification of the type described in 1712
division (A)(4)(a) of this section, the prison term imposed for 1713

the felony offense for which the specification was stated at the 1714
end of the body of the indictment, count in the indictment, or 1715
information charging the offense; 1716

(c) A prison term imposed for trafficking in persons; 1717

(d) A prison term imposed for any offense that is described 1718
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii) 1719
of this section applies to the offender: 1720

(i) The offense is a felony of the first or second degree 1721
that is an offense of violence and that is not described in 1722
division (A)(2)(a) or (b) of this section, an attempt to commit a 1723
felony of the first or second degree that is an offense of 1724
violence and that is not described in division (A)(2)(a) or (b) of 1725
this section if the attempt is a felony of the first or second 1726
degree, or an offense under an existing or former law of this 1727
state, another state, or the United States that is or was 1728
substantially equivalent to any other offense described in this 1729
division. 1730

(ii) The offender previously was convicted of or pleaded 1731
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 1732
this section. 1733

(5) "Sexually oriented offense" has the same meaning as in 1734
section 2950.01 of the Revised Code. 1735

(B) The director of rehabilitation and correction may 1736
petition the sentencing court for the release from prison of any 1737
offender confined in a state correctional institution under a 1738
stated prison term of one year or more who is eligible under 1739
division (C) of this section for a release under this section and 1740
who has served at least eighty per cent of that stated prison term 1741
that remains to be served after the offender becomes eligible as 1742
described in that division. If the director wishes to submit a 1743
petition for release under this section, the director shall submit 1744

the petition not earlier than ninety days prior to the date on 1745
which the offender has served eighty per cent of the offender's 1746
stated prison term that remains to be served after the offender 1747
becomes eligible as described in division (C) of this section. The 1748
director's submission of a petition for release under this section 1749
constitutes a recommendation by the director that the court 1750
strongly consider release of the offender consistent with the 1751
purposes and principles of sentencing set forth in sections 1752
2929.11 and 2929.13 of the Revised Code. 1753

(C)(1) An offender serving a stated prison term of one year 1754
or more and who has commenced service of that stated prison term 1755
becomes eligible for release from prison under this section only 1756
as described in this division. An offender serving a stated prison 1757
term that includes a disqualifying prison term is not eligible for 1758
release from prison under this section. An offender serving a 1759
stated prison term that consists solely of one or more restricting 1760
prison terms is not eligible for release under this section. An 1761
offender serving a stated prison term of one year or more that 1762
includes one or more restricting prison terms and one or more 1763
eligible prison terms becomes eligible for release under this 1764
section after having fully served each restricting prison term. An 1765
offender serving a stated prison term that consists solely of one 1766
or more eligible prison terms becomes eligible for release under 1767
this section upon the offender's commencement of service of that 1768
stated prison term. After an offender becomes eligible for release 1769
under this section, the director of rehabilitation and correction 1770
may petition for the release of the offender under division (C)(2) 1771
of this section no earlier than ninety days before the offender 1772
has served the portion of the offender's stated prison term 1773
specified in that division. For purposes of determining an 1774
offender's eligibility for release under this section, if the 1775
offender's stated prison term includes consecutive prison terms, 1776
any restricting prison terms shall be deemed served prior to any 1777

eligible prison terms that run consecutively to the restricting 1778
prison terms, and the eligible prison terms are deemed to commence 1779
after all of the restricting prison terms have been fully served. 1780

An offender serving a stated prison term ~~one~~ of one year or 1781
more that includes a mandatory prison term that is not a 1782
disqualifying prison term and is not a restricting prison term is 1783
not automatically ineligible as a result of the offender's service 1784
of that mandatory term for release from prison under this section, 1785
and the offender's eligibility for release from prison under this 1786
section is determined in accordance with this division. 1787

(2) If an offender confined in a state correctional 1788
institution under a stated prison term is eligible for release 1789
under this section as described in division (C)(1) of this 1790
section, the director of rehabilitation and correction may 1791
petition the sentencing court pursuant to division (B) of this 1792
section for the release from prison of the offender. 1793

(D) The director shall include with any petition submitted to 1794
the sentencing court under this section an institutional summary 1795
report that covers the offender's participation while confined in 1796
a state correctional institution in school, training, work, 1797
treatment, and other rehabilitative activities and any 1798
disciplinary action taken against the offender while so confined. 1799
The director shall include with the petition a post-release 1800
control assessment and placement plan, when relevant, and any 1801
other documentation requested by the court, if available. 1802

(E)(1) When the director submits a petition under this 1803
section for release of an offender, the department promptly shall 1804
provide to the prosecuting attorney of the county in which the 1805
offender was indicted a copy of the petition, a copy of the 1806
institutional summary report, and any other information provided 1807
to the court and shall provide a copy of the institutional summary 1808
report to any law enforcement agency that requests the report. The 1809

department also promptly shall ~~give~~ do whichever of the following 1810
is applicable: 1811

(a) Subject to division (E)(1)(b) of this section, give 1812
notice of the filing of the petition to any victim of the offender 1813
or victim's representative of any victim of the offender who is 1814
registered with the office of victim's services. 1815

(b) If the offense was aggravated murder, murder, an offense 1816
of violence that is a felony of the first, second, or third 1817
degree, or an offense punished by a sentence of life imprisonment, 1818
except as otherwise provided in this division, notify the victim 1819
or the victim's representative of the filing of the petition 1820
regardless of whether the victim or victim's representative has 1821
registered with the office of victim's services. The notice of the 1822
filing of the petition shall not be given under this division to a 1823
victim or victim's representative if the victim or victim's 1824
representative has requested pursuant to division (B)(2) of 1825
section 2930.03 of the Revised Code that the victim or the 1826
victim's representative not be provided the notice. If notice is 1827
to be provided to a victim or victim's representative under this 1828
division, the department may give the notice by any reasonable 1829
means, including regular mail, telephone, and electronic mail, in 1830
accordance with division (D)(1) of section 2930.16 of the Revised 1831
Code. If the notice is based on an offense committed prior to the 1832
effective date of this amendment, the notice also shall include 1833
the opt-out information described in division (D)(1) of section 1834
2930.16 of the Revised Code. The department, in accordance with 1835
division (D)(2) of section 2930.16 of the Revised Code, shall keep 1836
a record of all attempts to provide the notice, and of all notices 1837
provided, under this division. 1838

Division (E)(1)(b) of this section, and the notice-related 1839
provisions of divisions (E)(2) and (K) of section 2929.20, 1840
division (D)(1) of section 2930.16, division (H) of section 1841

2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 1842
section 2967.28, and division (A)(2) of section 5149.101 of the 1843
Revised Code enacted in the act in which division (E)(2) of this 1844
section was enacted, shall be known as "Roberta's Law." 1845

The (2) When the director submits a petition under this 1846
section, the department also promptly shall post notice of the 1847
petition on the database it maintains under section 5120.66 of the 1848
Revised Code and include information on where a person may send 1849
comments regarding the petition. 1850

(F) Upon receipt of a petition for release of an offender 1851
submitted by the director under this section, the court may deny 1852
the petition without a hearing. The court shall not grant a 1853
petition for release of an offender without a hearing. If a court 1854
denies a petition for release of an offender without a hearing, 1855
the court may later consider release of that offender on a 1856
subsequent petition. The court shall enter its ruling within 1857
thirty days after the petition is filed. 1858

(G) If the court grants a hearing on a petition for release 1859
of an offender submitted under this section, the court shall 1860
notify the head of the state correctional institution in which the 1861
offender is confined of the hearing prior to the hearing. If the 1862
court makes a journal entry ordering the offender to be conveyed 1863
to the hearing, except as otherwise provided in this division, the 1864
head of the correctional institution shall deliver the offender to 1865
the sheriff of the county in which the hearing is to be held, and 1866
the sheriff shall convey the offender to and from the hearing. 1867
Upon the court's own motion or the motion of the offender or the 1868
prosecuting attorney of the county in which the offender was 1869
indicted, the court may permit the offender to appear at the 1870
hearing by video conferencing equipment if equipment of that 1871
nature is available and compatible. 1872

Upon receipt of notice from a court of a hearing on the 1873

release of an offender under this division, the head of the state 1874
correctional institution in which the offender is confined 1875
immediately shall notify the appropriate person at the department 1876
of rehabilitation and correction of the hearing, and the 1877
department within twenty-four hours after receipt of the notice 1878
shall post on the database it maintains pursuant to section 1879
5120.66 of the Revised Code the offender's name and all of the 1880
information specified in division (A)(1)(c)(i) of that section. If 1881
the court grants a hearing on a petition for release of an 1882
offender under this section, the court promptly shall give notice 1883
of the hearing to the prosecuting attorney of the county in which 1884
the offender was indicted. Upon receipt of the notice from the 1885
court, the prosecuting attorney shall notify pursuant to section 1886
2930.16 of the Revised Code any victim of the offender or the 1887
victim's representative of the hearing. 1888

