

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 160

Senators Bacon, Hughes

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

Representatives Conditt, Bubb, Garland, Hayes, Lynch, Pillich

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A B I L L

To amend sections 2152.86, 2717.01, 2903.03, 2929.13,	1
2929.20, 2930.03, 2930.06, 2930.16, 2950.01,	2
2951.041, 2953.08, 2967.03, 2967.12, 2967.121,	3
2967.19, 2967.26, 2967.28, 2971.04, 2971.05,	4
5120.66, 5149.07, and 5149.101 of the Revised Code	5
to require automatic notice to victims of	6
aggravated murder, murder, first, second, or third	7
degree felony offenses of violence, or offenses	8
punishable by a sentence of life imprisonment of	9
certain prisoner or alleged juvenile offender	10
release or transfer proceedings unless the victim	11
has requested that the notice not be provided; to	12
expand victim participation in parole hearings; to	13
require the Department of Rehabilitation and	14
Correction to provide certain information related	15
to paroles to designated public officials; to	16
require the Department to notify the appropriate	17
prosecuting attorney when a felon serving a	18
specified sentence is released pursuant to a	19

pardon, commutation of sentence, parole, or 20
completed prison term; to require that the 21
Department, in cases in which a prosecuting 22
attorney currently is notified that a Department 23
prisoner is being considered for an early release 24
or a specified type of transfer to a less 25
restrictive setting, provide the prosecuting 26
attorney and any law enforcement agency, upon 27
request, with an institutional summary report 28
prepared with respect to the prisoner; to make 29
other changes related to the release of prisoners 30
and victim's rights; to provide that voluntary 31
manslaughter committed with a sexual motivation is 32
a sexually oriented offense, makes an offender or 33
juvenile offender registrant who commits it a tier 34
III sex offender/child-victim offender, and may 35
qualify a juvenile offender registrant who commits 36
it as a public registry-qualified juvenile 37
offender registrant; to waive the notice by 38
publication requirement for a change of name if 39
the applicant submits proof that the publication 40
would jeopardize the applicant's personal safety; 41
to revise the sentencing options for fourth and 42
fifth degree felonies; and to name the victim and 43
family notification provisions Roberta's Law. 44

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

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

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

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

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

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

(2) Upon a child's release, on or after January 1, 2008, from 73
the department of youth services, the court shall issue an order 74
that classifies the child a juvenile offender registrant, 75
specifies that the child has a duty to comply with sections 76
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 77
additionally classifies the child a public registry-qualified 78
juvenile offender registrant if all of the following apply: 79

(a) The child was adjudicated a delinquent child, and a 80

juvenile court imposed on the child a serious youthful offender 81
dispositional sentence under section 2152.13 of the Revised Code 82
for committing one of the acts described in division (A)(1)(a) or 83
(b) of this section or for committing on or after the effective 84
date of this amendment a violation of division (B) of section 85
2903.03 of the Revised Code. 86

(b) The child was fourteen, fifteen, sixteen, or seventeen 87
years of age at the time of committing the act. 88

(c) The court did not issue an order classifying the child as 89
both a juvenile offender registrant and a public 90
registry-qualified juvenile offender registrant pursuant to 91
division (A)(1) of this section. 92

(3) If a court issued an order classifying a child a juvenile 93
offender registrant pursuant to section 2152.82 or 2152.83 of the 94
Revised Code prior to January 1, 2008, not later than February 1, 95
2008, the court shall issue a new order that reclassifies the 96
child as a juvenile offender registrant, specifies that the child 97
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 98
2950.06 of the Revised Code, and additionally classifies the child 99
a public registry-qualified juvenile offender registrant if all of 100
the following apply: 101

(a) The sexually oriented offense that was the basis of the 102
previous order that classified the child a juvenile offender 103
registrant was an act described in division (A)(1)(a) or (b) of 104
this section. 105

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

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

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

(2) The judge that issues an order under division (A)(1), 131
(2), or (3) of this section shall provide to the delinquent child 132
who is the subject of the order and to the delinquent child's 133
parent, guardian, or custodian the notice required under divisions 134
(A) and (B) of section 2950.03 of the Revised Code and shall 135
provide as part of that notice a copy of the order required under 136
division (A)(1), (2), or (3) of this section. The judge shall 137
include the order in the delinquent child's dispositional order 138
and shall specify in the dispositional order that the order issued 139
under division (A)(1), (2), or (3) of this section was made 140
pursuant to this section. 141

(C) An order issued under division (A)(1), (2), or (3) of 142
this section shall remain in effect for the period of time 143

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

(D)(1) If an order is issued under division (A)(2) of this 162
section regarding a delinquent child whose delinquent act 163
described in division (A)(1)(a) or (b) of this section was 164
committed prior to January 1, 2008, or if an order is issued under 165
division (A)(3) of this section regarding a delinquent child, 166
except as otherwise provided in this division, the child may 167
request as a matter of right a court hearing to contest the 168
court's classification in the order of the child as a public 169
registry-qualified juvenile offender registrant. To request the 170
hearing, not later than the date that is sixty days after the 171
delinquent child is provided with the copy of the order, the 172
delinquent child shall file a petition with the juvenile court 173
that issued the order. 174

If the delinquent child requests a hearing by timely filing a 175

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

If the delinquent child requests a hearing in accordance with 189
this division, until the court issues its decision at or 190
subsequent to the hearing, the delinquent child shall comply with 191
Chapter 2950. of the Revised Code as it exists on and after 192
January 1, 2008. If a delinquent child requests a hearing in 193
accordance with this division, at the hearing, all parties are 194
entitled to be heard, and the court shall consider all relevant 195
information and testimony presented relative to the issue of 196
whether the child should be classified a public registry-qualified 197
juvenile offender registrant. Notwithstanding the court's 198
classification of the delinquent child as a public 199
registry-qualified juvenile offender registrant, the court may 200
terminate that classification if it determines by clear and 201
convincing evidence that the classification is in error. 202

If the court decides to terminate the court's classification 203
of the delinquent child as a public registry-qualified juvenile 204
offender registrant, the court shall issue an order that specifies 205
that it has determined that the child is not a public 206
registry-qualified juvenile offender registrant and that it has 207

terminated the court's classification of the delinquent child as a 208
public registry-qualified juvenile offender registrant. The court 209
promptly shall serve a copy of the order upon the sheriff with 210
whom the delinquent child most recently registered under section 211
2950.04 or 2950.041 of the Revised Code and upon the bureau of 212
criminal identification and investigation. The delinquent child 213
and the prosecutor have the right to appeal the decision of the 214
court issued under this division. 215

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

(2) An order issued under division (D)(1) of this section is 223
independent of any order of a type described in division (F) of 224
section 2950.031 of the Revised Code or division (E) of section 225
2950.032 of the Revised Code, and the court may issue an order 226
under both division (D)(1) of this section and an order of a type 227
described in division (F) of section 2950.031 of the Revised Code 228
or division (E) of section 2950.032 of the Revised Code. A court 229
that conducts a hearing under division (D)(1) of this section may 230
consolidate that hearing with a hearing conducted for the same 231
delinquent child under division (F) of section 2950.031 of the 232
Revised Code or division (E) of section 2950.032 of the Revised 233
Code. 234

Sec. 2717.01. (A)(1) A person desiring a change of name may 235
file an application in the probate court of the county in which 236
the person resides. The application shall set forth that the 237
applicant has been a bona fide resident of that county for at 238

least one year prior to the filing of the application, the cause 239
for which the change of name is sought, and the requested new 240
name. The application shall require the applicant to state whether 241
the applicant has been convicted of, pleaded guilty to, or been 242
adjudicated a delinquent child for identity fraud or has a duty to 243
comply with section 2950.04 or 2950.041 of the Revised Code 244
because the applicant was convicted of, pleaded guilty to, or was 245
adjudicated a delinquent child for having committed a sexually 246
oriented offense or a child-victim oriented offense. 247

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

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

(4) If an applicant for a change of name submits to the 259
court, along with the application described in division (A)(1) of 260
this section, satisfactory proof that the publication of the 261
notice under division (A)(2) of this section would jeopardize the 262
applicant's personal safety, both of the following apply: 263

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

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

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

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

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

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

(3) As used in this division, "sexually oriented offense" and 301

"child-victim oriented offense" have the same meanings as in 302
section 2950.01 of the Revised Code. 303

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

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

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

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

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

If the offender is eligible to be sentenced to community 323
control sanctions, the court shall consider the appropriateness of 324
imposing a financial sanction pursuant to section 2929.18 of the 325
Revised Code or a sanction of community service pursuant to 326
section 2929.17 of the Revised Code as the sole sanction for the 327
offense. Except as otherwise provided in this division, if the 328
court is required to impose a mandatory prison term for the 329
offense for which sentence is being imposed, the court also shall 330
impose any financial sanction pursuant to section 2929.18 of the 331

Revised Code that is required for the offense and may impose any 332
other financial sanction pursuant to that section but may not 333
impose any additional sanction or combination of sanctions under 334
section 2929.16 or 2929.17 of the Revised Code. 335

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

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

(2) For a third or fourth degree felony OVI offense for which 354
sentence is imposed under division (G)(2) of this section, an 355
additional prison term as described in division (B)(4) of section 356
2929.14 of the Revised Code or a community control sanction as 357
described in division (G)(2) of this section. 358

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

following apply: 364

(i) The offender previously has not been convicted of or 365
pleaded guilty to a felony offense or to ~~an~~ a misdemeanor offense 366
of violence that ~~is a misdemeanor and that~~ the offender committed 367
within two years prior to the offense for which sentence is being 368
imposed. 369

(ii) The most serious charge against the offender at the time 370
of sentencing is a felony of the fourth or fifth degree. 371

(iii) If the court made a request of the department of 372
rehabilitation and correction pursuant to division (B)(1)(c) of 373
this section, the department, within the forty-five-day period 374
specified in that division, provided the court with the names of, 375
contact information for, and program details of one or more 376
community control sanctions of at least one year's duration that 377
are available for persons sentenced by the court. 378

(b) The court has discretion to impose a prison term upon an 379
offender who is convicted of or pleads guilty to a felony of the 380
fourth or fifth degree that is not an offense of violence if any 381
of the following apply: 382

(i) The offender committed the offense while having a firearm 383
on or about the offender's person or under the offender's control. 384

(ii) The offender caused physical harm to another person 385
while committing the offense. 386

(iii) The offender violated a term of the conditions of bond 387
as set by the court. 388

(iv) The court made a request of the department of 389
rehabilitation and correction pursuant to division (B)(1)(c) of 390
this section, and the department, within the forty-five-day period 391
specified in that division, did not provide the court with the 392
name of, contact information for, and program details of any 393

community control sanction of at least one year's duration that is 394
available for persons sentenced by the court. 395

(v) The offense is a sex offense that is a fourth or fifth 396
degree felony violation of any provision of Chapter 2907. of the 397
Revised Code. 398

(vi) In committing the offense, the offender attempted to 399
cause or made an actual threat of physical harm to a person with a 400
deadly weapon. 401

(vii) In committing the offense, the offender attempted to 402
cause or made an actual threat of physical harm to a person, and 403
the offender previously was convicted of an offense that caused 404
physical harm to a person. 405

(viii) The offender held a public office or position of 406
trust, and the offense related to that office or position; the 407
offender's position obliged the offender to prevent the offense or 408
to bring those committing it to justice; or the offender's 409
professional reputation or position facilitated the offense or was 410
likely to influence the future conduct of others. 411

(ix) The offender committed the offense for hire or as part 412
of an organized criminal activity. 413

(c) If a court that is sentencing an offender who is 414
convicted of or pleads guilty to a felony of the fourth or fifth 415
degree that is not an offense of violence believes that no 416
community control sanctions are available for its use that, if 417
imposed on the offender, will adequately fulfill the overriding 418
principles and purposes of sentencing, the court shall contact the 419
department of rehabilitation and correction and ask the department 420
to provide the court with the names of, contact information for, 421
and program details of one or more community control sanctions of 422
at least one year's duration that are available for persons 423
sentenced by the court. Not later than forty-five days after 424

receipt of a request from a court under this division, the 425
department shall provide the court with the names of, contact 426
information for, and program details of one or more community 427
control sanctions of at least one year's duration that are 428
available for persons sentenced by the court, if any. Upon making 429
a request under this division that relates to a particular 430
offender, a court shall defer sentencing of that offender until it 431
receives from the department the names of, contact information 432
for, and program details of one or more community control 433
sanctions of at least one year's duration that are available for 434
persons sentenced by the court or for forty-five days, whichever 435
is the earlier. 436

If the department provides the court with the names of, 437
contact information for, and program details of one or more 438
community control sanctions of at least one year's duration that 439
are available for persons sentenced by the court within the 440
forty-five-day period specified in this division, the court shall 441
impose upon the offender a community control sanction under 442
division (B)(1)(a) of this section, subject to divisions 443
(B)(1)(b)(i) and (ii) of this section. If the department does not 444
provide the court with the names of, contact information for, and 445
program details of one or more community control sanctions of at 446
least one year's duration that are available for persons sentenced 447
by the court within the forty-five-day period specified in this 448
division, the court may impose upon the offender a prison term 449
under division (B)(1)(b)~~(iii)~~(iv) of this section. 450

(d) A sentencing court may impose an additional penalty under 451
division (B) of section 2929.15 of the Revised Code upon an 452
offender sentenced to a community control sanction under division 453
(B)(1)(a) of this section if the offender violates the conditions 454
of the community control sanction, violates a law, or leaves the 455
state without the permission of the court or the offender's 456

probation officer. 457

(2) If division (B)(1) of this section does not apply, except 458
as provided in division ~~(B)(3)~~, (E), (F), or (G) of this section, 459
in ~~sentencing an offender for a felony of the fourth or fifth~~ 460
~~degree, the sentencing court shall determine whether any of the~~ 461
~~following apply:~~ 462

~~(a) In committing the offense, the offender caused physical~~ 463
~~harm to a person.~~ 464

~~(b) In committing the offense, the offender attempted to~~ 465
~~cause or made an actual threat of physical harm to a person with a~~ 466
~~deadly weapon.~~ 467

~~(c) In committing the offense, the offender attempted to~~ 468
~~cause or made an actual threat of physical harm to a person, and~~ 469
~~the offender previously was convicted of an offense that caused~~ 470
~~physical harm to a person.~~ 471

~~(d) The offender held a public office or position of trust~~ 472
~~and the offense related to that office or position; the offender's~~ 473
~~position obliged the offender to prevent the offense or to bring~~ 474
~~those committing it to justice; or the offender's professional~~ 475
~~reputation or position facilitated the offense or was likely to~~ 476
~~influence the future conduct of others.~~ 477

~~(e) The offender committed the offense for hire or as part of~~ 478
~~an organized criminal activity.~~ 479

~~(f) The offense is a sex offense that is a fourth or fifth~~ 480
~~degree felony violation of section 2907.03, 2907.04, 2907.05,~~ 481
~~2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the~~ 482
~~Revised Code.~~ 483

~~(g) The offender at the time of the offense was serving, or~~ 484
~~the offender previously had served, a prison term.~~ 485

~~(h) The offender committed the offense while under a~~ 486

~~community control sanction, while on probation, or while released~~ 487
~~from custody on a bond or personal recognizance.~~ 488

~~(i) The offender committed the offense while in possession of~~ 489
~~a firearm.~~ 490

~~(3)(a) If the court makes a finding described in division~~ 491
~~(B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this~~ 492
~~section and if the court, after considering the factors set forth~~ 493
~~in section 2929.12 of the Revised Code, finds that a prison term~~ 494
~~is consistent with the purposes and principles of sentencing set~~ 495
~~forth in section 2929.11 of the Revised Code and finds that the~~ 496
~~offender is not amenable to an available community control~~ 497
~~sanction, the court shall impose a prison term upon the offender.~~ 498

~~(b) Except as provided in division (E), (F), or (G) of this~~ 499
~~section, if the court does not make a finding described in~~ 500
~~division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of~~ 501
~~this section and if the court, after considering the factors set~~ 502
~~forth in section 2929.12 of the Revised Code, finds that a~~ 503
~~community control sanction or combination of community control~~ 504
~~sanctions is consistent with the purposes and principles of~~ 505
~~sentencing set forth in section 2929.11 of the Revised Code, the~~ 506
~~court shall impose a community control sanction or combination of~~ 507
~~community control sanctions upon the offender determining whether~~ 508
~~to impose a prison term as a sanction for a felony of the fourth~~ 509
~~or fifth degree, the sentencing court shall comply with the~~ 510
~~purposes and principles of sentencing under section 2929.11 of the~~ 511
~~Revised Code and with section 2929.12 of the Revised Code.~~ 512

~~(C) Except as provided in division (D), (E), (F), or (G) of~~ 513
~~this section, in determining whether to impose a prison term as a~~ 514
~~sanction for a felony of the third degree or a felony drug offense~~ 515
~~that is a violation of a provision of Chapter 2925. of the Revised~~ 516
~~Code and that is specified as being subject to this division for~~ 517
~~purposes of sentencing, the sentencing court shall comply with the~~ 518

purposes and principles of sentencing under section 2929.11 of the 519
Revised Code and with section 2929.12 of the Revised Code. 520

(D)(1) Except as provided in division (E) or (F) of this 521
section, for a felony of the first or second degree, for a felony 522
drug offense that is a violation of any provision of Chapter 523
2925., 3719., or 4729. of the Revised Code for which a presumption 524
in favor of a prison term is specified as being applicable, and 525
for a violation of division (A)(4) or (B) of section 2907.05 of 526
the Revised Code for which a presumption in favor of a prison term 527
is specified as being applicable, it is presumed that a prison 528
term is necessary in order to comply with the purposes and 529
principles of sentencing under section 2929.11 of the Revised 530
Code. Division (D)(2) of this section does not apply to a 531
presumption established under this division for a violation of 532
division (A)(4) of section 2907.05 of the Revised Code. 533

(2) Notwithstanding the presumption established under 534
division (D)(1) of this section for the offenses listed in that 535
division other than a violation of division (A)(4) or (B) of 536
section 2907.05 of the Revised Code, the sentencing court may 537
impose a community control sanction or a combination of community 538
control sanctions instead of a prison term on an offender for a 539
felony of the first or second degree or for a felony drug offense 540
that is a violation of any provision of Chapter 2925., 3719., or 541
4729. of the Revised Code for which a presumption in favor of a 542
prison term is specified as being applicable if it makes both of 543
the following findings: 544

(a) A community control sanction or a combination of 545
community control sanctions would adequately punish the offender 546
and protect the public from future crime, because the applicable 547
factors under section 2929.12 of the Revised Code indicating a 548
lesser likelihood of recidivism outweigh the applicable factors 549
under that section indicating a greater likelihood of recidivism. 550

(b) A community control sanction or a combination of 551
community control sanctions would not demean the seriousness of 552
the offense, because one or more factors under section 2929.12 of 553
the Revised Code that indicate that the offender's conduct was 554
less serious than conduct normally constituting the offense are 555
applicable, and they outweigh the applicable factors under that 556
section that indicate that the offender's conduct was more serious 557
than conduct normally constituting the offense. 558

(E)(1) Except as provided in division (F) of this section, 559
for any drug offense that is a violation of any provision of 560
Chapter 2925. of the Revised Code and that is a felony of the 561
third, fourth, or fifth degree, the applicability of a presumption 562
under division (D) of this section in favor of a prison term or of 563
division (B) or (C) of this section in determining whether to 564
impose a prison term for the offense shall be determined as 565
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 566
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 567
Revised Code, whichever is applicable regarding the violation. 568

(2) If an offender who was convicted of or pleaded guilty to 569
a felony violates the conditions of a community control sanction 570
imposed for the offense solely by reason of producing positive 571
results on a drug test, the court, as punishment for the violation 572
of the sanction, shall not order that the offender be imprisoned 573
unless the court determines on the record either of the following: 574

(a) The offender had been ordered as a sanction for the 575
felony to participate in a drug treatment program, in a drug 576
education program, or in narcotics anonymous or a similar program, 577
and the offender continued to use illegal drugs after a reasonable 578
period of participation in the program. 579

(b) The imprisonment of the offender for the violation is 580
consistent with the purposes and principles of sentencing set 581
forth in section 2929.11 of the Revised Code. 582

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

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

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

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

sentenced under section 2971.03 of the Revised Code; 615

(3) Gross sexual imposition or sexual battery, if the victim 616
is less than thirteen years of age and if any of the following 617
applies: 618

(a) Regarding gross sexual imposition, the offender 619
previously was convicted of or pleaded guilty to rape, the former 620
offense of felonious sexual penetration, gross sexual imposition, 621
or sexual battery, and the victim of the previous offense was less 622
than thirteen years of age; 623

(b) Regarding gross sexual imposition, the offense was 624
committed on or after August 3, 2006, and evidence other than the 625
testimony of the victim was admitted in the case corroborating the 626
violation. 627

(c) Regarding sexual battery, either of the following 628
applies: 629

(i) The offense was committed prior to August 3, 2006, the 630
offender previously was convicted of or pleaded guilty to rape, 631
the former offense of felonious sexual penetration, or sexual 632
battery, and the victim of the previous offense was less than 633
thirteen years of age. 634

(ii) The offense was committed on or after August 3, 2006. 635

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 636
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 637
if the section requires the imposition of a prison term; 638

(5) A first, second, or third degree felony drug offense for 639
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 640
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 641
4729.99 of the Revised Code, whichever is applicable regarding the 642
violation, requires the imposition of a mandatory prison term; 643

(6) Any offense that is a first or second degree felony and 644

that is not set forth in division (F)(1), (2), (3), or (4) of this 645
section, if the offender previously was convicted of or pleaded 646
guilty to aggravated murder, murder, any first or second degree 647
felony, or an offense under an existing or former law of this 648
state, another state, or the United States that is or was 649
substantially equivalent to one of those offenses; 650

(7) Any offense that is a third degree felony and either is a 651
violation of section 2903.04 of the Revised Code or an attempt to 652
commit a felony of the second degree that is an offense of 653
violence and involved an attempt to cause serious physical harm to 654
a person or that resulted in serious physical harm to a person if 655
the offender previously was convicted of or pleaded guilty to any 656
of the following offenses: 657

(a) Aggravated murder, murder, involuntary manslaughter, 658
rape, felonious sexual penetration as it existed under section 659
2907.12 of the Revised Code prior to September 3, 1996, a felony 660
of the first or second degree that resulted in the death of a 661
person or in physical harm to a person, or complicity in or an 662
attempt to commit any of those offenses; 663

(b) An offense under an existing or former law of this state, 664
another state, or the United States that is or was substantially 665
equivalent to an offense listed in division (F)(7)(a) of this 666
section that resulted in the death of a person or in physical harm 667
to a person. 668

(8) Any offense, other than a violation of section 2923.12 of 669
the Revised Code, that is a felony, if the offender had a firearm 670
on or about the offender's person or under the offender's control 671
while committing the felony, with respect to a portion of the 672
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 673
of the Revised Code for having the firearm; 674

(9) Any offense of violence that is a felony, if the offender 675

wore or carried body armor while committing the felony offense of 676
violence, with respect to the portion of the sentence imposed 677
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 678
Code for wearing or carrying the body armor; 679

(10) Corrupt activity in violation of section 2923.32 of the 680
Revised Code when the most serious offense in the pattern of 681
corrupt activity that is the basis of the offense is a felony of 682
the first degree; 683

(11) Any violent sex offense or designated homicide, assault, 684
or kidnapping offense if, in relation to that offense, the 685
offender is adjudicated a sexually violent predator; 686

(12) A violation of division (A)(1) or (2) of section 2921.36 687
of the Revised Code, or a violation of division (C) of that 688
section involving an item listed in division (A)(1) or (2) of that 689
section, if the offender is an officer or employee of the 690
department of rehabilitation and correction; 691

(13) A violation of division (A)(1) or (2) of section 2903.06 692
of the Revised Code if the victim of the offense is a peace 693
officer, as defined in section 2935.01 of the Revised Code, or an 694
investigator of the bureau of criminal identification and 695
investigation, as defined in section 2903.11 of the Revised Code, 696
with respect to the portion of the sentence imposed pursuant to 697
division (B)(5) of section 2929.14 of the Revised Code; 698

(14) A violation of division (A)(1) or (2) of section 2903.06 699
of the Revised Code if the offender has been convicted of or 700
pleaded guilty to three or more violations of division (A) or (B) 701
of section 4511.19 of the Revised Code or an equivalent offense, 702
as defined in section 2941.1415 of the Revised Code, or three or 703
more violations of any combination of those divisions and 704
offenses, with respect to the portion of the sentence imposed 705
pursuant to division (B)(6) of section 2929.14 of the Revised 706

Code; 707

(15) Kidnapping, in the circumstances specified in section 708
2971.03 of the Revised Code and when no other provision of 709
division (F) of this section applies; 710

(16) Kidnapping, abduction, compelling prostitution, 711
promoting prostitution, engaging in a pattern of corrupt activity, 712
illegal use of a minor in a nudity-oriented material or 713
performance in violation of division (A)(1) or (2) of section 714
2907.323 of the Revised Code, or endangering children in violation 715
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 716
the Revised Code, if the offender is convicted of or pleads guilty 717
to a specification as described in section 2941.1422 of the 718
Revised Code that was included in the indictment, count in the 719
indictment, or information charging the offense; 720

(17) A felony violation of division (A) or (B) of section 721
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 722
that section, and division (D)(6) of that section, require the 723
imposition of a prison term; 724

(18) A felony violation of section 2903.11, 2903.12, or 725
2903.13 of the Revised Code, if the victim of the offense was a 726
woman that the offender knew was pregnant at the time of the 727
violation, with respect to a portion of the sentence imposed 728
pursuant to division (B)(8) of section 2929.14 of the Revised 729
Code. 730

(G) Notwithstanding divisions (A) to (E) of this section, if 731
an offender is being sentenced for a fourth degree felony OVI 732
offense or for a third degree felony OVI offense, the court shall 733
impose upon the offender a mandatory term of local incarceration 734
or a mandatory prison term in accordance with the following: 735

(1) If the offender is being sentenced for a fourth degree 736
felony OVI offense and if the offender has not been convicted of 737

and has not pleaded guilty to a specification of the type 738
described in section 2941.1413 of the Revised Code, the court may 739
impose upon the offender a mandatory term of local incarceration 740
of sixty days or one hundred twenty days as specified in division 741
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 742
not reduce the term pursuant to section 2929.20, 2967.193, or any 743
other provision of the Revised Code. The court that imposes a 744
mandatory term of local incarceration under this division shall 745
specify whether the term is to be served in a jail, a 746
community-based correctional facility, a halfway house, or an 747
alternative residential facility, and the offender shall serve the 748
term in the type of facility specified by the court. A mandatory 749
term of local incarceration imposed under division (G)(1) of this 750
section is not subject to any other Revised Code provision that 751
pertains to a prison term except as provided in division (A)(1) of 752
this section. 753

(2) If the offender is being sentenced for a third degree 754
felony OVI offense, or if the offender is being sentenced for a 755
fourth degree felony OVI offense and the court does not impose a 756
mandatory term of local incarceration under division (G)(1) of 757
this section, the court shall impose upon the offender a mandatory 758
prison term of one, two, three, four, or five years if the 759
offender also is convicted of or also pleads guilty to a 760
specification of the type described in section 2941.1413 of the 761
Revised Code or shall impose upon the offender a mandatory prison 762
term of sixty days or one hundred twenty days as specified in 763
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 764
if the offender has not been convicted of and has not pleaded 765
guilty to a specification of that type. Subject to divisions (C) 766
to (I) of section 2967.19 of the Revised Code, the court shall not 767
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 768
any other provision of the Revised Code. The offender shall serve 769
the one-, two-, three-, four-, or five-year mandatory prison term 770

consecutively to and prior to the prison term imposed for the 771
underlying offense and consecutively to any other mandatory prison 772
term imposed in relation to the offense. In no case shall an 773
offender who once has been sentenced to a mandatory term of local 774
incarceration pursuant to division (G)(1) of this section for a 775
fourth degree felony OVI offense be sentenced to another mandatory 776
term of local incarceration under that division for any violation 777
of division (A) of section 4511.19 of the Revised Code. In 778
addition to the mandatory prison term described in division (G)(2) 779
of this section, the court may sentence the offender to a 780
community control sanction under section 2929.16 or 2929.17 of the 781
Revised Code, but the offender shall serve the prison term prior 782
to serving the community control sanction. The department of 783
rehabilitation and correction may place an offender sentenced to a 784
mandatory prison term under this division in an intensive program 785
prison established pursuant to section 5120.033 of the Revised 786
Code if the department gave the sentencing judge prior notice of 787
its intent to place the offender in an intensive program prison 788
established under that section and if the judge did not notify the 789
department that the judge disapproved the placement. Upon the 790
establishment of the initial intensive program prison pursuant to 791
section 5120.033 of the Revised Code that is privately operated 792
and managed by a contractor pursuant to a contract entered into 793
under section 9.06 of the Revised Code, both of the following 794
apply: 795

(a) The department of rehabilitation and correction shall 796
make a reasonable effort to ensure that a sufficient number of 797
offenders sentenced to a mandatory prison term under this division 798
are placed in the privately operated and managed prison so that 799
the privately operated and managed prison has full occupancy. 800

(b) Unless the privately operated and managed prison has full 801
occupancy, the department of rehabilitation and correction shall 802

not place any offender sentenced to a mandatory prison term under 803
this division in any intensive program prison established pursuant 804
to section 5120.033 of the Revised Code other than the privately 805
operated and managed prison. 806

(H) If an offender is being sentenced for a sexually oriented 807
offense or child-victim oriented offense that is a felony 808
committed on or after January 1, 1997, the judge shall require the 809
offender to submit to a DNA specimen collection procedure pursuant 810
to section 2901.07 of the Revised Code. 811

(I) If an offender is being sentenced for a sexually oriented 812
offense or a child-victim oriented offense committed on or after 813
January 1, 1997, the judge shall include in the sentence a summary 814
of the offender's duties imposed under sections 2950.04, 2950.041, 815
2950.05, and 2950.06 of the Revised Code and the duration of the 816
duties. The judge shall inform the offender, at the time of 817
sentencing, of those duties and of their duration. If required 818
under division (A)(2) of section 2950.03 of the Revised Code, the 819
judge shall perform the duties specified in that section, or, if 820
required under division (A)(6) of section 2950.03 of the Revised 821
Code, the judge shall perform the duties specified in that 822
division. 823

(J)(1) Except as provided in division (J)(2) of this section, 824
when considering sentencing factors under this section in relation 825
to an offender who is convicted of or pleads guilty to an attempt 826
to commit an offense in violation of section 2923.02 of the 827
Revised Code, the sentencing court shall consider the factors 828
applicable to the felony category of the violation of section 829
2923.02 of the Revised Code instead of the factors applicable to 830
the felony category of the offense attempted. 831

(2) When considering sentencing factors under this section in 832
relation to an offender who is convicted of or pleads guilty to an 833
attempt to commit a drug abuse offense for which the penalty is 834

determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

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

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

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

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

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

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised

Code; 865

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 866
2921.12 of the Revised Code, when the conduct constituting the 867
violation was related to the duties of the offender's public 868
office or to the offender's actions as a public official holding 869
that public office; 870

(iii) A violation of an existing or former municipal 871
ordinance or law of this or any other state or the United States 872
that is substantially equivalent to any violation listed in 873
division (A)(1)(b)(i) of this section; 874

(iv) A violation of an existing or former municipal ordinance 875
or law of this or any other state or the United States that is 876
substantially equivalent to any violation listed in division 877
(A)(1)(b)(ii) of this section, when the conduct constituting the 878
violation was related to the duties of the offender's public 879
office or to the offender's actions as a public official holding 880
that public office; 881

(v) A conspiracy to commit, attempt to commit, or complicity 882
in committing any offense listed in division (A)(1)(b)(i) or 883
described in division (A)(1)(b)(iii) of this section; 884

(vi) A conspiracy to commit, attempt to commit, or complicity 885
in committing any offense listed in division (A)(1)(b)(ii) or 886
described in division (A)(1)(b)(iv) of this section, if the 887
conduct constituting the offense that was the subject of the 888
conspiracy, that would have constituted the offense attempted, or 889
constituting the offense in which the offender was complicit was 890
or would have been related to the duties of the offender's public 891
office or to the offender's actions as a public official holding 892
that public office. 893

(2) "Nonmandatory prison term" means a prison term that is 894
not a mandatory prison term. 895

(3) "Public office" means any elected federal, state, or 896
local government office in this state. 897

(4) "Victim's representative" has the same meaning as in 898
section 2930.01 of the Revised Code. 899

(B) On the motion of an eligible offender or upon its own 900
motion, the sentencing court may reduce the eligible offender's 901
aggregated nonmandatory prison term or terms through a judicial 902
release under this section. 903

(C) An eligible offender may file a motion for judicial 904
release with the sentencing court within the following applicable 905
periods: 906

(1) If the aggregated nonmandatory prison term or terms is 907
less than two years, the eligible offender may file the motion not 908
earlier than thirty days after the offender is delivered to a 909
state correctional institution or, if the prison term includes a 910
mandatory prison term or terms, not earlier than thirty days after 911
the expiration of all mandatory prison terms. 912

(2) If the aggregated nonmandatory prison term or terms is at 913
least two years but less than five years, the eligible offender 914
may file the motion not earlier than one hundred eighty days after 915
the offender is delivered to a state correctional institution or, 916
if the prison term includes a mandatory prison term or terms, not 917
earlier than one hundred eighty days after the expiration of all 918
mandatory prison terms. 919