(H) If the court grants a hearing on a petition for release 1889
of an offender under this section, at the hearing, the court shall 1890
afford the offender and the offender's attorney an opportunity to 1891
present written information and, if present, oral information 1892
relevant to the motion. The court shall afford a similar 1893
opportunity to the prosecuting attorney, victim or victim's 1894
representative, as defined in section 2930.01 of the Revised Code, 1895
and any other person the court determines is likely to present 1896
additional relevant information. If the court pursuant to division 1897
(G) of this section permits the offender to appear at the hearing 1898
by video conferencing equipment, the offender's opportunity to 1899
present oral information shall be as a part of the video 1900
conferencing. The court shall consider any statement of a victim 1901
made under section 2930.14 or 2930.17 of the Revised Code, any 1902
victim impact statement prepared under section 2947.051 of the 1903
Revised Code, and any report, plan, and other documentation 1904
submitted by the director under division (D) of this section. 1905
After ruling on the motion, the court shall notify the victim in 1906

accordance with sections 2930.03 and 2930.16 of the Revised Code. 1907

(I) If the court grants a petition for release of an offender 1908
under this section, it shall order the release of the offender, 1909
shall place the offender under one or more appropriate community 1910
control sanctions, under appropriate conditions, and under the 1911
supervision of the department of probation that serves the court, 1912
and shall reserve the right to reimpose the sentence that it 1913
reduced and from which the offender was released if the offender 1914
violates the sanction. The court shall not make a release under 1915
this section effective prior to the date on which the offender has 1916
served at least eighty per cent of the offender's stated prison 1917
term that remains to be served after the offender becomes eligible 1918
as described in division (C) of this section. If the sentence 1919
under which the offender is confined in a state correctional 1920
institution and from which the offender is being released was 1921
imposed for a felony of the first or second degree, the court 1922
shall consider ordering that the offender be monitored by means of 1923
a global positioning device. If the court reimposes the sentence 1924
that it reduced and from which the offender was released and if 1925
the violation of the sanction is a new offense, the court may 1926
order that the reimposed sentence be served either concurrently 1927
with, or consecutive to, any new sentence imposed upon the 1928
offender as a result of the violation that is a new offense. The 1929
period of all community control sanctions imposed under this 1930
division shall not exceed five years. The court, in its 1931
discretion, may reduce the period of community control sanctions 1932
by the amount of time the offender spent in jail or prison for the 1933
offense. 1934

If the court grants a petition for release of an offender 1935
under this section, it shall notify the appropriate person at the 1936
department of rehabilitation and correction of the release, and 1937
the department shall post notice of the release on the database it 1938

maintains pursuant to section 5120.66 of the Revised Code. 1939

(J) The department shall adopt under Chapter 119. of the 1940
Revised Code any rules necessary to implement this section. 1941

Sec. 2967.26. (A)(1) The department of rehabilitation and 1942
correction, by rule, may establish a transitional control program 1943
for the purpose of closely monitoring a prisoner's adjustment to 1944
community supervision during the final one hundred eighty days of 1945
the prisoner's confinement. If the department establishes a 1946
transitional control program under this division, the adult parole 1947
authority may transfer eligible prisoners to transitional control 1948
status under the program during the final one hundred eighty days 1949
of their confinement and under the terms and conditions 1950
established by the department, shall provide for the confinement 1951
as provided in this division of each eligible prisoner so 1952
transferred, and shall supervise each eligible prisoner so 1953
transferred in one or more community control sanctions. Each 1954
eligible prisoner who is transferred to transitional control 1955
status under the program shall be confined in a suitable facility 1956
that is licensed pursuant to division (C) of section 2967.14 of 1957
the Revised Code, or shall be confined in a residence the 1958
department has approved for this purpose and be monitored pursuant 1959
to an electronic monitoring device, as defined in section 2929.01 1960
of the Revised Code. If the department establishes a transitional 1961
control program under this division, the rules establishing the 1962
program shall include criteria that define which prisoners are 1963
eligible for the program, criteria that must be satisfied to be 1964
approved as a residence that may be used for confinement under the 1965
program of a prisoner that is transferred to it and procedures for 1966
the department to approve residences that satisfy those criteria, 1967
and provisions of the type described in division (C) of this 1968
section. At a minimum, the criteria that define which prisoners 1969
are eligible for the program shall provide all of the following: 1970

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

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

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

(2) At least ~~three weeks~~ sixty days prior to transferring to
transitional control under this section a prisoner who is serving
a term of imprisonment or prison term for an offense committed on
or after July 1, 1996, the adult parole authority shall give
notice of the pendency of the transfer to transitional control to
the court of common pleas of the county in which the indictment
against the prisoner was found and of the fact that the court may
disapprove the transfer of the prisoner to transitional control
and shall include a the institutional summary report prepared by
the head of the state correctional institution in which the
prisoner is confined. The head of the state correctional
institution in which the prisoner is confined, upon the request of
the adult parole authority, shall provide to the authority for
inclusion in the notice sent to the court under this division a an
institutional summary report on the prisoner's conduct in the
institution and in any institution from which the prisoner may
have been transferred. The institutional summary report shall

cover the prisoner's participation in school, vocational training, 2003
work, treatment, and other rehabilitative activities and any 2004
disciplinary action taken against the prisoner. If the court 2005
disapproves of the transfer of the prisoner to transitional 2006
control, the court shall notify the authority of the disapproval 2007
within thirty days after receipt of the notice. If the court 2008
timely disapproves the transfer of the prisoner to transitional 2009
control, the authority shall not proceed with the transfer. If the 2010
court does not timely disapprove the transfer of the prisoner to 2011
transitional control, the authority may transfer the prisoner to 2012
transitional control. 2013

(3)(a) If the victim of an offense for which a prisoner was 2014
sentenced to a prison term or term of imprisonment has requested 2015
notification under section 2930.16 of the Revised Code and has 2016
provided the department of rehabilitation and correction with the 2017
victim's name and address or if division (A)(3)(b) of this section 2018
applies, the adult parole authority, at least ~~three weeks~~ sixty 2019
days prior to transferring the prisoner to transitional control 2020
pursuant to this section, shall notify the victim of the pendency 2021
of the transfer and of the victim's right to submit a statement to 2022
the authority regarding the impact of the transfer of the prisoner 2023
to transitional control. If the victim subsequently submits a 2024
statement of that nature to the authority, the authority shall 2025
consider the statement in deciding whether to transfer the 2026
prisoner to transitional control. 2027

(b) If a prisoner is incarcerated for the commission of 2028
aggravated murder, murder, or an offense of violence that is a 2029
felony of the first, second, or third degree or under a sentence 2030
of life imprisonment, except as otherwise provided in this 2031
division, the notice described in division (A)(3)(a) of this 2032
section shall be given regardless of whether the victim has 2033
requested the notification. The notice described in division 2034

(A)(3)(a) of this section shall not be given under this division 2035
to a victim if the victim has requested pursuant to division 2036
(B)(2) of section 2930.03 of the Revised Code that the victim not 2037
be provided the notice. If notice is to be provided to a victim 2038
under this division, the authority may give the notice by any 2039
reasonable means, including regular mail, telephone, and 2040
electronic mail, in accordance with division (D)(1) of section 2041
2930.16 of the Revised Code. If the notice is based on an offense 2042
committed prior to the effective date of this amendment, the 2043
notice also shall include the opt-out information described in 2044
division (D)(1) of section 2930.16 of the Revised Code. The 2045
authority, in accordance with division (D)(2) of section 2930.16 2046
of the Revised Code, shall keep a record of all attempts to 2047
provide the notice, and of all notices provided, under this 2048
division. 2049

Division (A)(3)(b) of this section, and the notice-related 2050
provisions of divisions (E)(2) and (K) of section 2929.20, 2051
division (D)(1) of section 2930.16, division (H) of section 2052
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 2053
section 2967.28, and division (A)(2) of section 5149.101 of the 2054
Revised Code enacted in the act in which division (A)(3)(b) of 2055
this section was enacted, shall be known as "Roberta's Law." 2056