(3) If the aggregated nonmandatory prison term or terms is 920
five years, the eligible offender may file the motion not earlier 921
than four years after the eligible offender is delivered to a 922
state correctional institution or, if the prison term includes a 923
mandatory prison term or terms, not earlier than four years after 924
the expiration of all mandatory prison terms. 925

(4) If the aggregated nonmandatory prison term or terms is 926

more than five years but not more than ten years, the eligible 927
offender may file the motion not earlier than five years after the 928
eligible offender is delivered to a state correctional institution 929
or, if the prison term includes a mandatory prison term or terms, 930
not earlier than five years after the expiration of all mandatory 931
prison terms. 932

(5) If the aggregated nonmandatory prison term or terms is 933
more than ten years, the eligible offender may file the motion not 934
earlier than the later of the date on which the offender has 935
served one-half of the offender's stated prison term or the date 936
specified in division (C)(4) of this section. 937

(D) Upon receipt of a timely motion for judicial release 938
filed by an eligible offender under division (C) of this section 939
or upon the sentencing court's own motion made within the 940
appropriate time specified in that division, the court may deny 941
the motion without a hearing or schedule a hearing on the motion. 942
The court shall not grant the motion without a hearing. If a court 943
denies a motion without a hearing, the court later may consider 944
judicial release for that eligible offender on a subsequent motion 945
filed by that eligible offender unless the court denies the motion 946
with prejudice. If a court denies a motion with prejudice, the 947
court may later consider judicial release on its own motion. If a 948
court denies a motion after a hearing, the court shall not 949
consider a subsequent motion for that eligible offender. The court 950
shall hold only one hearing for any eligible offender. 951

A hearing under this section shall be conducted in open court 952
~~within not less than thirty or more than~~ sixty days after the 953
motion is filed, provided that the court may delay the hearing for 954
one hundred eighty additional days. If the court holds a hearing, 955
the court shall enter a ruling on the motion within ten days after 956
the hearing. If the court denies the motion without a hearing, the 957
court shall enter its ruling on the motion within sixty days after 958

the motion is filed. 959

(E) If a court schedules a hearing under division (D) of this 960
section, the court shall notify the eligible offender and the head 961
of the state correctional institution in which the eligible 962
offender is confined prior to the hearing. The head of the state 963
correctional institution immediately shall notify the appropriate 964
person at the department of rehabilitation and correction of the 965
hearing, and the department within twenty-four hours after receipt 966
of the notice, shall post on the database it maintains pursuant to 967
section 5120.66 of the Revised Code the offender's name and all of 968
the information specified in division (A)(1)(c)(i) of that 969
section. If the court schedules a hearing for judicial release, 970
the court promptly shall give notice of the hearing to the 971
prosecuting attorney of the county in which the eligible offender 972
was indicted. Upon receipt of the notice from the court, the 973
prosecuting attorney shall do whichever of the following is 974
applicable: 975

(1) Subject to division (E)(2) of this section, notify the 976
victim of the offense or the victim's representative pursuant to 977
division (B) of section 2930.16 of the Revised Code; 978

(2) If the offense was an offense of violence that is a 979
felony of the first, second, or third degree, except as otherwise 980
provided in this division, notify the victim or the victim's 981
representative of the hearing regardless of whether the victim or 982
victim's representative has requested the notification. The notice 983
of the hearing shall not be given under this division to a victim 984
or victim's representative if the victim or victim's 985
representative has requested pursuant to division (B)(2) of 986
section 2930.03 of the Revised Code that the victim or the 987
victim's representative not be provided the notice. If notice is 988
to be provided to a victim or victim's representative under this 989
division, the prosecuting attorney may give the notice by any 990

reasonable means, including regular mail, telephone, and 991
electronic mail, in accordance with division (D)(1) of section 992
2930.16 of the Revised Code. If the notice is based on an offense 993
committed prior to the effective date of this amendment, the 994
notice also shall include the opt-out information described in 995
division (D)(1) of section 2930.16 of the Revised Code. The 996
prosecuting attorney, in accordance with division (D)(2) of 997
section 2930.16 of the Revised Code, shall keep a record of all 998
attempts to provide the notice, and of all notices provided, under 999
this division. Division (E)(2) of this section, and the 1000
notice-related provisions of division (K) of this section, 1001
division (D)(1) of section 2930.16, division (H) of section 1002
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 1003
of section 2967.26, division (D)(1) of section 2967.28, and 1004
division (A)(2) of section 5149.101 of the Revised Code enacted in 1005
the act in which division (E)(2) of this section was enacted, 1006
shall be known as "Roberta's Law." 1007

(F) Upon an offender's successful completion of 1008
rehabilitative activities, the head of the state correctional 1009
institution may notify the sentencing court of the successful 1010
completion of the activities. 1011

(G) Prior to the date of the hearing on a motion for judicial 1012
release under this section, the head of the state correctional 1013
institution in which the eligible offender is confined shall send 1014
to the court a an institutional summary report on the eligible 1015
offender's conduct in the institution and in any institution from 1016
which the eligible offender may have been transferred. Upon the 1017
request of the prosecuting attorney of the county in which the 1018
eligible offender was indicted or of any law enforcement agency, 1019
the head of the state correctional institution, at the same time 1020
the person sends the institutional summary report to the court, 1021
also shall send a copy of the report to the requesting prosecuting 1022

attorney and law enforcement agencies. The institutional summary 1023
report shall cover the eligible offender's participation in 1024
school, vocational training, work, treatment, and other 1025
rehabilitative activities and any disciplinary action taken 1026
against the eligible offender. The report shall be made part of 1027
the record of the hearing. 1028

(H) If the court grants a hearing on a motion for judicial 1029
release under this section, the eligible offender shall attend the 1030
hearing if ordered to do so by the court. Upon receipt of a copy 1031
of the journal entry containing the order, the head of the state 1032
correctional institution in which the eligible offender is 1033
incarcerated shall deliver the eligible offender to the sheriff of 1034
the county in which the hearing is to be held. The sheriff shall 1035
convey the eligible offender to and from the hearing. 1036

(I) At the hearing on a motion for judicial release under 1037
this section, the court shall afford the eligible offender and the 1038
eligible offender's attorney an opportunity to present written 1039
and, if present, oral information relevant to the motion. The 1040
court shall afford a similar opportunity to the prosecuting 1041
attorney, the victim or the victim's representative, ~~as defined in~~ 1042
~~section 2930.01 of the Revised Code,~~ and any other person the 1043
court determines is likely to present additional relevant 1044
information. The court shall consider any statement of a victim 1045
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 1046
any victim impact statement prepared pursuant to section 2947.051 1047
of the Revised Code, and any report made under division (G) of 1048
this section. The court may consider any written statement of any 1049
person submitted to the court pursuant to division (L) of this 1050
section. After ruling on the motion, the court shall notify the 1051
victim of the ruling in accordance with sections 2930.03 and 1052
2930.16 of the Revised Code. 1053

(J)(1) A court shall not grant a judicial release under this 1054

section to an eligible offender who is imprisoned for a felony of 1055
the first or second degree, or to an eligible offender who 1056
committed an offense under Chapter 2925. or 3719. of the Revised 1057
Code and for whom there was a presumption under section 2929.13 of 1058
the Revised Code in favor of a prison term, unless the court, with 1059
reference to factors under section 2929.12 of the Revised Code, 1060
finds both of the following: 1061

(a) That a sanction other than a prison term would adequately 1062
punish the offender and protect the public from future criminal 1063
violations by the eligible offender because the applicable factors 1064
indicating a lesser likelihood of recidivism outweigh the 1065
applicable factors indicating a greater likelihood of recidivism; 1066

(b) That a sanction other than a prison term would not demean 1067
the seriousness of the offense because factors indicating that the 1068
eligible offender's conduct in committing the offense was less 1069
serious than conduct normally constituting the offense outweigh 1070
factors indicating that the eligible offender's conduct was more 1071
serious than conduct normally constituting the offense. 1072

(2) A court that grants a judicial release to an eligible 1073
offender under division (J)(1) of this section shall specify on 1074
the record both findings required in that division and also shall 1075
list all the factors described in that division that were 1076
presented at the hearing. 1077

(K) If the court grants a motion for judicial release under 1078
this section, the court shall order the release of the eligible 1079
offender, shall place the eligible offender under an appropriate 1080
community control sanction, under appropriate conditions, and 1081
under the supervision of the department of probation serving the 1082
court and shall reserve the right to reimpose the sentence that it 1083
reduced if the offender violates the sanction. If the court 1084
reimposes the reduced sentence, it may do so either concurrently 1085
with, or consecutive to, any new sentence imposed upon the 1086

eligible offender as a result of the violation that is a new 1087
offense. The period of community control shall be no longer than 1088
five years. The court, in its discretion, may reduce the period of 1089
community control by the amount of time the eligible offender 1090
spent in jail or prison for the offense and in prison. If the 1091
court made any findings pursuant to division (J)(1) of this 1092
section, the court shall serve a copy of the findings upon counsel 1093
for the parties within fifteen days after the date on which the 1094
court grants the motion for judicial release. 1095

If the court grants a motion for judicial release, the court 1096
shall notify the appropriate person at the department of 1097
rehabilitation and correction, and the department shall post 1098
notice of the release on the database it maintains pursuant to 1099
section 5120.66 of the Revised Code. The court also shall notify 1100
the prosecuting attorney of the county in which the eligible 1101
offender was indicted that the motion has been granted. Unless the 1102
victim or the victim's representative has requested pursuant to 1103
division (B)(2) of section 2930.03 of the Revised Code that the 1104
victim or victim's representative not be provided the notice, the 1105
prosecuting attorney shall notify the victim or the victim's 1106
representative of the judicial release in any manner, and in 1107
accordance with the same procedures, pursuant to which the 1108
prosecuting attorney is authorized to provide notice of the 1109
hearing pursuant to division (E)(2) of this section. If the notice 1110
is based on an offense committed prior to the effective date of 1111
this amendment, the notice to the victim or victim's 1112
representative also shall include the opt-out information 1113
described in division (D)(1) of section 2930.16 of the Revised 1114
Code. 1115

(L) In addition to and independent of the right of a victim 1116
to make a statement pursuant to section 2930.14, 2930.17, or 1117
2946.051 of the Revised Code and any right of a person to present 1118

written information or make a statement pursuant to division (I) 1119
of this section, any person may submit to the court, at any time 1120
prior to the hearing on the offender's motion for judicial 1121
release, a written statement concerning the effects of the 1122
offender's crime or crimes, the circumstances surrounding the 1123
crime or crimes, the manner in which the crime or crimes were 1124
perpetrated, and the person's opinion as to whether the offender 1125
should be released. 1126

(M) The changes to this section that are made on ~~the~~ 1127
~~effective date of this division~~ September 30, 2011, apply to any 1128
judicial release decision made on or after ~~the effective date of~~ 1129
~~this division~~ September 30, 2011, for any eligible offender. 1130

Sec. 2930.03. (A) A person or entity required or authorized 1131
under this chapter to give notice to a victim shall give the 1132
notice to the victim by any means reasonably calculated to provide 1133
prompt actual notice. Except when a provision requires that notice 1134
is to be given in a specific manner, a notice may be oral or 1135
written. 1136

(B)(1) Except for receipt of the initial information and 1137
notice required to be given to a victim under divisions (A) and 1138
(B) of section 2930.04, section 2930.05, and divisions (A) and (B) 1139
of section 2930.06 of the Revised Code and the notice required to 1140
be given to a victim under division (D) of section 2930.16 of the 1141
Revised Code, a victim who wishes to receive any notice authorized 1142
by this chapter shall make a request for the notice to the 1143
prosecutor or the custodial agency that is to provide the notice, 1144
as specified in this chapter. If the victim does not make a 1145
request as described in this division, the prosecutor or custodial 1146
agency is not required to provide any notice described in this 1147
chapter other than the initial information and notice required to 1148
be given to a victim under divisions (A) and (B) of section 1149

2930.04, section 2930.05, and divisions (A) and (B) of section 1150
2930.06 of the Revised Code and the notice required to be given to 1151
a victim under division (D) of section 2930.16 of the Revised 1152
Code. 1153

(2) A victim who does not wish to receive any of the notices 1154
required to be given to a victim under division (E)(2) or (K) of 1155
section 2929.20, division (D) of section 2930.16, division (H) of 1156
section 2967.12, division (E)(1)(b) of section 2967.19, division 1157
(A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, 1158
or division (A)(2) of section 5149.101 of the Revised Code shall 1159
make a request to the prosecutor or custodial agency that is to 1160
provide the particular notice that the notice not be provided to 1161
the victim. Unless the victim makes a request as described in this 1162
division, the prosecutor or custodial agency shall provide the 1163
notices required to be given to a victim under division (E)(2) or 1164
(K) of section 2929.20, division (D) of section 2930.16, division 1165
(H) of section 2967.12, division (E)(1)(b) of section 2967.19, 1166
division (A)(3)(b) of section 2967.26, division (D)(1) of section 1167
2967.28, or division (A)(2) of section 5149.101 of the Revised 1168
Code in any manner, and in accordance with the procedures, 1169
specified in the particular division. This division also applies 1170
to a victim's representative or a member of a victim's immediate 1171
family that is authorized to receive any of the notices specified 1172
in this division. 1173

(C) A person or agency that is required to furnish notice 1174
under this chapter shall give the notice to the victim at the 1175
address or telephone number provided to the person or agency by 1176
the victim. A victim who requests to receive notice under this 1177
chapter as described in division (B) of this section shall inform 1178
the person or agency of the name, address, or telephone number of 1179
the victim and of any change to that information. 1180

(D) A person or agency that has furnished information to a 1181

victim in accordance with any requirement or authorization under 1182
this chapter shall notify the victim promptly of any significant 1183
changes to that information. 1184

(E) Divisions (A) to (D) of this section do not apply 1185
regarding a notice that a prosecutor is required to provide under 1186
section 2930.061 of the Revised Code. A prosecutor required to 1187
provide notice under that section shall provide the notice as 1188
specified in that section. 1189

Sec. 2930.06. (A) The prosecutor in a case, to the extent 1190
practicable, shall confer with the victim in the case before 1191
pretrial diversion is granted to the defendant or alleged juvenile 1192
offender in the case, before amending or dismissing an indictment, 1193
information, or complaint against that defendant or alleged 1194
juvenile offender, before agreeing to a negotiated plea for that 1195
defendant or alleged juvenile offender, before a trial of that 1196
defendant by judge or jury, or before the juvenile court conducts 1197
an adjudicatory hearing for that alleged juvenile offender. If the 1198
juvenile court disposes of a case prior to the prosecutor's 1199
involvement in the case, the court or a court employee shall 1200
notify the victim in the case that the alleged juvenile offender 1201
will be granted pretrial diversion, the complaint against that 1202
alleged juvenile offender will be amended or dismissed, or the 1203
court will conduct an adjudicatory hearing for that alleged 1204
juvenile offender. If the prosecutor fails to confer with the 1205
victim at any of those times, the court, if informed of the 1206
failure, shall note on the record the failure and the prosecutor's 1207
reasons for the failure. A prosecutor's failure to confer with a 1208
victim as required by this division and a court's failure to 1209
provide the notice as required by this division do not affect the 1210
validity of an agreement between the prosecutor and the defendant 1211
or alleged juvenile offender in the case, a pretrial diversion of 1212
the defendant or alleged juvenile offender, an amendment or 1213

dismissal of an indictment, information, or complaint filed 1214
against the defendant or alleged juvenile offender, a plea entered 1215
by the defendant or alleged juvenile defender, an admission 1216
entered by the defendant or alleged juvenile offender, or any 1217
other disposition in the case. A court shall not dismiss a 1218
criminal complaint, charge, information, or indictment or a 1219
delinquent child complaint solely at the request of the victim and 1220
over the objection of the prosecuting attorney, village solicitor, 1221
city director of law, or other chief legal officer responsible for 1222
the prosecution of the case. 1223

(B) After a prosecution in a case has been commenced, the 1224
prosecutor or a designee of the prosecutor other than a court or 1225
court employee, to the extent practicable, promptly shall give the 1226
victim all of the following information, except that, if the 1227
juvenile court disposes of a case prior to the prosecutor's 1228
involvement in the case, the court or a court employee, to the 1229
extent practicable, promptly shall give the victim all of the 1230
following information: 1231

(1) The name of the crime or specified delinquent act with 1232
which the defendant or alleged juvenile offender in the case has 1233
been charged and the name of the defendant or alleged juvenile 1234
offender; 1235

(2) The file number of the case; 1236

(3) A brief statement regarding the procedural steps in a 1237
criminal prosecution or delinquency proceeding involving a crime 1238
or specified delinquent act similar to the crime or specified 1239
delinquent act with which the defendant or alleged juvenile 1240
offender has been charged and the right of the victim to be 1241
present during all proceedings held throughout the prosecution of 1242
the case; 1243

(4) A summary of the rights of a victim under this chapter; 1244

(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
notification not be provided.

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

(D) A victim who requests notice under division (C) of this
section and who elects pursuant to division (B) of section 2930.03
of the Revised Code to receive any further notice from the
prosecutor or, if it is a delinquency proceeding and a prosecutor
is not involved in the case, the court under this chapter shall

keep the prosecutor or the court informed of the victim's current 1276
address and telephone number until the case is dismissed or 1277
terminated, the defendant is acquitted or sentenced, the 1278
delinquent child complaint is dismissed, the defendant is 1279
adjudicated a delinquent child, or the appellate process is 1280
completed, whichever is the final disposition in the case. 1281

(E) If a defendant is charged with the commission of a 1282
misdemeanor offense that is not identified in division (A)(2) of 1283
section 2930.01 of the Revised Code and if a police report or a 1284
complaint, indictment, or information that charges the commission 1285
of that offense and provides the basis for a criminal prosecution 1286
of that defendant identifies one or more individuals as 1287
individuals against whom that offense was committed, after a 1288
prosecution in the case has been commenced, the prosecutor or a 1289
designee of the prosecutor other than a court or court employee, 1290
to the extent practicable, promptly shall notify each of the 1291
individuals so identified in the report, complaint, indictment, or 1292
information that, if the defendant is convicted of or pleads 1293
guilty to the offense, the individual may make an oral or written 1294
statement to the court hearing the case regarding the sentence to 1295
be imposed upon the defendant and that the court must consider any 1296
statement so made that is relevant. Before imposing sentence in 1297
the case, the court shall permit the individuals so identified in 1298
the report, complaint, indictment, or information to make an oral 1299
or written statement. Division (A) of section 2930.14 of the 1300
Revised Code applies regarding any statement so made. The court 1301
shall consider a statement so made, in accordance with division 1302
(B) of that section and division (D) of section 2929.22 of the 1303
Revised Code. 1304

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 1305
a case who has requested to receive notice under this section 1306
shall be given notice of the incarceration of the defendant. If an 1307

alleged juvenile offender is committed to the temporary custody of 1308
a school, camp, institution, or other facility operated for the 1309
care of delinquent children or to the legal custody of the 1310
department of youth services, a victim in a case who has requested 1311
to receive notice under this section shall be given notice of the 1312
commitment. Promptly after sentence is imposed upon the defendant 1313
or the commitment of the alleged juvenile offender is ordered, the 1314
prosecutor in the case shall notify the victim of the date on 1315
which the defendant will be released from confinement or the 1316
prosecutor's reasonable estimate of that date or the date on which 1317
the alleged juvenile offender will have served the minimum period 1318
of commitment or the prosecutor's reasonable estimate of that 1319
date. The prosecutor also shall notify the victim of the name of 1320
the custodial agency of the defendant or alleged juvenile offender 1321
and tell the victim how to contact that custodial agency. If the 1322
custodial agency is the department of rehabilitation and 1323
correction, the prosecutor shall notify the victim of the services 1324
offered by the office of victims' services pursuant to section 1325
5120.60 of the Revised Code. If the custodial agency is the 1326
department of youth services, the prosecutor shall notify the 1327
victim of the services provided by the office of victims' services 1328
within the release authority of the department pursuant to section 1329
5139.55 of the Revised Code and the victim's right pursuant to 1330
section 5139.56 of the Revised Code to submit a written request to 1331
the release authority to be notified of actions the release 1332
authority takes with respect to the alleged juvenile offender. The 1333
victim shall keep the custodial agency informed of the victim's 1334
current address and telephone number. 1335

(B)(1) Upon the victim's request or in accordance with 1336
division (D) of this section, the prosecutor promptly shall notify 1337
the victim of any hearing for judicial release of the defendant 1338
pursuant to section 2929.20 of the Revised Code, of any hearing 1339
for release of the defendant pursuant to section 2967.19 of the 1340

Revised Code, or of any hearing for judicial release or early 1341
release of the alleged juvenile offender pursuant to section 1342
2151.38 of the Revised Code and of the victim's right to make a 1343
statement under those sections. The court shall notify the victim 1344
of its ruling in each of those hearings and on each of those 1345
applications. 1346

(2) If an offender is sentenced to a prison term pursuant to 1347
division (A)(3) or (B) of section 2971.03 of the Revised Code, 1348
upon the request of the victim of the crime or in accordance with 1349
division (D) of this section, the prosecutor promptly shall notify 1350
the victim of any hearing to be conducted pursuant to section 1351
2971.05 of the Revised Code to determine whether to modify the 1352
requirement that the offender serve the entire prison term in a 1353
state correctional facility in accordance with division (C) of 1354
that section, whether to continue, revise, or revoke any existing 1355
modification of that requirement, or whether to terminate the 1356
prison term in accordance with division (D) of that section. The 1357
court shall notify the victim of any order issued at the 1358
conclusion of the hearing. 1359

(C) Upon the victim's request made at any time before the 1360
particular notice would be due or in accordance with division (D) 1361
of this section, the custodial agency of a defendant or alleged 1362
juvenile offender shall give the victim any of the following 1363
notices that is applicable: 1364

(1) At least ~~three weeks~~ sixty days before the adult parole 1365
authority recommends a pardon or commutation of sentence for the 1366
defendant or at least ~~three weeks~~ sixty days prior to a hearing 1367
before the adult parole authority regarding a grant of parole to 1368
the defendant, notice of the victim's right to submit a statement 1369
regarding the impact of the defendant's release in accordance with 1370
section 2967.12 of the Revised Code and, if applicable, of the 1371
victim's right to appear at a full board hearing of the parole 1372

board to give testimony as authorized by section 5149.101 of the Revised Code;

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

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

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

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

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

(7) Notice of the defendant's or alleged juvenile offender's

release from confinement or custody and the terms and conditions 1404
of the release. 1405

(D)(1) If a defendant is incarcerated for the commission of 1406
aggravated murder, murder, or an offense of violence that is a 1407
felony of the first, second, or third degree or is under a 1408
sentence of life imprisonment or if an alleged juvenile offender 1409
has been charged with the commission of an act that would be 1410
aggravated murder, murder, or an offense of violence that is a 1411
felony of the first, second, or third degree or be subject to a 1412
sentence of life imprisonment if committed by an adult, except as 1413
otherwise provided in this division, the notices described in 1414
divisions (B) and (C) of this section shall be given regardless of 1415
whether the victim has requested the notification. The notices 1416
described in divisions (B) and (C) of this section shall not be 1417
given under this division to a victim if the victim has requested 1418
pursuant to division (B)(2) of section 2930.03 of the Revised Code 1419
that the victim not be provided the notice. Regardless of whether 1420
the victim has requested that the notices described in division 1421
(C) of this section be provided or not be provided, the custodial 1422
agency shall give notice similar to those notices to the 1423
prosecutor in the case, to the sentencing court, to the law 1424
enforcement agency that arrested the defendant or alleged juvenile 1425
offender if any officer of that agency was a victim of the 1426
offense, and to any member of the victim's immediate family who 1427
requests notification. If the notice given under this division to 1428
the victim is based on an offense committed prior to the effective 1429
date of this amendment and if the prosecutor or custodial agency 1430
has not previously successfully provided any notice to the victim 1431
under this division or division (B) or (C) of this section with 1432
respect to that offense and the offender who committed it, the 1433
notice also shall inform the victim that the victim may request 1434
that the victim not be provided any further notices with respect 1435
to that offense and the offender who committed it and shall 1436

describe the procedure for making that request. If the notice 1437
given under this division to the victim pertains to a hearing 1438
regarding a grant of a parole to the defendant, the notice also 1439
shall inform the victim that the victim, a member of the victim's 1440
immediate family, or the victim's representative may request a 1441
victim conference, as described in division (E) of this section, 1442
and shall provide an explanation of a victim conference. 1443

The prosecutor or custodial agency may give the notices to 1444
which this division applies by any reasonable means, including 1445
regular mail, telephone, and electronic mail. If the prosecutor or 1446
custodial agency attempts to provide notice to a victim under this 1447
division but the attempt is unsuccessful because the prosecutor or 1448
custodial agency is unable to locate the victim, is unable to 1449
provide the notice by its chosen method because it cannot 1450
determine the mailing address, telephone number, or electronic 1451
mail address at which to provide the notice, or, if the notice is 1452
sent by mail, the notice is returned, the prosecutor or custodial 1453
agency shall make another attempt to provide the notice to the 1454
victim. If the second attempt is unsuccessful, the prosecutor or 1455
custodial agency shall make at least one more attempt to provide 1456
the notice. If the notice is based on an offense committed prior 1457
to the effective date of this amendment, in each attempt to 1458
provide the notice to the victim, the notice shall include the 1459
opt-out information described in the preceding paragraph. The 1460
prosecutor or custodial agency, in accordance with division (D)(2) 1461
of this section, shall keep a record of all attempts to provide 1462
the notice, and of all notices provided, under this division. 1463

Division (D)(1) of this section, and the notice-related 1464
provisions of divisions (E)(2) and (K) of section 2929.20, 1465
division (H) of section 2967.12, division (E)(1)(b) of section 1466
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 1467
section 2967.28, and division (A)(2) of section 5149.101 of the 1468

Revised Code enacted in the act in which division (D)(1) of this 1469
section was enacted, shall be known as "Roberta's Law." 1470

(2) Each prosecutor and custodial agency that attempts to 1471
give any notice to which division (D)(1) of this section applies 1472
shall keep a record of all attempts to give the notice. The record 1473
shall indicate the person who was to be the recipient of the 1474
notice, the date on which the attempt was made, the manner in 1475
which the attempt was made, and the person who made the attempt. 1476
If the attempt is successful and the notice is given, the record 1477
shall indicate that fact. The record shall be kept in a manner 1478
that allows public inspection of attempts and notices given to 1479
persons other than victims without revealing the names, addresses, 1480
or other identifying information relating to victims. The record 1481
of attempts and notices given to victims is not a public record, 1482
but the prosecutor or custodial agency shall provide upon request 1483
a copy of that record to a prosecuting attorney, judge, law 1484
enforcement agency, or member of the general assembly. The record 1485
of attempts and notices given to persons other than victims is a 1486
public record. A record kept under this division may be indexed by 1487
offender name, or in any other manner determined by the prosecutor 1488
or the custodial agency. Each prosecutor or custodial agency that 1489
is required to keep a record under this division shall determine 1490
the procedures for keeping the record and the manner in which it 1491
is to be kept, subject to the requirements of this division. 1492

(E) The adult parole authority shall adopt rules under 1493
Chapter 119. of the Revised Code providing for a victim 1494
conference, upon request of the victim, a member of the victim's 1495
immediate family, or the victim's representative, prior to a 1496
parole hearing in the case of a prisoner who is incarcerated for 1497
the commission of aggravated murder, murder, or an offense of 1498
violence that is a felony of the first, second, or third degree or 1499
is under a sentence of life imprisonment. The rules shall provide 1500

for, but not be limited to, all of the following: 1501

(1) Subject to division (E)(3) of this section, attendance by 1502
the victim, members of the victim's immediate family, the victim's 1503
representative, and, if practicable, other individuals; 1504

(2) Allotment of up to one hour for the conference; 1505

(3) A specification of the number of persons specified in 1506
division (E)(1) of this section who may be present at any single 1507
victim conference, if limited by the department pursuant to 1508
division (F) of this section. 1509

(F) The department may limit the number of persons specified 1510
in division (E)(1) of this section who may be present at any 1511
single victim conference, provided that the department shall not 1512
limit the number of persons who may be present at any single 1513
conference to fewer than three. If the department limits the 1514
number of persons who may be present at any single victim 1515
conference, the department shall permit and schedule, upon request 1516
of the victim, a member of the victim's immediate family, or the 1517
victim's representative, multiple victim conferences for the 1518
persons specified in division (E)(1) of this section. 1519

(G) As used in this section, "victim's immediate family" has 1520
the same meaning as in section 2967.12 of the Revised Code. 1521

Sec. 2950.01. As used in this chapter, unless the context 1522
clearly requires otherwise: 1523

(A) "Sexually oriented offense" means any of the following 1524
violations or offenses committed by a person, regardless of the 1525
person's age: 1526

(1) A violation of section 2907.02, 2907.03, 2907.05, 1527
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 1528
2907.322, or 2907.323 of the Revised Code; 1529

(2) A violation of section 2907.04 of the Revised Code when 1530

the offender is less than four years older than the other person 1531
with whom the offender engaged in sexual conduct, the other person 1532
did not consent to the sexual conduct, and the offender previously 1533
has not been convicted of or pleaded guilty to a violation of 1534
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1535
violation of former section 2907.12 of the Revised Code; 1536

(3) A violation of section 2907.04 of the Revised Code when 1537
the offender is at least four years older than the other person 1538
with whom the offender engaged in sexual conduct or when the 1539
offender is less than four years older than the other person with 1540
whom the offender engaged in sexual conduct and the offender 1541
previously has been convicted of or pleaded guilty to a violation 1542
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1543
violation of former section 2907.12 of the Revised Code; 1544

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1545
the Revised Code when the violation was committed with a sexual 1546
motivation; 1547

(5) A violation of division (A) of section 2903.04 of the 1548
Revised Code when the offender committed or attempted to commit 1549
the felony that is the basis of the violation with a sexual 1550
motivation; 1551

(6) A violation of division (A)(3) of section 2903.211 of the 1552
Revised Code; 1553

(7) A violation of division (A)(1), (2), (3), or (5) of 1554
section 2905.01 of the Revised Code when the offense is committed 1555
with a sexual motivation; 1556

(8) A violation of division (A)(4) of section 2905.01 of the 1557
Revised Code; 1558

(9) A violation of division (B) of section 2905.01 of the 1559
Revised Code when the victim of the offense is under eighteen 1560
years of age and the offender is not a parent of the victim of the 1561

offense; 1562

(10) A violation of division (B) of section 2903.03, of 1563
division (B) of section 2905.02, of division (B) of section 1564
2905.03, of division (B) of section 2905.05, or of division (B)(5) 1565
of section 2919.22 of the Revised Code; 1566

(11) A violation of section 2905.32 of the Revised Code when 1567
the offender knowingly recruited, lured, enticed, isolated, 1568
harbored, transported, provided, obtained, or maintained, or 1569
knowingly attempted to recruit, lure, entice, isolate, harbor, 1570
transport, provide, obtain, or maintain, another person knowing 1571
that the person would be compelled to engage in sexual activity 1572
for hire, engage in a performance that was obscene, sexually 1573
oriented, or nudity oriented, or be a model or participant in the 1574
production of material that was obscene, sexually oriented, or 1575
nudity oriented; 1576

(12) A violation of any former law of this state, any 1577
existing or former municipal ordinance or law of another state or 1578
the United States, any existing or former law applicable in a 1579
military court or in an Indian tribal court, or any existing or 1580
former law of any nation other than the United States that is or 1581
was substantially equivalent to any offense listed in division 1582
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of 1583
this section; 1584

(13) Any attempt to commit, conspiracy to commit, or 1585
complicity in committing any offense listed in division (A)(1), 1586
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of 1587
this section. 1588

(B)(1) "Sex offender" means, subject to division (B)(2) of 1589
this section, a person who is convicted of, pleads guilty to, has 1590
been convicted of, has pleaded guilty to, is adjudicated a 1591
delinquent child for committing, or has been adjudicated a 1592

delinquent child for committing any sexually oriented offense. 1593

(2) "Sex offender" does not include a person who is convicted 1594
of, pleads guilty to, has been convicted of, has pleaded guilty 1595
to, is adjudicated a delinquent child for committing, or has been 1596
adjudicated a delinquent child for committing a sexually oriented 1597
offense if the offense involves consensual sexual conduct or 1598
consensual sexual contact and either of the following applies: 1599

(a) The victim of the sexually oriented offense was eighteen 1600
years of age or older and at the time of the sexually oriented 1601
offense was not under the custodial authority of the person who is 1602
convicted of, pleads guilty to, has been convicted of, has pleaded 1603
guilty to, is adjudicated a delinquent child for committing, or 1604
has been adjudicated a delinquent child for committing the 1605
sexually oriented offense. 1606

(b) The victim of the offense was thirteen years of age or 1607
older, and the person who is convicted of, pleads guilty to, has 1608
been convicted of, has pleaded guilty to, is adjudicated a 1609
delinquent child for committing, or has been adjudicated a 1610
delinquent child for committing the sexually oriented offense is 1611
not more than four years older than the victim. 1612

(C) "Child-victim oriented offense" means any of the 1613
following violations or offenses committed by a person, regardless 1614
of the person's age, when the victim is under eighteen years of 1615
age and is not a child of the person who commits the violation: 1616