(4) The department of rehabilitation and correction, at least 2057
~~three weeks~~ sixty days prior to transferring a prisoner to 2058
transitional control pursuant to this section, shall post on the 2059
database it maintains pursuant to section 5120.66 of the Revised 2060
Code the prisoner's name and all of the information specified in 2061
division (A)(1)(c)(iv) of that section. In addition to and 2062
independent of the right of a victim to submit a statement as 2063
described in division (A)(3) of this section or to otherwise make 2064
a statement and in addition to and independent of any other right 2065
or duty of a person to present information or make a statement, 2066

any person may send to the adult parole authority at any time 2067
prior to the authority's transfer of the prisoner to transitional 2068
control a written statement regarding the transfer of the prisoner 2069
to transitional control. In addition to the information, reports, 2070
and statements it considers under divisions (A)(2) and (3) of this 2071
section or that it otherwise considers, the authority shall 2072
consider each statement submitted in accordance with this division 2073
in deciding whether to transfer the prisoner to transitional 2074
control. 2075

(B) Each prisoner transferred to transitional control under 2076
this section shall be confined in the manner described in division 2077
(A) of this section during any period of time that the prisoner is 2078
not actually working at the prisoner's approved employment, 2079
engaged in a vocational training or another educational program, 2080
engaged in another program designated by the director, or engaged 2081
in other activities approved by the department. 2082

(C) The department of rehabilitation and correction shall 2083
adopt rules for transferring eligible prisoners to transitional 2084
control, supervising and confining prisoners so transferred, 2085
administering the transitional control program in accordance with 2086
this section, and using the moneys deposited into the transitional 2087
control fund established under division (E) of this section. 2088

(D) The department of rehabilitation and correction may adopt 2089
rules for the issuance of passes for the limited purposes 2090
described in this division to prisoners who are transferred to 2091
transitional control under this section. If the department adopts 2092
rules of that nature, the rules shall govern the granting of the 2093
passes and shall provide for the supervision of prisoners who are 2094
temporarily released pursuant to one of those passes. Upon the 2095
adoption of rules under this division, the department may issue 2096
passes to prisoners who are transferred to transitional control 2097
status under this section in accordance with the rules and the 2098

provisions of this division. All passes issued under this division 2099
shall be for a maximum of forty-eight hours and may be issued only 2100
for the following purposes: 2101

(1) To visit a relative in imminent danger of death; 2102

(2) To have a private viewing of the body of a deceased 2103
relative; 2104

(3) To visit with family; 2105

(4) To otherwise aid in the rehabilitation of the prisoner. 2106

(E) The adult parole authority may require a prisoner who is 2107
transferred to transitional control to pay to the division of 2108
parole and community services the reasonable expenses incurred by 2109
the division in supervising or confining the prisoner while under 2110
transitional control. Inability to pay those reasonable expenses 2111
shall not be grounds for refusing to transfer an otherwise 2112
eligible prisoner to transitional control. Amounts received by the 2113
division of parole and community services under this division 2114
shall be deposited into the transitional control fund, which is 2115
hereby created in the state treasury and which hereby replaces and 2116
succeeds the furlough services fund that formerly existed in the 2117
state treasury. All moneys that remain in the furlough services 2118
fund on March 17, 1998, shall be transferred on that date to the 2119
transitional control fund. The transitional control fund shall be 2120
used solely to pay costs related to the operation of the 2121
transitional control program established under this section. The 2122
director of rehabilitation and correction shall adopt rules in 2123
accordance with section 111.15 of the Revised Code for the use of 2124
the fund. 2125

(F) A prisoner who violates any rule established by the 2126
department of rehabilitation and correction under division (A), 2127
(C), or (D) of this section may be transferred to a state 2128
correctional institution pursuant to rules adopted under division 2129

(A), (C), or (D) of this section, but the prisoner shall receive 2130
credit towards completing the prisoner's sentence for the time 2131
spent under transitional control. 2132

If a prisoner is transferred to transitional control under 2133
this section, upon successful completion of the period of 2134
transitional control, the prisoner may be released on parole or 2135
under post-release control pursuant to section 2967.13 or 2967.28 2136
of the Revised Code and rules adopted by the department of 2137
rehabilitation and correction. If the prisoner is released under 2138
post-release control, the duration of the post-release control, 2139
the type of post-release control sanctions that may be imposed, 2140
the enforcement of the sanctions, and the treatment of prisoners 2141
who violate any sanction applicable to the prisoner are governed 2142
by section 2967.28 of the Revised Code. 2143

Sec. 2967.28. (A) As used in this section: 2144

(1) "Monitored time" means the monitored time sanction 2145
specified in section 2929.17 of the Revised Code. 2146

(2) "Deadly weapon" and "dangerous ordnance" have the same 2147
meanings as in section 2923.11 of the Revised Code. 2148

(3) "Felony sex offense" means a violation of a section 2149
contained in Chapter 2907. of the Revised Code that is a felony. 2150

(4) "Victim's immediate family" has the same meaning as in 2151
section 2967.12 of the Revised Code. 2152

(B) Each sentence to a prison term for a felony of the first 2153
degree, for a felony of the second degree, for a felony sex 2154
offense, or for a felony of the third degree that is an offense of 2155
violence and is not a felony sex offense ~~and in the commission of~~ 2156
~~which the offender caused or threatened to cause physical harm to~~ 2157
~~a person~~ shall include a requirement that the offender be subject 2158
to a period of post-release control imposed by the parole board 2159

after the offender's release from imprisonment. If a court imposes 2160
a sentence including a prison term of a type described in this 2161
division on or after July 11, 2006, the failure of a sentencing 2162
court to notify the offender pursuant to division (B)(2)(c) of 2163
section 2929.19 of the Revised Code of this requirement or to 2164
include in the judgment of conviction entered on the journal a 2165
statement that the offender's sentence includes this requirement 2166
does not negate, limit, or otherwise affect the mandatory period 2167
of supervision that is required for the offender under this 2168
division. Section 2929.191 of the Revised Code applies if, prior 2169
to July 11, 2006, a court imposed a sentence including a prison 2170
term of a type described in this division and failed to notify the 2171
offender pursuant to division (B)(2)(c) of section 2929.19 of the 2172
Revised Code regarding post-release control or to include in the 2173
judgment of conviction entered on the journal or in the sentence 2174
pursuant to division (D)(1) of section 2929.14 of the Revised Code 2175
a statement regarding post-release control. Unless reduced by the 2176
parole board pursuant to division (D) of this section when 2177
authorized under that division, a period of post-release control 2178
required by this division for an offender shall be of one of the 2179
following periods: 2180

(1) For a felony of the first degree or for a felony sex 2181
offense, five years; 2182

(2) For a felony of the second degree that is not a felony 2183
sex offense, three years; 2184

(3) For a felony of the third degree that is an offense of 2185
violence and is not a felony sex offense ~~and in the commission of~~ 2186
~~which the offender caused or threatened physical harm to a person,~~ 2187
three years. 2188

(C) Any sentence to a prison term for a felony of the third, 2189
fourth, or fifth degree that is not subject to division (B)(1) or 2190
(3) of this section shall include a requirement that the offender 2191

be subject to a period of post-release control of up to three 2192
years after the offender's release from imprisonment, if the 2193
parole board, in accordance with division (D) of this section, 2194
determines that a period of post-release control is necessary for 2195
that offender. Section 2929.191 of the Revised Code applies if, 2196
prior to July 11, 2006, a court imposed a sentence including a 2197
prison term of a type described in this division and failed to 2198
notify the offender pursuant to division (B)(2)(d) of section 2199
2929.19 of the Revised Code regarding post-release control or to 2200
include in the judgment of conviction entered on the journal or in 2201
the sentence pursuant to division (D)(2) of section 2929.14 of the 2202
Revised Code a statement regarding post-release control. Pursuant 2203
to an agreement entered into under section 2967.29 of the Revised 2204
Code, a court of common pleas or parole board may impose sanctions 2205
or conditions on an offender who is placed on post-release control 2206
under this division. 2207