(1) A violation of division (A)(1), (2), (3), or (5) of 1617
section 2905.01 of the Revised Code when the violation is not 1618
included in division (A)(7) of this section; 1619

(2) A violation of division (A) of section 2905.02, division 1620
(A) of section 2905.03, or division (A) of section 2905.05 of the 1621
Revised Code; 1622

(3) A violation of any former law of this state, any existing 1623

or former municipal ordinance or law of another state or the 1624
United States, any existing or former law applicable in a military 1625
court or in an Indian tribal court, or any existing or former law 1626
of any nation other than the United States that is or was 1627
substantially equivalent to any offense listed in division (C)(1) 1628
or (2) of this section; 1629

(4) Any attempt to commit, conspiracy to commit, or 1630
complicity in committing any offense listed in division (C)(1), 1631
(2), or (3) of this section. 1632

(D) "Child-victim offender" means a person who is convicted 1633
of, pleads guilty to, has been convicted of, has pleaded guilty 1634
to, is adjudicated a delinquent child for committing, or has been 1635
adjudicated a delinquent child for committing any child-victim 1636
oriented offense. 1637

(E) "Tier I sex offender/child-victim offender" means any of 1638
the following: 1639

(1) A sex offender who is convicted of, pleads guilty to, has 1640
been convicted of, or has pleaded guilty to any of the following 1641
sexually oriented offenses: 1642

(a) A violation of section 2907.06, 2907.07, 2907.08, 1643
2907.22, or 2907.32 of the Revised Code; 1644

(b) A violation of section 2907.04 of the Revised Code when 1645
the offender is less than four years older than the other person 1646
with whom the offender engaged in sexual conduct, the other person 1647
did not consent to the sexual conduct, and the offender previously 1648
has not been convicted of or pleaded guilty to a violation of 1649
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1650
violation of former section 2907.12 of the Revised Code; 1651

(c) A violation of division (A)(1), (2), (3), or (5) of 1652
section 2907.05 of the Revised Code; 1653

(d) A violation of division (A)(3) of section 2907.323 of the Revised Code; 1654
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(e) A violation of division (A)(3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 1656
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(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E)(1)(a), (b), (c), (d), or (e) of this section; 1659
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(g) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E)(1)(a), (b), (c), (d), (e), or (f) of this section. 1666
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section. 1669
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(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense. 1674
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(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex 1680
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offender/child-victim offender relative to the offense. 1685

(F) "Tier II sex offender/child-victim offender" means any of 1686
the following: 1687

(1) A sex offender who is convicted of, pleads guilty to, has 1688
been convicted of, or has pleaded guilty to any of the following 1689
sexually oriented offenses: 1690

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 1691
the Revised Code; 1692

(b) A violation of section 2907.04 of the Revised Code when 1693
the offender is at least four years older than the other person 1694
with whom the offender engaged in sexual conduct, or when the 1695
offender is less than four years older than the other person with 1696
whom the offender engaged in sexual conduct and the offender 1697
previously has been convicted of or pleaded guilty to a violation 1698
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 1699
former section 2907.12 of the Revised Code; 1700

(c) A violation of division (A)(4) of section 2907.05 or of 1701
division (A)(1) or (2) of section 2907.323 of the Revised Code; 1702

(d) A violation of division (A)(1), (2), (3), or (5) of 1703
section 2905.01 of the Revised Code when the offense is committed 1704
with a sexual motivation; 1705

(e) A violation of division (A)(4) of section 2905.01 of the 1706
Revised Code when the victim of the offense is eighteen years of 1707
age or older; 1708

(f) A violation of division (B) of section 2905.02 or of 1709
division (B)(5) of section 2919.22 of the Revised Code; 1710

(g) A violation of section 2905.32 of the Revised Code when 1711
the offender knowingly recruited, lured, enticed, isolated, 1712
harbored, transported, provided, obtained, or maintained, or 1713
knowingly attempted to recruit, lure, entice, isolate, harbor, 1714

transport, provide, obtain, or maintain, another person knowing 1715
that the person would be compelled to engage in sexual activity 1716
for hire, engage in a performance that was obscene, sexually 1717
oriented, or nudity oriented, or be a model or participant in the 1718
production of material that was obscene, sexually oriented, or 1719
nudity oriented; 1720

(h) A violation of any former law of this state, any existing 1721
or former municipal ordinance or law of another state or the 1722
United States, any existing or former law applicable in a military 1723
court or in an Indian tribal court, or any existing or former law 1724
of any nation other than the United States that is or was 1725
substantially equivalent to any offense listed in division 1726
(F)(1)(a), (b), (c), (d), (e), (f), or (g) of this section; 1727

(i) Any attempt to commit, conspiracy to commit, or 1728
complicity in committing any offense listed in division (F)(1)(a), 1729
(b), (c), (d), (e), (f), (g), or (h) of this section; 1730

(j) Any sexually oriented offense that is committed after the 1731
sex offender previously has been convicted of, pleaded guilty to, 1732
or has been adjudicated a delinquent child for committing any 1733
sexually oriented offense or child-victim oriented offense for 1734
which the offender was classified a tier I sex 1735
offender/child-victim offender. 1736

(2) A child-victim offender who is convicted of, pleads 1737
guilty to, has been convicted of, or has pleaded guilty to any 1738
child-victim oriented offense when the child-victim oriented 1739
offense is committed after the child-victim offender previously 1740
has been convicted of, pleaded guilty to, or been adjudicated a 1741
delinquent child for committing any sexually oriented offense or 1742
child-victim oriented offense for which the offender was 1743
classified a tier I sex offender/child-victim offender. 1744

(3) A sex offender who is adjudicated a delinquent child for 1745

committing or has been adjudicated a delinquent child for 1746
committing any sexually oriented offense and who a juvenile court, 1747
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1748
Revised Code, classifies a tier II sex offender/child-victim 1749
offender relative to the offense. 1750

(4) A child-victim offender who is adjudicated a delinquent 1751
child for committing or has been adjudicated a delinquent child 1752
for committing any child-victim oriented offense and whom a 1753
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1754
2152.85 of the Revised Code, classifies a tier II sex 1755
offender/child-victim offender relative to the current offense. 1756

(5) A sex offender or child-victim offender who is not in any 1757
category of tier II sex offender/child-victim offender set forth 1758
in division (F)(1), (2), (3), or (4) of this section, who prior to 1759
January 1, 2008, was adjudicated a delinquent child for committing 1760
a sexually oriented offense or child-victim oriented offense, and 1761
who prior to that date was determined to be a habitual sex 1762
offender or determined to be a habitual child-victim offender, 1763
unless either of the following applies: 1764

(a) The sex offender or child-victim offender is reclassified 1765
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1766
tier I sex offender/child-victim offender or a tier III sex 1767
offender/child-victim offender relative to the offense. 1768

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 1769
2152.84, or 2152.85 of the Revised Code, classifies the child a 1770
tier I sex offender/child-victim offender or a tier III sex 1771
offender/child-victim offender relative to the offense. 1772

(G) "Tier III sex offender/child-victim offender" means any 1773
of the following: 1774

(1) A sex offender who is convicted of, pleads guilty to, has 1775
been convicted of, or has pleaded guilty to any of the following 1776

sexually oriented offenses: 1777

(a) A violation of section 2907.02 or 2907.03 of the Revised 1778
Code; 1779

(b) A violation of division (B) of section 2907.05 of the 1780
Revised Code; 1781

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1782
the Revised Code when the violation was committed with a sexual 1783
motivation; 1784

(d) A violation of division (A) of section 2903.04 of the 1785
Revised Code when the offender committed or attempted to commit 1786
the felony that is the basis of the violation with a sexual 1787
motivation; 1788

(e) A violation of division (A)(4) of section 2905.01 of the 1789
Revised Code when the victim of the offense is under eighteen 1790
years of age; 1791

(f) A violation of division (B) of section 2905.01 of the 1792
Revised Code when the victim of the offense is under eighteen 1793
years of age and the offender is not a parent of the victim of the 1794
offense; 1795

(g) A violation of division (B) of section 2903.03 of the 1796
Revised Code; 1797

(h) A violation of any former law of this state, any existing 1798
or former municipal ordinance or law of another state or the 1799
United States, any existing or former law applicable in a military 1800
court or in an Indian tribal court, or any existing or former law 1801
of any nation other than the United States that is or was 1802
substantially equivalent to any offense listed in division 1803
(G)(1)(a), (b), (c), (d), (e), ~~or~~ (f), or (g) of this section; 1804

~~(h)~~ (i) Any attempt to commit, conspiracy to commit, or 1805
complicity in committing any offense listed in division (G)(1)(a), 1806

(b), (c), (d), (e), (f), ~~or~~ (g), or (h) of this section; 1807

~~(i)~~(j) Any sexually oriented offense that is committed after 1808
the sex offender previously has been convicted of, pleaded guilty 1809
to, or been adjudicated a delinquent child for committing any 1810
sexually oriented offense or child-victim oriented offense for 1811
which the offender was classified a tier II sex 1812
offender/child-victim offender or a tier III sex 1813
offender/child-victim offender. 1814

(2) A child-victim offender who is convicted of, pleads 1815
guilty to, has been convicted of, or has pleaded guilty to any 1816
child-victim oriented offense when the child-victim oriented 1817
offense is committed after the child-victim offender previously 1818
has been convicted of, pleaded guilty to, or been adjudicated a 1819
delinquent child for committing any sexually oriented offense or 1820
child-victim oriented offense for which the offender was 1821
classified a tier II sex offender/child-victim offender or a tier 1822
III sex offender/child-victim offender. 1823

(3) A sex offender who is adjudicated a delinquent child for 1824
committing or has been adjudicated a delinquent child for 1825
committing any sexually oriented offense and who a juvenile court, 1826
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1827
Revised Code, classifies a tier III sex offender/child-victim 1828
offender relative to the offense. 1829

(4) A child-victim offender who is adjudicated a delinquent 1830
child for committing or has been adjudicated a delinquent child 1831
for committing any child-victim oriented offense and whom a 1832
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1833
2152.85 of the Revised Code, classifies a tier III sex 1834
offender/child-victim offender relative to the current offense. 1835

(5) A sex offender or child-victim offender who is not in any 1836
category of tier III sex offender/child-victim offender set forth 1837

in division (G)(1), (2), (3), or (4) of this section, who prior to
January 1, 2008, was convicted of or pleaded guilty to a sexually
oriented offense or child-victim oriented offense or was
adjudicated a delinquent child for committing a sexually oriented
offense or child-victim oriented offense and classified a juvenile
offender registrant, and who prior to that date was adjudicated a
sexual predator or adjudicated a child-victim predator, unless
either of the following applies:

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

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

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

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

(a) Under the law of the jurisdiction in which the offender 1869
was convicted or pleaded guilty or the delinquent child was 1870
adjudicated, the offender or delinquent child is in a category 1871
substantially equivalent to a category of tier III sex 1872
offender/child-victim offender described in division (G)(1), (2), 1873
(3), (4), (5), or (6) of this section. 1874

(b) Subsequent to the conviction, plea of guilty, or 1875
adjudication in the other jurisdiction, the offender or delinquent 1876
child resides, has temporary domicile, attends school or an 1877
institution of higher education, is employed, or intends to reside 1878
in this state in any manner and for any period of time that 1879
subjects the offender or delinquent child to a duty to register or 1880
provide notice of intent to reside under section 2950.04 or 1881
2950.041 of the Revised Code. 1882

(H) "Confinement" includes, but is not limited to, a 1883
community residential sanction imposed pursuant to section 2929.16 1884
or 2929.26 of the Revised Code. 1885

(I) "Prosecutor" has the same meaning as in section 2935.01 1886
of the Revised Code. 1887

(J) "Supervised release" means a release of an offender from 1888
a prison term, a term of imprisonment, or another type of 1889
confinement that satisfies either of the following conditions: 1890

(1) The release is on parole, a conditional pardon, under a 1891
community control sanction, under transitional control, or under a 1892
post-release control sanction, and it requires the person to 1893
report to or be supervised by a parole officer, probation officer, 1894
field officer, or another type of supervising officer. 1895

(2) The release is any type of release that is not described 1896
in division (J)(1) of this section and that requires the person to 1897
report to or be supervised by a probation officer, a parole 1898
officer, a field officer, or another type of supervising officer. 1899

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

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

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

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

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

(a) A violation of section 2907.02 of the Revised Code, 1931
division (B) of section 2907.05 of the Revised Code, or section 1932
2907.03 of the Revised Code if the victim of the violation was 1933
less than twelve years of age; 1934

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1935
the Revised Code that was committed with a purpose to gratify the 1936
sexual needs or desires of the child; 1937

(c) A violation of division (B) of section 2903.03 of the 1938
Revised Code. 1939

(2) The person was fourteen, fifteen, sixteen, or seventeen 1940
years of age at the time of committing the act. 1941

(3) A juvenile court judge, pursuant to an order issued under 1942
section 2152.86 of the Revised Code, classifies the person a 1943
juvenile offender registrant, specifies the person has a duty to 1944
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1945
Code, and classifies the person a public registry-qualified 1946
juvenile offender registrant, and the classification of the person 1947
as a public registry-qualified juvenile offender registrant has 1948
not been terminated pursuant to division (D) of section 2152.86 of 1949
the Revised Code. 1950

(O) "Secure facility" means any facility that is designed and 1951
operated to ensure that all of its entrances and exits are locked 1952
and under the exclusive control of its staff and to ensure that, 1953
because of that exclusive control, no person who is 1954
institutionalized or confined in the facility may leave the 1955
facility without permission or supervision. 1956

(P) "Out-of-state juvenile offender registrant" means a 1957
person who is adjudicated a delinquent child in a court in another 1958
state, in a federal court, military court, or Indian tribal court, 1959
or in a court in any nation other than the United States for 1960
committing a sexually oriented offense or a child-victim oriented 1961

offense, who on or after January 1, 2002, moves to and resides in 1962
this state or temporarily is domiciled in this state for more than 1963
five days, and who has a duty under section 2950.04 or 2950.041 of 1964
the Revised Code to register in this state and the duty to 1965
otherwise comply with that applicable section and sections 2950.05 1966
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1967
registrant" includes a person who prior to January 1, 2008, was an 1968
"out-of-state juvenile offender registrant" under the definition 1969
of the term in existence prior to January 1, 2008, and a person 1970
who prior to July 31, 2003, was an "out-of-state juvenile sex 1971
offender registrant" under the former definition of that former 1972
term. 1973

(Q) "Juvenile court judge" includes a magistrate to whom the 1974
juvenile court judge confers duties pursuant to division (A)(15) 1975
of section 2151.23 of the Revised Code. 1976

(R) "Adjudicated a delinquent child for committing a sexually 1977
oriented offense" includes a child who receives a serious youthful 1978
offender dispositional sentence under section 2152.13 of the 1979
Revised Code for committing a sexually oriented offense. 1980

(S) "School" and "school premises" have the same meanings as 1981
in section 2925.01 of the Revised Code. 1982

(T) "Residential premises" means the building in which a 1983
residential unit is located and the grounds upon which that 1984
building stands, extending to the perimeter of the property. 1985
"Residential premises" includes any type of structure in which a 1986
residential unit is located, including, but not limited to, 1987
multi-unit buildings and mobile and manufactured homes. 1988

(U) "Residential unit" means a dwelling unit for residential 1989
use and occupancy, and includes the structure or part of a 1990
structure that is used as a home, residence, or sleeping place by 1991
one person who maintains a household or two or more persons who 1992

maintain a common household. "Residential unit" does not include a 1993
halfway house or a community-based correctional facility. 1994

(V) "Multi-unit building" means a building in which is 1995
located more than twelve residential units that have entry doors 1996
that open directly into the unit from a hallway that is shared 1997
with one or more other units. A residential unit is not considered 1998
located in a multi-unit building if the unit does not have an 1999
entry door that opens directly into the unit from a hallway that 2000
is shared with one or more other units or if the unit is in a 2001
building that is not a multi-unit building as described in this 2002
division. 2003

(W) "Community control sanction" has the same meaning as in 2004
section 2929.01 of the Revised Code. 2005

(X) "Halfway house" and "community-based correctional 2006
facility" have the same meanings as in section 2929.01 of the 2007
Revised Code. 2008

Sec. 2951.041. (A)(1) If an offender is charged with a 2009
criminal offense, including but not limited to a violation of 2010
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 2011
the Revised Code, and the court has reason to believe that drug or 2012
alcohol usage by the offender was a factor leading to the criminal 2013
offense with which the offender is charged or that, at the time of 2014
committing that offense, the offender had a mental illness or was 2015
a person with intellectual disability and that the mental illness 2016
or status as a person with intellectual disability was a factor 2017
leading to the offender's criminal behavior, the court may accept, 2018
prior to the entry of a guilty plea, the offender's request for 2019
intervention in lieu of conviction. The request shall include a 2020
statement from the offender as to whether the offender is alleging 2021
that drug or alcohol usage by the offender was a factor leading to 2022
the criminal offense with which the offender is charged or is 2023

alleging that, at the time of committing that offense, the
offender had a mental illness or was a person with intellectual
disability and that the mental illness or status as a person with
intellectual disability was a factor leading to the criminal
offense with which the offender is charged. The request also shall
include a waiver of the defendant's right to a speedy trial, the
preliminary hearing, the time period within which the grand jury
may consider an indictment against the offender, and arraignment,
unless the hearing, indictment, or arraignment has already
occurred. The court may reject an offender's request without a
hearing. If the court elects to consider an offender's request,
the court shall conduct a hearing to determine whether the
offender is eligible under this section for intervention in lieu
of conviction and shall stay all criminal proceedings pending the
outcome of the hearing. If the court schedules a hearing, the
court shall order an assessment of the offender for the purpose of
determining the offender's eligibility for intervention in lieu of
conviction and recommending an appropriate intervention plan.

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

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

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

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

(2) The offense is not a felony of the first, second, or
third degree, is not an offense of violence, is not a violation of
division (A)(1) or (2) of section 2903.06 of the Revised Code, is
not a violation of division (A)(1) of section 2903.08 of the
Revised Code, is not a violation of division (A) of section
4511.19 of the Revised Code or a municipal ordinance that is
substantially similar to that division, and is not an offense for
which a sentencing court is required to impose a mandatory prison
term, a mandatory term of local incarceration, or a mandatory term
of imprisonment in a jail.

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

(4) If an offender alleges that drug or alcohol usage by the
offender was a factor leading to the criminal offense with which
the offender is charged, the court has ordered that the offender
be assessed by a program certified pursuant to section 3793.06 of
the Revised Code or a properly credentialed professional for the

purpose of determining the offender's eligibility for intervention 2088
in lieu of conviction and recommending an appropriate intervention 2089
plan, the offender has been assessed by a program of that nature 2090
or a properly credentialed professional in accordance with the 2091
court's order, and the program or properly credentialed 2092
professional has filed the written assessment of the offender with 2093
the court. 2094

(5) If an offender alleges that, at the time of committing 2095
the criminal offense with which the offender is charged, the 2096
offender had a mental illness or was a person with intellectual 2097
disability and that the mental illness or status as a person with 2098
intellectual disability was a factor leading to that offense, the 2099
offender has been assessed by a psychiatrist, psychologist, 2100
independent social worker, or professional clinical counselor for 2101
the purpose of determining the offender's eligibility for 2102
intervention in lieu of conviction and recommending an appropriate 2103
intervention plan. 2104

(6) The offender's drug usage, alcohol usage, mental illness, 2105
or intellectual disability, whichever is applicable, was a factor 2106
leading to the criminal offense with which the offender is 2107
charged, intervention in lieu of conviction would not demean the 2108
seriousness of the offense, and intervention would substantially 2109
reduce the likelihood of any future criminal activity. 2110

(7) The alleged victim of the offense was not sixty-five 2111
years of age or older, permanently and totally disabled, under 2112
thirteen years of age, or a peace officer engaged in the officer's 2113
official duties at the time of the alleged offense. 2114

(8) If the offender is charged with a violation of section 2115
2925.24 of the Revised Code, the alleged violation did not result 2116
in physical harm to any person, and the offender previously has 2117
not been treated for drug abuse. 2118

(9) The offender is willing to comply with all terms and 2119
conditions imposed by the court pursuant to division (D) of this 2120
section. 2121

(10) The offender is not charged with an offense that would 2122
result in the offender being disqualified under Chapter 4506. of 2123
the Revised Code from operating a commercial motor vehicle or 2124
would subject the offender to any other sanction under that 2125
chapter. 2126

(C) At the conclusion of a hearing held pursuant to division 2127
(A) of this section, the court shall enter its determination as to 2128
whether the offender is eligible for intervention in lieu of 2129
conviction and as to whether to grant the offender's request. If 2130
the court finds under division (B) of this section that the 2131
offender is eligible for intervention in lieu of conviction and 2132
grants the offender's request, the court shall accept the 2133
offender's plea of guilty and waiver of the defendant's right to a 2134
speedy trial, the preliminary hearing, the time period within 2135
which the grand jury may consider an indictment against the 2136
offender, and arraignment, unless the hearing, indictment, or 2137
arraignment has already occurred. In addition, the court then may 2138
stay all criminal proceedings and order the offender to comply 2139
with all terms and conditions imposed by the court pursuant to 2140
division (D) of this section. If the court finds that the offender 2141
is not eligible or does not grant the offender's request, the 2142
criminal proceedings against the offender shall proceed as if the 2143
offender's request for intervention in lieu of conviction had not 2144
been made. 2145

(D) If the court grants an offender's request for 2146
intervention in lieu of conviction, the court shall place the 2147
offender under the general control and supervision of the county 2148
probation department, the adult parole authority, or another 2149
appropriate local probation or court services agency, if one 2150

exists, as if the offender was subject to a community control 2151
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 2152
Revised Code. The court shall establish an intervention plan for 2153
the offender. The terms and conditions of the intervention plan 2154
shall require the offender, for at least one year from the date on 2155
which the court grants the order of intervention in lieu of 2156
conviction, to abstain from the use of illegal drugs and alcohol, 2157
to participate in treatment and recovery support services, and to 2158
submit to regular random testing for drug and alcohol use and may 2159
include any other treatment terms and conditions, or terms and 2160
conditions similar to community control sanctions, which may 2161
include community service or restitution, that are ordered by the 2162
court. 2163

(E) If the court grants an offender's request for 2164
intervention in lieu of conviction and the court finds that the 2165
offender has successfully completed the intervention plan for the 2166
offender, including the requirement that the offender abstain from 2167
using illegal drugs and alcohol for a period of at least one year 2168
from the date on which the court granted the order of intervention 2169
in lieu of conviction, the requirement that the offender 2170
participate in treatment and recovery support services, and all 2171
other terms and conditions ordered by the court, the court shall 2172
dismiss the proceedings against the offender. Successful 2173
completion of the intervention plan and period of abstinence under 2174
this section shall be without adjudication of guilt and is not a 2175
criminal conviction for purposes of any disqualification or 2176
disability imposed by law and upon conviction of a crime, and the 2177
court may order the sealing of records related to the offense in 2178
question in the manner provided in sections 2953.31 to 2953.36 of 2179
the Revised Code. 2180

(F) If the court grants an offender's request for 2181
intervention in lieu of conviction and the offender fails to 2182

comply with any term or condition imposed as part of the 2183
intervention plan for the offender, the supervising authority for 2184
the offender promptly shall advise the court of this failure, and 2185
the court shall hold a hearing to determine whether the offender 2186
failed to comply with any term or condition imposed as part of the 2187
plan. If the court determines that the offender has failed to 2188
comply with any of those terms and conditions, it shall enter a 2189
finding of guilty and shall impose an appropriate sanction under 2190
Chapter 2929. of the Revised Code. If the court sentences the 2191
offender to a prison term, the court, after consulting with the 2192
department of rehabilitation and correction regarding the 2193
availability of services, may order continued court-supervised 2194
activity and treatment of the offender during the prison term and, 2195
upon consideration of reports received from the department 2196
concerning the offender's progress in the program of activity and 2197
treatment, may consider judicial release under section 2929.20 of 2198
the Revised Code. 2199

(G) As used in this section: 2200

(1) "Community control sanction" has the same meaning as in 2201
section 2929.01 of the Revised Code. 2202

(2) "Intervention in lieu of conviction" means any 2203
court-supervised activity that complies with this section. 2204

(3) "Peace officer" has the same meaning as in section 2205
2935.01 of the Revised Code. 2206

(4) "Mental illness" and "psychiatrist" have the same 2207
meanings as in section 5122.01 of the Revised Code. 2208

(5) "Person with intellectual disability" means a person 2209
having significantly subaverage general intellectual functioning 2210
existing concurrently with deficiencies in adaptive behavior, 2211
manifested during the developmental period. 2212

(6) "Psychologist" has the same meaning as in section 4732.01 2213

of the Revised Code. 2214

(H) Whenever the term "mentally retarded person" is used in 2215
any statute, rule, contract, grant, or other document, the 2216
reference shall be deemed to include a "person with intellectual 2217
disability," as defined in this section. 2218

Sec. 2953.08. (A) In addition to any other right to appeal 2219
and except as provided in division (D) of this section, a 2220
defendant who is convicted of or pleads guilty to a felony may 2221
appeal as a matter of right the sentence imposed upon the 2222
defendant on one of the following grounds: 2223

(1) The sentence consisted of or included the maximum prison 2224
term allowed for the offense by division (A) of section 2929.14 or 2225
section 2929.142 of the Revised Code, the maximum prison term was 2226
not required for the offense pursuant to Chapter 2925. or any 2227
other provision of the Revised Code, and the court imposed the 2228
sentence under one of the following circumstances: 2229

(a) The sentence was imposed for only one offense. 2230

(b) The sentence was imposed for two or more offenses arising 2231
out of a single incident, and the court imposed the maximum prison 2232
term for the offense of the highest degree. 2233

(2) The sentence consisted of or included a prison term, and 2234
the offense for which it was imposed is a felony of the fourth or 2235
fifth degree or is a felony drug offense that is a violation of a 2236
provision of Chapter 2925. of the Revised Code and that is 2237
specified as being subject to division (B) of section 2929.13 of 2238
the Revised Code for purposes of sentencing, ~~and the court did not~~ 2239
~~specify at sentencing that it found one or more factors specified~~ 2240
~~in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised~~ 2241
~~Code to apply relative to the defendant.~~ If the court specifies 2242
that it found one or more of ~~these~~ the factors in division 2243

(B)(1)(b) of section 2929.13 of the Revised Code to apply relative 2244
to the defendant, the defendant is not entitled under this 2245
division to appeal as a matter of right the sentence imposed upon 2246
the offender. 2247

(3) The person was convicted of or pleaded guilty to a 2248
violent sex offense or a designated homicide, assault, or 2249
kidnapping offense, was adjudicated a sexually violent predator in 2250
relation to that offense, and was sentenced pursuant to division 2251
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 2252
of the indefinite term imposed pursuant to division (A)(3) of 2253
section 2971.03 of the Revised Code is the longest term available 2254
for the offense from among the range of terms listed in section 2255
2929.14 of the Revised Code. As used in this division, "designated 2256
homicide, assault, or kidnapping offense" and "violent sex 2257
offense" have the same meanings as in section 2971.01 of the 2258
Revised Code. As used in this division, "adjudicated a sexually 2259
violent predator" has the same meaning as in section 2929.01 of 2260
the Revised Code, and a person is "adjudicated a sexually violent 2261
predator" in the same manner and the same circumstances as are 2262
described in that section. 2263

(4) The sentence is contrary to law. 2264

(5) The sentence consisted of an additional prison term of 2265
ten years imposed pursuant to division (B)(2)(a) of section 2266
2929.14 of the Revised Code. 2267

(B) In addition to any other right to appeal and except as 2268
provided in division (D) of this section, a prosecuting attorney, 2269
a city director of law, village solicitor, or similar chief legal 2270
officer of a municipal corporation, or the attorney general, if 2271
one of those persons prosecuted the case, may appeal as a matter 2272
of right a sentence imposed upon a defendant who is convicted of 2273
or pleads guilty to a felony or, in the circumstances described in 2274
division (B)(3) of this section the modification of a sentence 2275

imposed upon such a defendant, on any of the following grounds: 2276

(1) The sentence did not include a prison term despite a 2277
presumption favoring a prison term for the offense for which it 2278
was imposed, as set forth in section 2929.13 or Chapter 2925. of 2279
the Revised Code. 2280

(2) The sentence is contrary to law. 2281

(3) The sentence is a modification under section 2929.20 of 2282
the Revised Code of a sentence that was imposed for a felony of 2283
the first or second degree. 2284

(C)(1) In addition to the right to appeal a sentence granted 2285
under division (A) or (B) of this section, a defendant who is 2286
convicted of or pleads guilty to a felony may seek leave to appeal 2287
a sentence imposed upon the defendant on the basis that the 2288
sentencing judge has imposed consecutive sentences under division 2289
(C)(3) of section 2929.14 of the Revised Code and that the 2290
consecutive sentences exceed the maximum prison term allowed by 2291
division (A) of that section for the most serious offense of which 2292
the defendant was convicted. Upon the filing of a motion under 2293
this division, the court of appeals may grant leave to appeal the 2294
sentence if the court determines that the allegation included as 2295
the basis of the motion is true. 2296

(2) A defendant may seek leave to appeal an additional 2297
sentence imposed upon the defendant pursuant to division (B)(2)(a) 2298
or (b) of section 2929.14 of the Revised Code if the additional 2299
sentence is for a definite prison term that is longer than five 2300
years. 2301

(D)(1) A sentence imposed upon a defendant is not subject to 2302
review under this section if the sentence is authorized by law, 2303
has been recommended jointly by the defendant and the prosecution 2304
in the case, and is imposed by a sentencing judge. 2305

(2) Except as provided in division (C)(2) of this section, a 2306

sentence imposed upon a defendant is not subject to review under 2307
this section if the sentence is imposed pursuant to division 2308
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 2309
otherwise provided in this division, a defendant retains all 2310
rights to appeal as provided under this chapter or any other 2311
provision of the Revised Code. A defendant has the right to appeal 2312
under this chapter or any other provision of the Revised Code the 2313
court's application of division (B)(2)(c) of section 2929.14 of 2314
the Revised Code. 2315

(3) A sentence imposed for aggravated murder or murder 2316
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 2317
subject to review under this section. 2318

(E) A defendant, prosecuting attorney, city director of law, 2319
village solicitor, or chief municipal legal officer shall file an 2320
appeal of a sentence under this section to a court of appeals 2321
within the time limits specified in Rule 4(B) of the Rules of 2322
Appellate Procedure, provided that if the appeal is pursuant to 2323
division (B)(3) of this section, the time limits specified in that 2324
rule shall not commence running until the court grants the motion 2325
that makes the sentence modification in question. A sentence 2326
appeal under this section shall be consolidated with any other 2327
appeal in the case. If no other appeal is filed, the court of 2328
appeals may review only the portions of the trial record that 2329
pertain to sentencing. 2330

(F) On the appeal of a sentence under this section, the 2331
record to be reviewed shall include all of the following, as 2332
applicable: 2333

(1) Any presentence, psychiatric, or other investigative 2334
report that was submitted to the court in writing before the 2335
sentence was imposed. An appellate court that reviews a 2336
presentence investigation report prepared pursuant to section 2337
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 2338

connection with the appeal of a sentence under this section shall 2339
comply with division (D)(3) of section 2951.03 of the Revised Code 2340
when the appellate court is not using the presentence 2341
investigation report, and the appellate court's use of a 2342
presentence investigation report of that nature in connection with 2343
the appeal of a sentence under this section does not affect the 2344
otherwise confidential character of the contents of that report as 2345
described in division (D)(1) of section 2951.03 of the Revised 2346
Code and does not cause that report to become a public record, as 2347
defined in section 149.43 of the Revised Code, following the 2348
appellate court's use of the report. 2349

(2) The trial record in the case in which the sentence was 2350
imposed; 2351

(3) Any oral or written statements made to or by the court at 2352
the sentencing hearing at which the sentence was imposed; 2353

(4) Any written findings that the court was required to make 2354
in connection with the modification of the sentence pursuant to a 2355
judicial release under division (I) of section 2929.20 of the 2356
Revised Code. 2357

(G)(1) If the sentencing court was required to make the 2358
findings required by division (B) or (D) of section 2929.13 or 2359
division (I) of section 2929.20 of the Revised Code, or to state 2360
the findings of the trier of fact required by division (B)(2)(e) 2361
of section 2929.14 of the Revised Code, relative to the imposition 2362
or modification of the sentence, and if the sentencing court 2363
failed to state the required findings on the record, the court 2364
hearing an appeal under division (A), (B), or (C) of this section 2365
shall remand the case to the sentencing court and instruct the 2366
sentencing court to state, on the record, the required findings. 2367

(2) The court hearing an appeal under division (A), (B), or 2368
(C) of this section shall review the record, including the 2369

findings underlying the sentence or modification given by the 2370
sentencing court. 2371

The appellate court may increase, reduce, or otherwise modify 2372
a sentence that is appealed under this section or may vacate the 2373
sentence and remand the matter to the sentencing court for 2374
resentencing. The appellate court's standard for review is not 2375
whether the sentencing court abused its discretion. The appellate 2376
court may take any action authorized by this division if it 2377
clearly and convincingly finds either of the following: 2378

(a) That the record does not support the sentencing court's 2379
findings under division (B) or (D) of section 2929.13, division 2380
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2381
2929.20 of the Revised Code, whichever, if any, is relevant; 2382