(D)(1) Before the prisoner is released from imprisonment, the 2208
parole board or, pursuant to an agreement under section 2967.29 of 2209
the Revised Code, the court shall impose upon a prisoner described 2210
in division (B) of this section, may impose upon a prisoner 2211
described in division (C) of this section, and shall impose upon a 2212
prisoner described in division (B)(2)(b) of section 5120.031 or in 2213
division (B)(1) of section 5120.032 of the Revised Code, one or 2214
more post-release control sanctions to apply during the prisoner's 2215
period of post-release control. Whenever the board or court 2216
imposes one or more post-release control sanctions upon a 2217
prisoner, the board or court, in addition to imposing the 2218
sanctions, also shall include as a condition of the post-release 2219
control that the offender not leave the state without permission 2220
of the court or the offender's parole or probation officer and 2221
that the offender abide by the law. The board or court may impose 2222
any other conditions of release under a post-release control 2223
sanction that the board or court considers appropriate, and the 2224

conditions of release may include any community residential 2225
sanction, community nonresidential sanction, or financial sanction 2226
that the sentencing court was authorized to impose pursuant to 2227
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 2228
to the release of a prisoner for whom it will impose one or more 2229
post-release control sanctions under this division, the parole 2230
board or court shall review the prisoner's criminal history, 2231
results from the single validated risk assessment tool selected by 2232
the department of rehabilitation and correction under section 2233
5120.114 of the Revised Code, all juvenile court adjudications 2234
finding the prisoner, while a juvenile, to be a delinquent child, 2235
and the record of the prisoner's conduct while imprisoned. The 2236
parole board or court shall consider any recommendation regarding 2237
post-release control sanctions for the prisoner made by the office 2238
of victims' services. After considering those materials, the board 2239
or court shall determine, for a prisoner described in division (B) 2240
of this section, division (B)(2)(b) of section 5120.031, or 2241
division (B)(1) of section 5120.032 of the Revised Code, which 2242
post-release control sanction or combination of post-release 2243
control sanctions is reasonable under the circumstances or, for a 2244
prisoner described in division (C) of this section, whether a 2245
post-release control sanction is necessary and, if so, which 2246
post-release control sanction or combination of post-release 2247
control sanctions is reasonable under the circumstances. In the 2248
case of a prisoner convicted of a felony of the fourth or fifth 2249
degree other than a felony sex offense, the board or court shall 2250
presume that monitored time is the appropriate post-release 2251
control sanction unless the board or court determines that a more 2252
restrictive sanction is warranted. A post-release control sanction 2253
imposed under this division takes effect upon the prisoner's 2254
release from imprisonment. 2255

Regardless of whether the prisoner was sentenced to the 2256
prison term prior to, on, or after July 11, 2006, prior to the 2257

release of a prisoner for whom it will impose one or more 2258
post-release control sanctions under this division, the parole 2259
board shall notify the prisoner that, if the prisoner violates any 2260
sanction so imposed or any condition of post-release control 2261
described in division (B) of section 2967.131 of the Revised Code 2262
that is imposed on the prisoner, the parole board may impose a 2263
prison term of up to one-half of the stated prison term originally 2264
imposed upon the prisoner. 2265

At least thirty days before the prisoner is released from 2266
imprisonment, except as otherwise provided in this paragraph, the 2267
department of rehabilitation and correction shall notify the 2268
victim and the victim's immediate family of the date on which the 2269
prisoner will be released, the period for which the prisoner will 2270
be under post-release control supervision, and the terms and 2271
conditions of the prisoner's post-release control regardless of 2272
whether the victim or victim's immediate family has requested the 2273
notification. The notice described in this paragraph shall not be 2274
given to a victim or victim's immediate family if the victim or 2275
the victim's immediate family has requested pursuant to division 2276
(B)(2) of section 2930.03 of the Revised Code that the notice not 2277
be provided to the victim or the victim's immediate family. At 2278
least thirty days before the prisoner is released from 2279
imprisonment and regardless of whether the victim or victim's 2280
immediate family has requested that the notice described in this 2281
paragraph be provided or not be provided to the victim or the 2282
victim's immediate family, the department also shall provide 2283
notice of that nature to the prosecuting attorney in the case and 2284
the law enforcement agency that arrested the prisoner if any 2285
officer of that agency was a victim of the offense. 2286

If the notice given under the preceding paragraph to the 2287
victim or the victim's immediate family is based on an offense 2288
committed prior to the effective date of this amendment and if the 2289

department of rehabilitation and correction has not previously 2290
successfully provided any notice to the victim or the victim's 2291
immediate family under division (B), (C), or (D) of section 2292
2930.16 of the Revised Code with respect to that offense and the 2293
offender who committed it, the notice also shall inform the victim 2294
or the victim's immediate family that the victim or the victim's 2295
immediate family may request that the victim or the victim's 2296
immediate family not be provided any further notices with respect 2297
to that offense and the offender who committed it and shall 2298
describe the procedure for making that request. The department may 2299
give the notices to which the preceding paragraph applies by any 2300
reasonable means, including regular mail, telephone, and 2301
electronic mail. If the department attempts to provide notice to 2302
any specified person under the preceding paragraph but the attempt 2303
is unsuccessful because the department is unable to locate the 2304
specified person, is unable to provide the notice by its chosen 2305
method because it cannot determine the mailing address, electronic 2306
mail address, or telephone number at which to provide the notice, 2307
or, if the notice is sent by mail, the notice is returned, the 2308
department shall make another attempt to provide the notice to the 2309
specified person. If the second attempt is unsuccessful, the 2310
department shall make at least one more attempt to provide the 2311
notice. If the notice is based on an offense committed prior to 2312
the effective date of this amendment, in each attempt to provide 2313
the notice to the victim or victim's immediate family, the notice 2314
shall include the opt-out information described in this paragraph. 2315
The department, in the manner described in division (D)(2) of 2316
section 2930.16 of the Revised Code, shall keep a record of all 2317
attempts to provide the notice, and of all notices provided, under 2318
this paragraph and the preceding paragraph. The record shall be 2319
considered as if it was kept under division (D)(2) of section 2320
2930.16 of the Revised Code. This paragraph, the preceding 2321
paragraph, and the notice-related provisions of divisions (E)(2) 2322

and (K) of section 2929.20, division (D)(1) of section 2930.16, 2323
division (H) of section 2967.12, division (E)(1)(b) of section 2324
2967.19, division (A)(3)(b) of section 2967.26, and division 2325
(A)(2) of section 5149.101 of the Revised Code enacted in the act 2326
in which this paragraph and the preceding paragraph were enacted, 2327
shall be known as "Roberta's Law." 2328

(2) If a prisoner who is placed on post-release control under 2329
this section is released before the expiration of the prisoner's 2330
stated prison term by reason of credit earned under section 2331
2967.193 of the Revised Code and if the prisoner earned sixty or 2332
more days of credit, the adult parole authority shall supervise 2333
the offender with an active global positioning system device for 2334
the first fourteen days after the offender's release from 2335
imprisonment. This division does not prohibit or limit the 2336
imposition of any post-release control sanction otherwise 2337
authorized by this section. 2338

(3) At any time after a prisoner is released from 2339
imprisonment and during the period of post-release control 2340
applicable to the releasee, the adult parole authority or, 2341
pursuant to an agreement under section 2967.29 of the Revised 2342
Code, the court may review the releasee's behavior under the 2343
post-release control sanctions imposed upon the releasee under 2344
this section. The authority or court may determine, based upon the 2345
review and in accordance with the standards established under 2346
division (E) of this section, that a more restrictive or a less 2347
restrictive sanction is appropriate and may impose a different 2348
sanction. The authority also may recommend that the parole board 2349
or court increase or reduce the duration of the period of 2350
post-release control imposed by the court. If the authority 2351
recommends that the board or court increase the duration of 2352
post-release control, the board or court shall review the 2353
releasee's behavior and may increase the duration of the period of 2354

post-release control imposed by the court up to eight years. If 2355
the authority recommends that the board or court reduce the 2356
duration of control for an offense described in division (B) or 2357
(C) of this section, the board or court shall review the 2358
releasee's behavior and may reduce the duration of the period of 2359
control imposed by the court. In no case shall the board or court 2360
reduce the duration of the period of control imposed for an 2361
offense described in division (B)(1) of this section to a period 2362
less than the length of the stated prison term originally imposed, 2363
and in no case shall the board or court permit the releasee to 2364
leave the state without permission of the court or the releasee's 2365
parole or probation officer. 2366

(E) The department of rehabilitation and correction, in 2367
accordance with Chapter 119. of the Revised Code, shall adopt 2368
rules that do all of the following: 2369

(1) Establish standards for the imposition by the parole 2370
board of post-release control sanctions under this section that 2371
are consistent with the overriding purposes and sentencing 2372
principles set forth in section 2929.11 of the Revised Code and 2373
that are appropriate to the needs of releasees; 2374

(2) Establish standards by which the parole board can 2375
determine which prisoners described in division (C) of this 2376
section should be placed under a period of post-release control; 2377

(3) Establish standards to be used by the parole board in 2378
reducing the duration of the period of post-release control 2379
imposed by the court when authorized under division (D) of this 2380
section, in imposing a more restrictive post-release control 2381
sanction than monitored time upon a prisoner convicted of a felony 2382
of the fourth or fifth degree other than a felony sex offense, or 2383
in imposing a less restrictive control sanction upon a releasee 2384
based on the releasee's activities including, but not limited to, 2385
remaining free from criminal activity and from the abuse of 2386

alcohol or other drugs, successfully participating in approved 2387
rehabilitation programs, maintaining employment, and paying 2388
restitution to the victim or meeting the terms of other financial 2389
sanctions; 2390

(4) Establish standards to be used by the adult parole 2391
authority in modifying a releasee's post-release control sanctions 2392
pursuant to division (D)(2) of this section; 2393

(5) Establish standards to be used by the adult parole 2394
authority or parole board in imposing further sanctions under 2395
division (F) of this section on releasees who violate post-release 2396
control sanctions, including standards that do the following: 2397

(a) Classify violations according to the degree of 2398
seriousness; 2399

(b) Define the circumstances under which formal action by the 2400
parole board is warranted; 2401

(c) Govern the use of evidence at violation hearings; 2402

(d) Ensure procedural due process to an alleged violator; 2403

(e) Prescribe nonresidential community control sanctions for 2404
most misdemeanor and technical violations; 2405

(f) Provide procedures for the return of a releasee to 2406
imprisonment for violations of post-release control. 2407

(F)(1) Whenever the parole board imposes one or more 2408
post-release control sanctions upon an offender under this 2409
section, the offender upon release from imprisonment shall be 2410
under the general jurisdiction of the adult parole authority and 2411
generally shall be supervised by the field services section 2412
through its staff of parole and field officers as described in 2413
section 5149.04 of the Revised Code, as if the offender had been 2414
placed on parole. If the offender upon release from imprisonment 2415
violates the post-release control sanction or any conditions 2416

described in division (A) of section 2967.131 of the Revised Code 2417
that are imposed on the offender, the public or private person or 2418
entity that operates or administers the sanction or the program or 2419
activity that comprises the sanction shall report the violation 2420
directly to the adult parole authority or to the officer of the 2421
authority who supervises the offender. The authority's officers 2422
may treat the offender as if the offender were on parole and in 2423
violation of the parole, and otherwise shall comply with this 2424
section. 2425

(2) If the adult parole authority or, pursuant to an 2426
agreement under section 2967.29 of the Revised Code, the court 2427
determines that a releasee has violated a post-release control 2428
sanction or any conditions described in division (A) of section 2429
2967.131 of the Revised Code imposed upon the releasee and that a 2430
more restrictive sanction is appropriate, the authority or court 2431
may impose a more restrictive sanction upon the releasee, in 2432
accordance with the standards established under division (E) of 2433
this section or in accordance with the agreement made under 2434
section 2967.29 of the Revised Code, or may report the violation 2435
to the parole board for a hearing pursuant to division (F)(3) of 2436
this section. The authority or court may not, pursuant to this 2437
division, increase the duration of the releasee's post-release 2438
control or impose as a post-release control sanction a residential 2439
sanction that includes a prison term, but the authority or court 2440
may impose on the releasee any other residential sanction, 2441
nonresidential sanction, or financial sanction that the sentencing 2442
court was authorized to impose pursuant to sections 2929.16, 2443
2929.17, and 2929.18 of the Revised Code. 2444

(3) The parole board or, pursuant to an agreement under 2445
section 2967.29 of the Revised Code, the court may hold a hearing 2446
on any alleged violation by a releasee of a post-release control 2447
sanction or any conditions described in division (A) of section 2448

2967.131 of the Revised Code that are imposed upon the releasee. 2449
If after the hearing the board or court finds that the releasee 2450
violated the sanction or condition, the board or court may 2451
increase the duration of the releasee's post-release control up to 2452
the maximum duration authorized by division (B) or (C) of this 2453
section or impose a more restrictive post-release control 2454
sanction. When appropriate, the board or court may impose as a 2455
post-release control sanction a residential sanction that includes 2456
a prison term. The board or court shall consider a prison term as 2457
a post-release control sanction imposed for a violation of 2458
post-release control when the violation involves a deadly weapon 2459
or dangerous ordnance, physical harm or attempted serious physical 2460
harm to a person, or sexual misconduct, or when the releasee 2461
committed repeated violations of post-release control sanctions. 2462
Unless a releasee's stated prison term was reduced pursuant to 2463
section 5120.032 of the Revised Code, the period of a prison term 2464
that is imposed as a post-release control sanction under this 2465
division shall not exceed nine months, and the maximum cumulative 2466
prison term for all violations under this division shall not 2467
exceed one-half of the stated prison term originally imposed upon 2468
the offender as part of this sentence. If a releasee's stated 2469
prison term was reduced pursuant to section 5120.032 of the 2470
Revised Code, the period of a prison term that is imposed as a 2471
post-release control sanction under this division and the maximum 2472
cumulative prison term for all violations under this division 2473
shall not exceed the period of time not served in prison under the 2474
sentence imposed by the court. The period of a prison term that is 2475
imposed as a post-release control sanction under this division 2476
shall not count as, or be credited toward, the remaining period of 2477
post-release control. 2478

If an offender is imprisoned for a felony committed while 2479
under post-release control supervision and is again released on 2480
post-release control for a period of time determined by division 2481

(F)(4)(d) of this section, the maximum cumulative prison term for 2482
all violations under this division shall not exceed one-half of 2483
the total stated prison terms of the earlier felony, reduced by 2484
any prison term administratively imposed by the parole board or 2485
court, plus one-half of the total stated prison term of the new 2486
felony. 2487

(4) Any period of post-release control shall commence upon an 2488
offender's actual release from prison. If an offender is serving 2489
an indefinite prison term or a life sentence in addition to a 2490
stated prison term, the offender shall serve the period of 2491
post-release control in the following manner: 2492

(a) If a period of post-release control is imposed upon the 2493
offender and if the offender also is subject to a period of parole 2494
under a life sentence or an indefinite sentence, and if the period 2495
of post-release control ends prior to the period of parole, the 2496
offender shall be supervised on parole. The offender shall receive 2497
credit for post-release control supervision during the period of 2498
parole. The offender is not eligible for final release under 2499
section 2967.16 of the Revised Code until the post-release control 2500
period otherwise would have ended. 2501

(b) If a period of post-release control is imposed upon the 2502
offender and if the offender also is subject to a period of parole 2503
under an indefinite sentence, and if the period of parole ends 2504
prior to the period of post-release control, the offender shall be 2505
supervised on post-release control. The requirements of parole 2506
supervision shall be satisfied during the post-release control 2507
period. 2508

(c) If an offender is subject to more than one period of 2509
post-release control, the period of post-release control for all 2510
of the sentences shall be the period of post-release control that 2511
expires last, as determined by the parole board or court. Periods 2512
of post-release control shall be served concurrently and shall not 2513

be imposed consecutively to each other. 2514

(d) The period of post-release control for a releasee who 2515
commits a felony while under post-release control for an earlier 2516
felony shall be the longer of the period of post-release control 2517
specified for the new felony under division (B) or (C) of this 2518
section or the time remaining under the period of post-release 2519
control imposed for the earlier felony as determined by the parole 2520
board or court. 2521

Sec. 2971.04. (A) If an offender is serving a prison term 2522
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 2523
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 2524
the Revised Code, at any time after the offender has served the 2525
minimum term imposed under that sentence, the parole board may 2526
terminate its control over the offender's service of the prison 2527
term. The parole board initially shall determine whether to 2528
terminate its control over the offender's service of the prison 2529
term upon the completion of the offender's service of the minimum 2530
term under the sentence and shall make subsequent determinations 2531
at least once every two years after that first determination. The 2532
parole board shall not terminate its control over the offender's 2533
service of the prison term unless it finds at a hearing that the 2534
offender does not represent a substantial risk of physical harm to 2535
others. Upon the request of the prosecuting attorney or of any law 2536
enforcement agency, the board shall provide to the requesting 2537
prosecuting attorney and law enforcement agencies an institutional 2538
summary report prepared by the department of rehabilitation and 2539
correction that covers the offender's participation while confined 2540
in a state correctional institution in training, work, and other 2541
rehabilitative activities and any disciplinary action taken 2542
against the offender while so confined. Prior to determining 2543
whether to terminate its control over the offender's service of 2544
the prison term, the parole board shall request the department of 2545

rehabilitation and correction to prepare pursuant to section 2546
5120.61 of the Revised Code an update of the most recent risk 2547
assessment and report relative to the offender. The offender has 2548
the right to be present at any hearing held under this section. ~~At~~ 2549