(b) That the sentence is otherwise contrary to law. 2383

(H) A judgment or final order of a court of appeals under 2384
this section may be appealed, by leave of court, to the supreme 2385
court. 2386

(I)(1) There is hereby established the felony sentence appeal 2387
cost oversight committee, consisting of eight members. One member 2388
shall be the chief justice of the supreme court or a 2389
representative of the court designated by the chief justice, one 2390
member shall be a member of the senate appointed by the president 2391
of the senate, one member shall be a member of the house of 2392
representatives appointed by the speaker of the house of 2393
representatives, one member shall be the director of budget and 2394
management or a representative of the office of budget and 2395
management designated by the director, one member shall be a judge 2396
of a court of appeals, court of common pleas, municipal court, or 2397
county court appointed by the chief justice of the supreme court, 2398
one member shall be the state public defender or a representative 2399
of the office of the state public defender designated by the state 2400

public defender, one member shall be a prosecuting attorney 2401
appointed by the Ohio prosecuting attorneys association, and one 2402
member shall be a county commissioner appointed by the county 2403
commissioners association of Ohio. No more than three of the 2404
appointed members of the committee may be members of the same 2405
political party. 2406

The president of the senate, the speaker of the house of 2407
representatives, the chief justice of the supreme court, the Ohio 2408
prosecuting attorneys association, and the county commissioners 2409
association of Ohio shall make the initial appointments to the 2410
committee of the appointed members no later than ninety days after 2411
July 1, 1996. Of those initial appointments to the committee, the 2412
members appointed by the speaker of the house of representatives 2413
and the Ohio prosecuting attorneys association shall serve a term 2414
ending two years after July 1, 1996, the member appointed by the 2415
chief justice of the supreme court shall serve a term ending three 2416
years after July 1, 1996, and the members appointed by the 2417
president of the senate and the county commissioners association 2418
of Ohio shall serve terms ending four years after July 1, 1996. 2419
Thereafter, terms of office of the appointed members shall be for 2420
four years, with each term ending on the same day of the same 2421
month as did the term that it succeeds. Members may be 2422
reappointed. Vacancies shall be filled in the same manner provided 2423
for original appointments. A member appointed to fill a vacancy 2424
occurring prior to the expiration of the term for which that 2425
member's predecessor was appointed shall hold office as a member 2426
for the remainder of the predecessor's term. An appointed member 2427
shall continue in office subsequent to the expiration date of that 2428
member's term until that member's successor takes office or until 2429
a period of sixty days has elapsed, whichever occurs first. 2430

If the chief justice of the supreme court, the director of 2431
the office of budget and management, or the state public defender 2432

serves as a member of the committee, that person's term of office 2433
as a member shall continue for as long as that person holds office 2434
as chief justice, director of the office of budget and management, 2435
or state public defender. If the chief justice of the supreme 2436
court designates a representative of the court to serve as a 2437
member, the director of budget and management designates a 2438
representative of the office of budget and management to serve as 2439
a member, or the state public defender designates a representative 2440
of the office of the state public defender to serve as a member, 2441
the person so designated shall serve as a member of the commission 2442
for as long as the official who made the designation holds office 2443
as chief justice, director of the office of budget and management, 2444
or state public defender or until that official revokes the 2445
designation. 2446

The chief justice of the supreme court or the representative 2447
of the supreme court appointed by the chief justice shall serve as 2448
chairperson of the committee. The committee shall meet within two 2449
weeks after all appointed members have been appointed and shall 2450
organize as necessary. Thereafter, the committee shall meet at 2451
least once every six months or more often upon the call of the 2452
chairperson or the written request of three or more members, 2453
provided that the committee shall not meet unless moneys have been 2454
appropriated to the judiciary budget administered by the supreme 2455
court specifically for the purpose of providing financial 2456
assistance to counties under division (I)(2) of this section and 2457
the moneys so appropriated then are available for that purpose. 2458

The members of the committee shall serve without 2459
compensation, but, if moneys have been appropriated to the 2460
judiciary budget administered by the supreme court specifically 2461
for the purpose of providing financial assistance to counties 2462
under division (I)(2) of this section, each member shall be 2463
reimbursed out of the moneys so appropriated that then are 2464

available for actual and necessary expenses incurred in the 2465
performance of official duties as a committee member. 2466

(2) The state criminal sentencing commission periodically 2467
shall provide to the felony sentence appeal cost oversight 2468
committee all data the commission collects pursuant to division 2469
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 2470
data from the state criminal sentencing commission, the felony 2471
sentence appeal cost oversight committee periodically shall review 2472
the data; determine whether any money has been appropriated to the 2473
judiciary budget administered by the supreme court specifically 2474
for the purpose of providing state financial assistance to 2475
counties in accordance with this division for the increase in 2476
expenses the counties experience as a result of the felony 2477
sentence appeal provisions set forth in this section or as a 2478
result of a postconviction relief proceeding brought under 2479
division (A)(2) of section 2953.21 of the Revised Code or an 2480
appeal of a judgment in that proceeding; if it determines that any 2481
money has been so appropriated, determine the total amount of 2482
moneys that have been so appropriated specifically for that 2483
purpose and that then are available for that purpose; and develop 2484
a recommended method of distributing those moneys to the counties. 2485
The committee shall send a copy of its recommendation to the 2486
supreme court. Upon receipt of the committee's recommendation, the 2487
supreme court shall distribute to the counties, based upon that 2488
recommendation, the moneys that have been so appropriated 2489
specifically for the purpose of providing state financial 2490
assistance to counties under this division and that then are 2491
available for that purpose. 2492

Sec. 2967.03. The adult parole authority may exercise its 2493
functions and duties in relation to the pardon, commutation of 2494
sentence, or reprieve of a convict upon direction of the governor 2495
or upon its own initiative. It may exercise its functions and 2496

duties in relation to the parole of a prisoner who is eligible for 2497
parole upon the initiative of the head of the institution in which 2498
the prisoner is confined or upon its own initiative. When a 2499
prisoner becomes eligible for parole, the head of the institution 2500
in which the prisoner is confined shall notify the authority in 2501
the manner prescribed by the authority. The authority may 2502
investigate and examine, or cause the investigation and 2503
examination of, prisoners confined in state correctional 2504
institutions concerning their conduct in the institutions, their 2505
mental and moral qualities and characteristics, their knowledge of 2506
a trade or profession, their former means of livelihood, their 2507
family relationships, and any other matters affecting their 2508
fitness to be at liberty without being a threat to society. 2509

The authority may recommend to the governor the pardon, 2510
commutation of sentence, medical release, or reprieve of any 2511
convict or prisoner or grant a parole to any prisoner for whom 2512
parole is authorized, if in its judgment there is reasonable 2513
ground to believe that granting a pardon, commutation, medical 2514
release, or reprieve to the convict or paroling the prisoner would 2515
further the interests of justice and be consistent with the 2516
welfare and security of society. However, the authority shall not 2517
recommend a pardon, commutation of sentence, or medical release 2518
of, or grant a parole to, any convict or prisoner until the 2519
authority has complied with the applicable notice requirements of 2520
sections 2930.16 and 2967.12 of the Revised Code and until it has 2521
considered any statement made by a victim or a victim's 2522
representative that is relevant to the convict's or prisoner's 2523
case and that was sent to the authority pursuant to section 2524
2930.17 of the Revised Code, any other statement made by a victim 2525
or a victim's representative that is relevant to the convict's or 2526
prisoner's case and that was received by the authority after it 2527
provided notice of the pendency of the action under sections 2528
2930.16 and 2967.12 of the Revised Code, and any written statement 2529

of any person submitted to the court pursuant to division ~~(G)~~(I) 2530
of section 2967.12 of the Revised Code. If a victim, victim's 2531
representative, or the victim's spouse, parent, sibling, or child 2532
appears at a full board hearing of the parole board and gives 2533
testimony as authorized by section 5149.101 of the Revised Code, 2534
the authority shall consider the testimony in determining whether 2535
to grant a parole. The trial judge and prosecuting attorney of the 2536
trial court in which a person was convicted shall furnish to the 2537
authority, at the request of the authority, a summarized statement 2538
of the facts proved at the trial and of all other facts having 2539
reference to the propriety of recommending a pardon, commutation, 2540
or medical release, or granting a parole, together with a 2541
recommendation for or against a pardon, commutation, medical 2542
release, or parole, and the reasons for the recommendation. The 2543
trial judge, the prosecuting attorney, specified law enforcement 2544
agency members, and a representative of the prisoner may appear at 2545
a full board hearing of the parole board and give testimony in 2546
regard to the grant of a parole to the prisoner as authorized by 2547
section 5149.101 of the Revised Code. All state and local 2548
officials shall furnish information to the authority, when so 2549
requested by it in the performance of its duties. 2550

The adult parole authority shall exercise its functions and 2551
duties in relation to the release of prisoners who are serving a 2552
stated prison term in accordance with section 2967.28 of the 2553
Revised Code. 2554

Sec. 2967.12. (A) Except as provided in division (G) of this 2555
section, at least ~~three weeks~~ sixty days before the adult parole 2556
authority recommends any pardon or commutation of sentence, or 2557
grants any parole, the authority shall provide a notice of the 2558
pendency of the pardon, commutation, or parole, setting forth the 2559
name of the person on whose behalf it is made, the offense of 2560
which the person was convicted or to which the person pleaded 2561

guilty, the time of conviction or the guilty plea, and the term of 2562
the person's sentence, to the prosecuting attorney and the judge 2563
of the court of common pleas of the county in which the indictment 2564
against the person was found. If there is more than one judge of 2565
that court of common pleas, the authority shall provide the notice 2566
to the presiding judge. Upon the request of the prosecuting 2567
attorney or of any law enforcement agency, the authority shall 2568
provide to the requesting prosecuting attorney and law enforcement 2569
agencies an institutional summary report that covers the subject 2570
person's participation while confined in a state correctional 2571
institution in training, work, and other rehabilitative activities 2572
and any disciplinary action taken against the person while so 2573
confined. The department of rehabilitation and correction may 2574
utilize electronic means to provide this notice. The department of 2575
rehabilitation and correction, at the same time that it provides 2576
the notice to the prosecuting attorney and judge under this 2577
division, also shall post on the database it maintains pursuant to 2578
section 5120.66 of the Revised Code the offender's name and all of 2579
the information specified in division (A)(1)(c)(iii) of that 2580
section. 2581

(B) If a request for notification has been made pursuant to 2582
section 2930.16 of the Revised Code or if division (H) of this 2583
section applies, the office of victim services or the adult parole 2584
authority also shall provide notice to the victim or the victim's 2585
representative at least ~~three weeks~~ sixty days prior to 2586
recommending any pardon or commutation of sentence for, or 2587
granting any parole to, the person. The notice shall include the 2588
information required by division (A) of this section and may be 2589
provided by telephone or through electronic means. The notice also 2590
shall inform the victim or the victim's representative that the 2591
victim or representative may send a written statement relative to 2592
the victimization and the pending action to the adult parole 2593
authority and that, if the authority receives any written 2594

statement prior to recommending a pardon or commutation or 2595
granting a parole for a person, the authority will consider the 2596
statement before it recommends a pardon or commutation or grants a 2597
parole. If the person is being considered for parole, the notice 2598
shall inform the victim or the victim's representative that a full 2599
board hearing of the parole board may be held and that the victim 2600
or victim's representative may contact the office of victims' 2601
services for further information. If the person being considered 2602
for parole was convicted of or pleaded guilty to ~~violating a~~ 2603
violation of section 2903.01 or 2903.02 of the Revised Code, an 2604
offense of violence that is a felony of the first, second, or 2605
third degree, or an offense punished by a sentence of life 2606
imprisonment, the notice shall inform the victim of that offense, 2607
the victim's representative, or a member of the victim's immediate 2608
family that the victim, the victim's representative, and the 2609
victim's immediate family have the right to give testimony at a 2610
full board hearing of the parole board and that the victim or 2611
victim's representative may contact the office of victims' 2612
services for further information. ~~As used in this division, "the~~ 2613
~~victim's immediate family" means the mother, father, spouse,~~ 2614
~~sibling, or child of the victim.~~ 2615

(C) When notice of the pendency of any pardon, commutation of 2616
sentence, or parole has been provided to a judge or prosecutor or 2617
posted on the database as required in division (A) of this section 2618
and a hearing on the pardon, commutation, or parole is continued 2619
to a date certain, the authority shall provide notice of the 2620
further consideration of the pardon, commutation, or parole at 2621
least ~~three weeks~~ sixty days before the further consideration. The 2622
notice of the further consideration shall be provided to the 2623
proper judge and prosecuting attorney at least ~~three weeks~~ sixty 2624
days before the further consideration, and may be provided using 2625
electronic means, and, if the initial notice was posted on the 2626
database as provided in division (A) of this section, the notice 2627

of the further consideration shall be posted on the database at 2628
least ~~three weeks~~ sixty days before the further consideration. If 2629
the prosecuting attorney or a law enforcement agency was provided 2630
a copy of the institutional summary report relative to the subject 2631
person under division (A) of this section, the authority shall 2632
include with the notice of the further consideration sent to the 2633
prosecuting attorney any new information with respect to the 2634
person that relates to activities and actions of the person that 2635
are of a type covered by the report and shall send to the law 2636
enforcement agency a report that provides notice of the further 2637
consideration and includes any such new information with respect 2638
to the person. When notice of the pendency of any pardon, 2639
commutation, or parole has been given as provided in division (B) 2640
of this section and the hearing on it is continued to a date 2641
certain, the authority shall give notice of the further 2642
consideration to the victim or the victim's representative in 2643
accordance with section 2930.03 of the Revised Code. 2644

(D) In case of an application for the pardon or commutation 2645
of sentence of a person sentenced to capital punishment, the 2646
governor may modify the requirements of notification and 2647
publication if there is not sufficient time for compliance with 2648
the requirements before the date fixed for the execution of 2649
sentence. 2650

(E) If an offender is serving a prison term imposed under 2651
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 2652
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2653
Code and if the parole board terminates its control over the 2654
offender's service of that term pursuant to section 2971.04 of the 2655
Revised Code, the parole board immediately shall provide written 2656
notice of its termination of control or the transfer of control to 2657
the entities and persons specified in section 2971.04 of the 2658
Revised Code. 2659

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

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

(H) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (B) of this section shall be given to the victim or victim's representative regardless of whether the victim or victim's representative has made a request for notification. The notice described in division (B) of this section shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. The notice described in division (B) of this section does not have to be given under this division to a victim or victim's representative if notice was given to the victim or victim's representative with respect to at least two prior considerations of pardon, commutation, or parole of a person and the victim or victim's representative did not provide any written statement relative to the victimization and the pending action, did not attend any hearing conducted relative to the pending action, and did not otherwise respond to the office with respect to the pending action. Regardless of whether the victim or victim's

representative has requested that the notice described in division 2692
(B) of this section be provided or not be provided, the office of 2693
victim services or adult parole authority shall give similar 2694
notice to the law enforcement agency that arrested the defendant 2695
if any officer of that agency was a victim of the offense and to 2696
any member of the victim's immediate family who requests 2697
notification. If notice is to be given under this division, the 2698
office or authority may give the notice by any reasonable means, 2699
including regular mail, telephone, and electronic mail, in 2700
accordance with division (D)(1) of section 2930.16 of the Revised 2701
Code. If the notice is based on an offense committed prior to the 2702
effective date of this amendment, the notice to the victim or 2703
victim's representative also shall include the opt-out information 2704
described in division (D)(1) of section 2930.16 of the Revised 2705
Code. The office or authority, in accordance with division (D)(2) 2706
of section 2930.16 of the Revised Code, shall keep a record of all 2707
attempts to provide the notice, and of all notices provided, under 2708
this division. 2709

Division (H) of this section, and the notice-related 2710
provisions of divisions (E)(2) and (K) of section 2929.20, 2711
division (D)(1) of section 2930.16, division (E)(1)(b) of section 2712
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 2713
section 2967.28, and division (A)(2) of section 5149.101 of the 2714
Revised Code enacted in the act in which division (H) of this 2715
section was enacted, shall be known as "Roberta's Law." 2716

(I) In addition to and independent of the right of a victim 2717
to make a statement as described in division (A) of this section 2718
or pursuant to section 2930.17 of the Revised Code or to otherwise 2719
make a statement, the authority for a judge or prosecuting 2720
attorney to furnish statements and information, make 2721
recommendations, and give testimony as described in division (A) 2722
of this section, the right of a prosecuting attorney, judge, or 2723

victim to give testimony or submit a statement at a full parole 2724
board hearing pursuant to section 5149.101 of the Revised Code, 2725
and any other right or duty of a person to present information or 2726
make a statement, any person may send to the adult parole 2727
authority at any time prior to the authority's recommending a 2728
pardon or commutation or granting a parole for the offender a 2729
written statement relative to the offense and the pending action. 2730