At the hearing, the offender and the prosecuting attorney may 2550
make a statement and present evidence as to whether the parole 2551
board should terminate its control over the offender's service of 2552
the prison term. In making its determination as to whether to 2553
terminate its control over the offender's service of the prison 2554
term, the parole board may follow the standards and guidelines 2555
adopted by the department of rehabilitation and correction under 2556
section 5120.49 of the Revised Code and shall consider the updated 2557
risk assessment and report relating to the offender prepared by 2558
the department pursuant to section 5120.61 of the Revised Code in 2559
response to the request made under this division and any 2560
statements or evidence submitted by the offender or the 2561
prosecuting attorney. If the parole board terminates its control 2562
over an offender's service of a prison term imposed under division 2563
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 2564
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2565
Code, it shall recommend to the court modifications to the 2566
requirement that the offender serve the entire term in a state 2567
correctional institution. The court is not bound by the 2568
recommendations submitted by the parole board. 2569

(B) If the parole board terminates its control over an 2570
offender's service of a prison term imposed pursuant to division 2571
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 2572
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2573
Code, the parole board immediately shall provide written notice of 2574
its termination of control to the department of rehabilitation and 2575
correction, the court, and the prosecuting attorney, and, after 2576
the board's termination of its control, the court shall have 2577

control over the offender's service of that prison term. 2578

After the transfer, the court shall have control over the 2579
offender's service of that prison term for the offender's entire 2580
life, subject to the court's termination of the term pursuant to 2581
section 2971.05 of the Revised Code. 2582

(C) If control over the offender's service of the prison term 2583
is transferred to the court, all of the following apply: 2584

(1) The offender shall not be released solely as a result of 2585
the transfer of control over the service of that prison term. 2586

(2) The offender shall not be permitted solely as a result of 2587
the transfer to serve a portion of that term in a place other than 2588
a state correctional institution. 2589

(3) The offender shall continue serving that term in a state 2590
correctional institution, subject to the following: 2591

(a) A release pursuant to a pardon, commutation, or reprieve; 2592

(b) A modification or termination of the term by the court 2593
pursuant to this chapter. 2594

Sec. 2971.05. (A)(1) After control over an offender's service 2595
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 2596
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 2597
(d) of section 2971.03 of the Revised Code has been transferred 2598
pursuant to section 2971.04 of the Revised Code to the court, the 2599
court shall schedule, within thirty days of any of the following, 2600
a hearing on whether to modify in accordance with division (C) of 2601
this section the requirement that the offender serve the entire 2602
prison term in a state correctional institution or to terminate 2603
the prison term in accordance with division (D) of this section: 2604
2605

(a) Control over the offender's service of a prison term is 2606
transferred pursuant to section 2971.04 of the Revised Code to the 2607

court, and no hearing to modify the requirement has been held; 2608

(b) Two years elapse after the most recent prior hearing held 2609
pursuant to division (A)(1) or (2) of this section; 2610

(c) The prosecuting attorney, the department of 2611
rehabilitation and correction, or the adult parole authority 2612
requests the hearing, and recommends that the requirement be 2613
modified or that the offender's prison term be terminated. 2614

(2) After control over the offender's service of a prison 2615
term has been transferred pursuant to section 2971.04 of the 2616
Revised Code to the court, the court, within thirty days of either 2617
of the following, shall conduct a hearing on whether to modify in 2618
accordance with division (C) of this section the requirement that 2619
the offender serve the entire prison term in a state correctional 2620
institution, whether to continue, revise, or revoke an existing 2621
modification of that requirement, or whether to terminate the term 2622
in accordance with division (D) of this section: 2623

(a) The requirement that the offender serve the entire prison 2624
term in a state correctional institution has been modified, and 2625
the offender is taken into custody for any reason. 2626

(b) The department of rehabilitation and correction or the 2627
prosecuting attorney notifies the court pursuant to section 2628
2971.06 of the Revised Code regarding a known or suspected 2629
violation of a term or condition of the modification or a belief 2630
that there is a substantial likelihood that the offender has 2631
committed or is about to commit a sexually violent offense. 2632

(3) After control over the offender's service of a prison 2633
term has been transferred pursuant to section 2971.04 of the 2634
Revised Code to the court, the court, in any of the following 2635
circumstances, may conduct a hearing within thirty days to 2636
determine whether to modify in accordance with division (C) of 2637
this section the requirement that the offender serve the entire 2638

prison term in a state correctional institution, whether to 2639
continue, revise, or revoke an existing modification of that 2640
requirement, or whether to terminate the sentence in accordance 2641
with division (D) of this section: 2642

(a) The offender requests the hearing; 2643

(b) Upon the court's own motion; 2644

(c) One or more examiners who have conducted a psychological 2645
examination and assessment of the offender file a statement that 2646
states that there no longer is a likelihood that the offender will 2647
engage in the future in a sexually violent offense. 2648

(B)(1) Before a court holds a hearing pursuant to division 2649
(A) of this section, the court shall provide notice of the date, 2650
time, place, and purpose of the hearing to the offender, the 2651
prosecuting attorney, the department of rehabilitation and 2652
correction, and the adult parole authority and shall request the 2653
department to prepare pursuant to section 5120.61 of the Revised 2654
Code an update of the most recent risk assessment and report 2655
relative to the offender. Upon the request of the prosecuting 2656
attorney or of any law enforcement agency, the department shall 2657
provide to the requesting prosecuting attorney and law enforcement 2658
agencies an institutional summary report prepared by the 2659
department that covers the offender's participation while confined 2660
in a state correctional institution in training, work, and other 2661
rehabilitative activities and any disciplinary action taken 2662
against the offender while so confined. The offender has the right 2663
to be present at any hearing held under this section. At the 2664
hearing, the offender and the prosecuting attorney may make a 2665
statement and present evidence as to whether the requirement that 2666
the offender serve the entire prison term in a state correctional 2667
institution should or should not be modified, whether the existing 2668
modification of the requirement should be continued, revised, or 2669
revoked, and whether the prison term should or should not be 2670

terminated. 2671

(2) At a hearing held pursuant to division (A) of this 2672
section, the court may and, if the hearing is held pursuant to 2673
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 2674
determine by clear and convincing evidence whether the offender is 2675
unlikely to commit a sexually violent offense in the future. 2676

(3) At the conclusion of the hearing held pursuant to 2677
division (A) of this section, the court may order that the 2678
requirement that the offender serve the entire prison term in a 2679
state correctional institution be continued, that the requirement 2680
be modified pursuant to division (C) of this section, that an 2681
existing modification be continued, revised, or revoked pursuant 2682
to division (C) of this section, or that the prison term be 2683
terminated pursuant to division (D) of this section. 2684

(C)(1) If, at the conclusion of a hearing held pursuant to 2685
division (A) of this section, the court determines by clear and 2686
convincing evidence that the offender will not represent a 2687
substantial risk of physical harm to others, the court may modify 2688
the requirement that the offender serve the entire prison term 2689
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 2690
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 2691
the Revised Code in a state correctional institution in a manner 2692
that the court considers appropriate. If the court modifies the 2693
requirement for an offender whose prison term was imposed pursuant 2694
to division (A)(3) of section 2971.03 of the Revised Code, the 2695
court shall order the adult parole authority to supervise the 2696
offender and shall require that the authority's supervision of the 2697
offender be pursuant to division (E) of this section. If the court 2698
modifies the requirement for an offender whose prison term was 2699
imposed pursuant to division (B)(1)(a), (b), or (c), (2)(a), (b), 2700
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 2701
Revised Code, the court shall order the adult parole authority to 2702

supervise the offender and may require that the authority's 2703
supervision of the offender be pursuant to division (E) of this 2704
section. 2705

(2) The modification of the requirement does not terminate 2706
the prison term but serves only to suspend the requirement that 2707
the offender serve the entire term in a state correctional 2708
institution. The prison term shall remain in effect for the 2709
offender's entire life unless the court terminates the prison term 2710
pursuant to division (D) of this section. The offender shall 2711
remain under the jurisdiction of the court for the offender's 2712
entire life unless the court so terminates the prison term. The 2713
modification of the requirement does not terminate the 2714
classification of the offender, as described in division (F) of 2715
section 2971.03 of the Revised Code, as a sexual predator for 2716
purposes of Chapter 2950. of the Revised Code, and the offender is 2717
subject to supervision, including supervision under division (E) 2718
of this section if the court required the supervision of the 2719
offender to be pursuant to that division. 2720

(3) If the court revokes the modification under 2721
consideration, the court shall order that the offender be returned 2722
to the custody of the department of rehabilitation and correction 2723
to continue serving the prison term to which the modification 2724
applied, and section 2971.06 of the Revised Code applies regarding 2725
the offender. 2726

(D)(1) If, at the conclusion of a hearing held pursuant to 2727
division (A) of this section, the court determines by clear and 2728
convincing evidence that the offender is unlikely to commit a 2729
sexually violent offense in the future, the court may terminate 2730
the offender's prison term imposed under division (A)(3), 2731
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 2732
(c), or (d) of section 2971.03 of the Revised Code, subject to the 2733
offender satisfactorily completing the period of conditional 2734

release required by this division and, if applicable, compliance 2735
with division (E) of this section. If the court terminates the 2736
prison term, the court shall place the offender on conditional 2737
release for five years, notify the adult parole authority of its 2738
determination and of the termination of the prison term, and order 2739
the adult parole authority to supervise the offender during the 2740
five-year period of conditional release or, if division (E) 2741
applies to the offender, to supervise the offender pursuant to and 2742
for the period of time specified in that division. If the court 2743
terminates the prison term for an offender whose prison term was 2744
imposed pursuant to division (A)(3) of section 2971.03 of the 2745
Revised Code, the court shall require that the authority's 2746
supervision of the offender be pursuant to division (E) of this 2747
section. If the court terminates the prison term for an offender 2748
whose prison term was imposed pursuant to division (B)(1)(a), (b), 2749
or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 2750
section 2971.03 of the Revised Code, the court may require that 2751
the authority's supervision of the offender be pursuant to 2752
division (E) of this section. Upon receipt of a notice from a 2753
court pursuant to this division, the adult parole authority shall 2754
supervise the offender who is the subject of the notice during the 2755
five-year period of conditional release, periodically notify the 2756
court of the offender's activities during that five-year period of 2757
conditional release, and file with the court no later than thirty 2758
days prior to the expiration of the five-year period of 2759
conditional release a written recommendation as to whether the 2760
termination of the offender's prison term should be finalized, 2761
whether the period of conditional release should be extended, or 2762
whether another type of action authorized pursuant to this chapter 2763
should be taken. 2764

(2) Upon receipt of a recommendation of the adult parole 2765
authority filed pursuant to division (D)(1) of this section, the 2766
court shall hold a hearing to determine whether to finalize the 2767

termination of the offender's prison term, to extend the period of 2768
conditional release, or to take another type of action authorized 2769
pursuant to this chapter. The court shall hold the hearing no 2770
later than the date on which the five-year period of conditional 2771
release terminates and shall provide notice of the date, time, 2772
place, and purpose of the hearing to the offender and to the 2773
prosecuting attorney. At the hearing, the offender, the 2774
prosecuting attorney, and the adult parole authority employee who 2775
supervised the offender during the period of conditional release 2776
may make a statement and present evidence. 2777

If the court determines at the hearing to extend an 2778
offender's period of conditional release, it may do so for 2779
additional periods of one year in the same manner as the original 2780
period of conditional release, and, except as otherwise described 2781
in this division, all procedures and requirements that applied to 2782
the original period of conditional release apply to the additional 2783
period of extended conditional release unless the court modifies a 2784
procedure or requirement. If an offender's period of conditional 2785
release is extended as described in this division, all references 2786
to a five-year period of conditional release that are contained in 2787
division (D)(1) of this section shall be construed, in applying 2788
the provisions of that division to the extension, as being 2789
references to the one-year period of the extension of the 2790
conditional release. 2791

If the court determines at the hearing to take another type 2792
of action authorized pursuant to this chapter, it may do so in the 2793
same manner as if the action had been taken at any other stage of 2794
the proceedings under this chapter. As used in this division, 2795
"another type of action" includes the revocation of the 2796
conditional release and the return of the offender to a state 2797
correctional institution to continue to serve the prison term. 2798

If the court determines at the hearing to finalize the 2799

termination of the offender's prison term, it shall notify the 2800
department of rehabilitation and correction, the department shall 2801
enter into its records a final release and issue to the offender a 2802
certificate of final release, and the prison term thereafter shall 2803
be considered completed and terminated in every way. 2804

(3) The termination of an offender's prison term pursuant to 2805
division (D)(1) or (2) of this section does not affect the 2806
classification of the offender, as described in division (F) of 2807
section 2971.03 of the Revised Code, as a tier III sex 2808
offender/child-victim offender for purposes of Chapter 2950. of 2809
the Revised Code, does not terminate the adult parole authority's 2810
supervision of the offender, and, if the court had required the 2811
supervision of the offender to be pursuant to division (E) of this 2812
section, does not terminate the supervision of the offender with 2813
an active global positioning system device, pursuant to that 2814
division. 2815

(E) If a prison term imposed upon an offender pursuant to 2816
division (A)(3) of section 2971.03 of the Revised Code is modified 2817
as provided in division (C) of this section or terminated as 2818
provided in division (D) of this section, the adult parole 2819
authority shall supervise the offender with an active global 2820
positioning system device during any time period in which the 2821
offender is not incarcerated in a state correctional institution. 2822
If a prison term imposed upon an offender pursuant to division 2823
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 2824
or (d) of section 2971.03 of the Revised Code is modified as 2825
provided in division (C) of this section or terminated as provided 2826
in division (D) of this section, and if the court requires that 2827
the adult parole authority's supervision of the offender be 2828
pursuant to this division, the authority shall supervise the 2829
offender with an active global positioning system device during 2830
any time period in which the offender is not incarcerated in a 2831

state correctional institution. If the adult parole authority is 2832
required to supervise the offender with an active global 2833
positioning system device as described in this division, unless 2834
the court removes the offender's classification as a sexually 2835
violent predator regarding an offender whose prison term was 2836
imposed under division (A)(3) of section 2971.03 of the Revised 2837
Code or terminates the requirement that supervision of the 2838
offender be pursuant to this division regarding an offender whose 2839
prison term was imposed under division (B)(1)(a), (b), or (c), 2840
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 2841
2971.03 of the Revised Code, the offender is subject to 2842
supervision with an active global positioning system pursuant to 2843
this division for the offender's entire life. The costs of 2844
administering the supervision of offenders with an active global 2845
positioning system device pursuant to this division shall be paid 2846
out of funds from the reparations fund, created pursuant to 2847
section 2743.191 of the Revised Code. This division shall only 2848
apply to a sexually violent predator sentenced pursuant to 2849
division (A)(3) of section 2971.03 of the Revised Code who is 2850
released from the custody of the department of rehabilitation and 2851
correction on or after September 29, 2005, or an offender 2852
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 2853
the Revised Code on or after January 2, 2007. 2854

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 2855
but not before January 1, 2006, the department of rehabilitation 2856
and correction shall establish and operate on the internet a 2857
database that contains all of the following: 2858

(1) For each inmate in the custody of the department under a 2859
sentence imposed for a conviction of or plea of guilty to any 2860
offense, all of the following information: 2861

(a) The inmate's name; 2862

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

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

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written statement regarding the possible judicial release or release. The department also shall post notice of the filing of any petition

for release of the inmate pursuant to section 2967.19 of the Revised Code, as required by division (E) of that section.

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

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

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

(v) Prompt notice of the inmate's escape from any facility in 2927
which the inmate was incarcerated and of the capture of the inmate 2928
after an escape; 2929

(vi) Notice of the inmate's death while in confinement; 2930

(vii) Prior to the release of the inmate from confinement, 2931
notice of the fact that the inmate will be released, of the date 2932
of the release, and, if applicable, of the standard terms and 2933
conditions of the release; 2934

(viii) Notice of the inmate's judicial release pursuant to 2935
section 2929.20 of the Revised Code or release pursuant to section 2936
2967.19 of the Revised Code. 2937

(2) Information as to where a person can send written 2938
statements of the types referred to in divisions (A)(1)(c)(i), 2939
(iii), and (iv) of this section. 2940

(B)(1) The department shall update the database required 2941
under division (A) of this section every twenty-four hours to 2942
ensure that the information it contains is accurate and current. 2943

(2) The database required under division (A) of this section 2944
is a public record open for inspection under section 149.43 of the 2945
Revised Code. The department shall make the database searchable by 2946
inmate name and by the county and zip code where the offender 2947
intends to reside after release from a state correctional 2948
institution if this information is known to the department. 2949

(3) The database required under division (A) of this section 2950
may contain information regarding inmates who are listed in the 2951
database in addition to the information described in that 2952
division. 2953

(4) No information included on the database required under 2954
division (A) of this section shall identify or enable the 2955
identification of any victim of any offense committed by an 2956

inmate. 2957

(C) The failure of the department to comply with the 2958
requirements of division (A) or (B) of this section does not give 2959
any rights or any grounds for appeal or post-conviction relief to 2960
any inmate. 2961

(D) This section, and the related provisions of sections 2962
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 2963
in the act in which this section was enacted, shall be known as 2964
"Laura's Law." 2965

Sec. 5149.07. The department of rehabilitation and correction 2966
shall maintain central files and records pertaining to the work of 2967
the adult parole authority, and shall coordinate the department's 2968
record-keeping with that of the adult parole authority. 2969
Additionally, the department shall not later than the first Monday 2970
of January of odd-numbered years prepare and submit to the 2971
governor for ~~his~~ the governor's approval and signature a written 2972
report showing each case of pardon, commutation, or reprieve 2973
granted during the preceding biennium, stating the name and crime 2974
of the convict or prisoner, the sentence, its date, and the date 2975
of the clemency action, together with the reasons listed therefor 2976
in the governor's clemency record. The report shall conform to the 2977
requirements of Section 11 of Article III, Ohio Constitution. 2978
2979

The department shall conduct research relative to the 2980
functioning of clemency, probation, and parole as part of the 2981
adult corrections program in this state, which research shall be 2982
designed to yield information upon which the division of parole 2983
and community services, the department of rehabilitation and 2984
correction, the governor, and the general assembly can base policy 2985
decisions. 2986

At the end of each quarter, the department shall submit to 2987

the chairpersons of the committees of the senate and the house of 2988
representatives that consider criminal justice legislation a 2989
report on the number and results of parole hearings conducted 2990
during the quarter and a list of persons incarcerated for 2991
committing offenses of violence who were granted parole and a 2992
summary of the terms and conditions of their parole. The 2993
department shall provide the committees with any documentation 2994
related to the reports that members of the committees may request. 2995

Upon request, the department shall provide a detailed 2996
statement, supported by documentation, of the reasons why a 2997
particular prisoner was granted parole to the law enforcement 2998
agency that arrested the prisoner, the prosecuting attorney who 2999
prosecuted the case, or any person who is a member of the general 3000
assembly at the time the person makes the request. 3001

Sec. 5149.101. (A)(1) A board hearing officer, a board 3002
member, or the office of victims' services may petition the board 3003
for a full board hearing that relates to the proposed parole or 3004
re-parole of a prisoner. At a meeting of the board at which a 3005
majority of board members are present, the majority of those 3006
present shall determine whether a full board hearing shall be 3007
held. 3008

(2) A victim of a violation of section 2903.01 or 2903.02 of 3009
the Revised Code, an offense of violence that is a felony of the 3010
first, second, or third degree, or an offense punished by a 3011
sentence of life imprisonment, the victim's representative, or any 3012
person described in division (B)(5) of this section may request 3013
the board to hold a full board hearing that relates to the 3014
proposed parole or re-parole of the person that committed the 3015
violation. If a victim, victim's representative, or other person 3016
requests a full board hearing pursuant to this division, the board 3017
shall hold a full board hearing. 3018

At least thirty days before the full hearing, except as 3019
otherwise provided in this division, the board shall give notice 3020
of the date, time, and place of the hearing to the victim 3021
regardless of whether the victim has requested the notification. 3022
The notice of the date, time, and place of the hearing shall not 3023
be given under this division to a victim if the victim has 3024
requested pursuant to division (B)(2) of section 2930.03 of the 3025
Revised Code that the notice not be provided to the victim. At 3026
least thirty days before the full board hearing and regardless of 3027
whether the victim has requested that the notice be provided or 3028
not be provided under this division to the victim, the board shall 3029
give similar notice to the prosecuting attorney in the case, the 3030
law enforcement agency that arrested the prisoner if any officer 3031
of that agency was a victim of the offense, and, if different than 3032
the victim, the person who requested the full hearing. If the 3033
prosecuting attorney has not previously been sent an institutional 3034
summary report with respect to the prisoner, upon the request of 3035
the prosecuting attorney, the board shall include with the notice 3036
sent to the prosecuting attorney an institutional summary report 3037
that covers the offender's participation while confined in a state 3038
correctional institution in training, work, and other 3039
rehabilitative activities and any disciplinary action taken 3040
against the offender while so confined. Upon the request of a law 3041
enforcement agency that has not previously been sent an 3042
institutional summary report with respect to the prisoner, the 3043
board also shall send a copy of the institutional summary report 3044
to the law enforcement agency. If notice is to be provided as 3045
described in this division, the board may give the notice by any 3046
reasonable means, including regular mail, telephone, and 3047
electronic mail, in accordance with division (D)(1) of section 3048
2930.16 of the Revised Code. If the notice is based on an offense 3049
committed prior to the effective date of this amendment, the 3050
notice also shall include the opt-out information described in 3051

division (D)(1) of section 2930.16 of the Revised Code. The board, 3052
in accordance with division (D)(2) of section 2930.16 of the 3053
Revised Code, shall keep a record of all attempts to provide the 3054
notice, and of all notices provided, under this division. 3055

The preceding paragraph, and the notice-related provisions of 3056
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 3057
section 2930.16, division (H) of section 2967.12, division 3058
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 3059
2967.26, and division (D)(1) of section 2967.28 of the Revised 3060
Code enacted in the act in which this paragraph was enacted, shall 3061
be known as "Roberta's Law." 3062

(B) At a full board hearing that relates to the proposed 3063
parole or re-parole of a prisoner and that has been petitioned for 3064
or requested in accordance with division (A) of this section, the 3065
parole board shall permit the following persons to appear and to 3066
give testimony or to submit written statements: 3067

(1) The prosecuting attorney of the county in which the 3068
original indictment against the prisoner was found and members of 3069
any law enforcement agency that assisted in the prosecution of the 3070
original offense; 3071

(2) The judge of the court of common pleas who imposed the 3072
original sentence of incarceration upon the prisoner, or the 3073
judge's successor; 3074

(3) The victim of the original offense for which the prisoner 3075
is serving the sentence or the victim's representative designated 3076
pursuant to section 2930.02 of the Revised Code; 3077

(4) The victim of any behavior that resulted in parole being 3078
revoked; 3079

(5) With respect to a full board hearing held pursuant to 3080
division (A)(2) of this section, all of the following: 3081

(a) The spouse of the victim of the original offense; 3082

(b) The parent or parents of the victim of the original 3083
offense; 3084

(c) The sibling of the victim of the original offense; 3085

(d) The child or children of the victim of the original 3086
offense. 3087

(6) Counsel or some other person designated by the prisoner 3088
as a representative, as described in division (C) of this section. 3089

(C) Except as otherwise provided in this division, a full 3090
board hearing of the parole board is not subject to section 121.22 3091
of the Revised Code. The persons who may attend a full board 3092
hearing are the persons described in divisions (B)(1) to (6) of 3093
this section, and representatives of the press, radio and 3094
television stations, and broadcasting networks who are members of 3095
a generally recognized professional media organization. 3096

At the request of a person described in division (B)(3) of 3097
this section, representatives of the news media described in this 3098
division shall be excluded from the hearing while that person is 3099
giving testimony at the hearing. The prisoner being considered for 3100
parole has no right to be present at the hearing, but may be 3101
represented by counsel or some other person designated by the 3102
prisoner. 3103

If there is an objection at a full board hearing to a 3104
recommendation for the parole of a prisoner, the board may approve 3105
or disapprove the recommendation or defer its decision until a 3106
subsequent full board hearing. The board may permit interested 3107
persons other than those listed in this division and division (B) 3108
of this section to attend full board hearings pursuant to rules 3109
adopted by the adult parole authority. 3110

(D) If the victim of the original offense died as a result of 3111

the offense and the offense was aggravated murder, murder, an 3112
offense of violence that is a felony of the first, second, or 3113
third degree, or an offense punished by a sentence of life 3114
imprisonment, the family of the victim may show at a full board 3115
hearing a video recording not exceeding five minutes in length 3116
memorializing the victim. 3117

(E) The adult parole authority shall adopt rules for the 3118
implementation of this section. The rules shall specify reasonable 3119
restrictions on the number of media representatives that may 3120
attend a hearing, based on considerations of space, and other 3121
procedures designed to accomplish an effective, orderly process 3122
for full board hearings. 3123

Section 2. That existing sections 2152.86, 2903.03, 2929.20, 3124
2930.03, 2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 3125
2967.19, 2967.26, 2967.28, 2971.04, 2971.05, 5120.66, 5149.07, and 3126
5149.101 of the Revised Code are hereby repealed. 3127