(J) As used in this section, "victim's immediate family" 2731
means the mother, father, spouse, sibling, or child of the victim, 2732
provided that in no case does "victim's immediate family" include 2733
the offender with respect to whom the notice in question applies. 2734

Sec. 2967.121. (A) Subject to division ~~(C)~~(D) of this 2735
section, at least two weeks before any convict who is serving a 2736
sentence for committing aggravated murder, murder, or a felony of 2737
the first, second, or third degree or who is serving a sentence of 2738
life imprisonment is released from confinement in any state 2739
correctional institution pursuant to a pardon, commutation of 2740
sentence, parole, or completed prison term, the adult parole 2741
authority shall provide notice of the release to the prosecuting 2742
attorney of the county in which the indictment of the convict was 2743
found. The 2744

~~(B) The~~ notice required by this division ~~(A) of this section~~ 2745
may be contained in a weekly list of all ~~felons~~ convicts who are 2746
serving a sentence for aggravated murder, murder, or a felony of 2747
the first, second, or third degree or are serving a sentence of 2748
life imprisonment and who are scheduled for release. ~~The notice~~ 2749

(B) Subject to division (D) of this section, if a convict who 2750
is serving a sentence for committing aggravated murder, murder, or 2751
a felony of the first, second, or third degree or who is serving a 2752
sentence of life imprisonment is released from confinement 2753
pursuant to a pardon, commutation of sentence, parole, or 2754

completed prison term, the adult parole authority shall send 2755
notice of the release to the prosecuting attorney of the county in 2756
which the indictment of the convict was filed. The notice required 2757
by this division shall be sent to the appropriate prosecuting 2758
attorney at the end of the month in which the convict is released 2759
and may be contained in a monthly list of all convicts who are 2760
released in that month and for whom this division requires a 2761
notice to be sent to that prosecuting attorney. 2762

(C) The notices required by divisions (A) and (B) of this 2763
section shall contain all of the following: 2764

(1) The name of the convict being released; 2765

(2) The date of the convict's release; 2766

(3) The offense for the violation of which the convict was 2767
convicted and incarcerated; 2768

(4) The date of the convict's conviction pursuant to which 2769
the convict was incarcerated; 2770

(5) The sentence imposed for that conviction; 2771

(6) The length of any supervision that the convict will be 2772
under; 2773

(7) The name, business address, and business phone number of 2774
the convict's supervising officer; 2775

(8) The address at which the convict will reside. 2776

~~(C)~~(D)(1) Divisions (A) ~~and~~, (B), ~~and~~ (C) of this section do 2777
not apply to the release from confinement of an offender if the 2778
offender is serving a prison term imposed under division (A)(3), 2779
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 2780
(c), or (d) of section 2971.03 of the Revised Code, if the court 2781
pursuant to section 2971.05 of the Revised Code modifies the 2782
requirement that the offender serve that entire term in a state 2783
correctional institution, and if the release from confinement is 2784

pursuant to that modification. In a case of that type, the court
that modifies the requirement promptly shall provide written
notice of the modification and the order that modifies the
requirement or revises the modification to the offender, the
department of rehabilitation and correction, the prosecuting
attorney, and any state agency or political subdivision that is
affected by the order.

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

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

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

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

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

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

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

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

(e) A prison term imposed for any violation of section
2925.03 of the Revised Code that is a felony of the first or

second degree; 2815

(f) A prison term imposed for engaging in a pattern of 2816
corrupt activity in violation of section 2923.32 of the Revised 2817
Code; 2818

(g) A prison term imposed pursuant to section 2971.03 of the 2819
Revised Code; 2820

(h) A prison term imposed for any sexually oriented offense. 2821

(3) "Eligible prison term" means any prison term that is not 2822
a disqualifying prison term and is not a restricting prison term. 2823

(4) "Restricting prison term" means any of the following: 2824

(a) A mandatory prison term imposed under division (B)(1)(a), 2825
(B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2826
2929.14 of the Revised Code for a specification of the type 2827
described in that division; 2828

(b) In the case of an offender who has been sentenced to a 2829
mandatory prison term for a specification of the type described in 2830
division (A)(4)(a) of this section, the prison term imposed for 2831
the felony offense for which the specification was stated at the 2832
end of the body of the indictment, count in the indictment, or 2833
information charging the offense; 2834

(c) A prison term imposed for trafficking in persons; 2835

(d) A prison term imposed for any offense that is described 2836
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii) 2837
of this section applies to the offender: 2838

(i) The offense is a felony of the first or second degree 2839
that is an offense of violence and that is not described in 2840
division (A)(2)(a) or (b) of this section, an attempt to commit a 2841
felony of the first or second degree that is an offense of 2842
violence and that is not described in division (A)(2)(a) or (b) of 2843
this section if the attempt is a felony of the first or second 2844

degree, or an offense under an existing or former law of this 2845
state, another state, or the United States that is or was 2846
substantially equivalent to any other offense described in this 2847
division. 2848

(ii) The offender previously was convicted of or pleaded 2849
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 2850
this section. 2851

(5) "Sexually oriented offense" has the same meaning as in 2852
section 2950.01 of the Revised Code. 2853

(B) The director of the department of rehabilitation and 2854
correction may recommend in writing to the sentencing court that 2855
the court consider releasing from prison any offender who, on or 2856
after September 30, 2011, is confined in a state correctional 2857
institution, who is serving a stated prison term of one year or 2858
more, and who is eligible under division (C) of this section for a 2859
release under this section. If the director wishes to recommend 2860
that the sentencing court consider releasing an offender under 2861
this section, the director shall notify the sentencing court in 2862
writing of the offender's eligibility not earlier than ninety days 2863
prior to the date on which the offender becomes eligible as 2864
described in division (C) of this section. The director's 2865
submission of the written notice constitutes a recommendation by 2866
the director that the court strongly consider release of the 2867
offender consistent with the purposes and principles of sentencing 2868
set forth in sections 2929.11 and 2929.13 of the Revised Code. 2869
Only an offender recommended by the director under division (B) of 2870
this section may be considered for early release under this 2871
section. 2872

(C)(1) An offender serving a stated prison term of one year 2873
or more and who has commenced service of that stated prison term 2874
becomes eligible for release from prison under this section only 2875
as described in this division. An offender serving a stated prison 2876

term that includes a disqualifying prison term is not eligible for 2877
release from prison under this section. An offender serving a 2878
stated prison term that consists solely of one or more restricting 2879
prison terms is not eligible for release under this section. An 2880
offender serving a stated prison term of one year or more that 2881
includes one or more restricting prison terms and one or more 2882
eligible prison terms becomes eligible for release under this 2883
section after having fully served all restricting prison terms and 2884
having served eighty per cent of the stated prison term that 2885
remains to be served after all restricting prison terms have been 2886
fully served. An offender serving a stated prison term that 2887
consists solely of one or more eligible prison terms becomes 2888
eligible for release under this section after having served eighty 2889
per cent of that stated prison term. For purposes of determining 2890
an offender's eligibility for release under this section, if the 2891
offender's stated prison term includes consecutive prison terms, 2892
any restricting prison terms shall be deemed served prior to any 2893
eligible prison terms that run consecutively to the restricting 2894
prison terms, and the eligible prison terms are deemed to commence 2895
after all of the restricting prison terms have been fully served. 2896

An offender serving a stated prison term of one year or more 2897
that includes a mandatory prison term that is not a disqualifying 2898
prison term and is not a restricting prison term is not 2899
automatically ineligible as a result of the offender's service of 2900
that mandatory term for release from prison under this section, 2901
and the offender's eligibility for release from prison under this 2902
section is determined in accordance with this division. 2903

(2) If an offender confined in a state correctional 2904
institution under a stated prison term is eligible for release 2905
under this section as described in division (C)(1) of this 2906
section, the director of the department of rehabilitation and 2907
correction may recommend in writing that the sentencing court 2908

consider releasing the offender from prison under this section by 2909
submitting to the sentencing court the written notice described in 2910
division (B) of this section. 2911

(D) The director shall include with any notice submitted to 2912
the sentencing court under division (B) of this section an 2913
institutional summary report that covers the offender's 2914
participation while confined in a state correctional institution 2915
in school, training, work, treatment, and other rehabilitative 2916
activities and any disciplinary action taken against the offender 2917
while so confined. The director shall include with the notice any 2918
other documentation requested by the court, if available. 2919

(E)(1) When the director submits a written notice to a 2920
sentencing court that an offender is eligible to be considered for 2921
early release under this section, the department promptly shall 2922
provide to the prosecuting attorney of the county in which the 2923
offender was indicted a copy of the written notice, a copy of the 2924
institutional summary report, and any other information provided 2925
to the court and shall provide a copy of the institutional summary 2926
report to any law enforcement agency that requests the report. The 2927
department also promptly shall ~~give~~ do whichever of the following 2928
is applicable: 2929

(a) Subject to division (E)(1)(b) of this section, give 2930
written notice of the submission to any victim of the offender or 2931
victim's representative of any victim of the offender who is 2932
registered with the office of victim's services. 2933

(b) If the offense was aggravated murder, murder, an offense 2934
of violence that is a felony of the first, second, or third 2935
degree, or an offense punished by a sentence of life imprisonment, 2936
except as otherwise provided in this division, notify the victim 2937
or the victim's representative of the filing of the petition 2938
regardless of whether the victim or victim's representative has 2939
registered with the office of victim's services. The notice of the 2940

filing of the petition shall not be given under this division to a 2941
victim or victim's representative if the victim or victim's 2942
representative has requested pursuant to division (B)(2) of 2943
section 2930.03 of the Revised Code that the victim or the 2944
victim's representative not be provided the notice. If notice is 2945
to be provided to a victim or victim's representative under this 2946
division, the department may give the notice by any reasonable 2947
means, including regular mail, telephone, and electronic mail, in 2948
accordance with division (D)(1) of section 2930.16 of the Revised 2949
Code. If the notice is based on an offense committed prior to the 2950
effective date of this amendment, the notice also shall include 2951
the opt-out information described in division (D)(1) of section 2952
2930.16 of the Revised Code. The department, in accordance with 2953
division (D)(2) of section 2930.16 of the Revised Code, shall keep 2954
a record of all attempts to provide the notice, and of all notices 2955
provided, under this division. 2956

Division (E)(1)(b) of this section, and the notice-related 2957
provisions of divisions (E)(2) and (K) of section 2929.20, 2958
division (D)(1) of section 2930.16, division (H) of section 2959
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 2960
section 2967.28, and division (A)(2) of section 5149.101 of the 2961
Revised Code enacted in the act in which division (E)(2) of this 2962
section was enacted, shall be known as "Roberta's Law." 2963

The (2) When the director submits a petition under this 2964
section, the department also promptly shall post a copy of the 2965
written notice on the database it maintains under section 5120.66 2966
of the Revised Code and include information on where a person may 2967
send comments regarding the recommendation of early release. 2968

The information provided to the court, the prosecutor, and 2969
the victim or victim's representative under divisions (D) and (E) 2970
of this section shall include the name and contact information of 2971
a specific department of rehabilitation and correction employee 2972

who is available to answer questions about the offender who is the 2973
subject of the written notice submitted by the director, 2974
including, but not limited to, the offender's institutional 2975
conduct and rehabilitative activities while incarcerated. 2976

(F) Upon receipt of a written notice submitted by the 2977
director under division (B) of this section, the court either 2978
shall, on its own motion, schedule a hearing to consider releasing 2979
the offender who is the subject of the notice or shall inform the 2980
department that it will not be conducting a hearing relative to 2981
the offender. The court shall not grant an early release to an 2982
offender without holding a hearing. If a court declines to hold a 2983
hearing relative to an offender with respect to a written notice 2984
submitted by the director, the court may later consider release of 2985
that offender under this section on its own motion by scheduling a 2986
hearing for that purpose. Within thirty days after the written 2987
notice is submitted, the court shall inform the department whether 2988
or not the court is scheduling a hearing on the offender who is 2989
the subject of the notice. 2990

(G) If the court schedules a hearing upon receiving a written 2991
notice submitted under division (B) of this section or upon its 2992
own motion under division (F) of this section, the court shall 2993
notify the head of the state correctional institution in which the 2994
offender is confined of the hearing prior to the hearing. If the 2995
court makes a journal entry ordering the offender to be conveyed 2996
to the hearing, except as otherwise provided in this division, the 2997
head of the correctional institution shall deliver the offender to 2998
the sheriff of the county in which the hearing is to be held, and 2999
the sheriff shall convey the offender to and from the hearing. 3000
Upon the court's own motion or the motion of the offender or the 3001
prosecuting attorney of the county in which the offender was 3002
indicted, the court may permit the offender to appear at the 3003
hearing by video conferencing equipment if equipment of that 3004

nature is available and compatible. 3005

Upon receipt of notice from a court of a hearing on the 3006
release of an offender under this division, the head of the state 3007
correctional institution in which the offender is confined 3008
immediately shall notify the appropriate person at the department 3009
of rehabilitation and correction of the hearing, and the 3010
department within twenty-four hours after receipt of the notice 3011
shall post on the database it maintains pursuant to section 3012
5120.66 of the Revised Code the offender's name and all of the 3013
information specified in division (A)(1)(c)(i) of that section. If 3014
the court schedules a hearing under this section, the court 3015
promptly shall give notice of the hearing to the prosecuting 3016
attorney of the county in which the offender was indicted. Upon 3017
receipt of the notice from the court, the prosecuting attorney 3018
shall notify pursuant to section 2930.16 of the Revised Code any 3019
victim of the offender or the victim's representative of the 3020
hearing. 3021

(H) If the court schedules a hearing under this section, at 3022
the hearing, the court shall afford the offender and the 3023
offender's attorney an opportunity to present written information 3024
and, if present, oral information relevant to the offender's early 3025
release. The court shall afford a similar opportunity to the 3026
prosecuting attorney, victim or victim's representative, as 3027
defined in section 2930.01 of the Revised Code, and any other 3028
person the court determines is likely to present additional 3029
relevant information. If the court pursuant to division (G) of 3030
this section permits the offender to appear at the hearing by 3031
video conferencing equipment, the offender's opportunity to 3032
present oral information shall be as a part of the video 3033
conferencing. The court shall consider any statement of a victim 3034
made under section 2930.14 or 2930.17 of the Revised Code, any 3035
victim impact statement prepared under section 2947.051 of the 3036

Revised Code, and any report and other documentation submitted by 3037
the director under division (D) of this section. After ruling on 3038
whether to grant the offender early release, the court shall 3039
notify the victim in accordance with sections 2930.03 and 2930.16 3040
of the Revised Code. 3041

(I) If the court grants an offender early release under this 3042
section, it shall order the release of the offender, shall place 3043
the offender under one or more appropriate community control 3044
sanctions, under appropriate conditions, and under the supervision 3045
of the department of probation that serves the court, and shall 3046
reserve the right to reimpose the sentence that it reduced and 3047
from which the offender was released if the offender violates the 3048
sanction. The court shall not make a release under this section 3049
effective prior to the date on which the offender becomes eligible 3050
as described in division (C) of this section. If the sentence 3051
under which the offender is confined in a state correctional 3052
institution and from which the offender is being released was 3053
imposed for a felony of the first or second degree, the court 3054
shall consider ordering that the offender be monitored by means of 3055
a global positioning device. If the court reimposes the sentence 3056
that it reduced and from which the offender was released and if 3057
the violation of the sanction is a new offense, the court may 3058
order that the reimposed sentence be served either concurrently 3059
with, or consecutive to, any new sentence imposed upon the 3060
offender as a result of the violation that is a new offense. The 3061
period of all community control sanctions imposed under this 3062
division shall not exceed five years. The court, in its 3063
discretion, may reduce the period of community control sanctions 3064
by the amount of time the offender spent in jail or prison for the 3065
offense. 3066

If the court grants an offender early release under this 3067
section, it shall notify the appropriate person at the department 3068

of rehabilitation and correction of the release, and the 3069
department shall post notice of the release on the database it 3070
maintains pursuant to section 5120.66 of the Revised Code. 3071

(J) The department shall adopt under Chapter 119. of the 3072
Revised Code any rules necessary to implement this section. 3073

Sec. 2967.26. (A)(1) The department of rehabilitation and 3074
correction, by rule, may establish a transitional control program 3075
for the purpose of closely monitoring a prisoner's adjustment to 3076
community supervision during the final one hundred eighty days of 3077
the prisoner's confinement. If the department establishes a 3078
transitional control program under this division, the division of 3079
parole and community services of the department of rehabilitation 3080
and correction may transfer eligible prisoners to transitional 3081
control status under the program during the final one hundred 3082
eighty days of their confinement and under the terms and 3083
conditions established by the department, shall provide for the 3084
confinement as provided in this division of each eligible prisoner 3085
so transferred, and shall supervise each eligible prisoner so 3086
transferred in one or more community control sanctions. Each 3087
eligible prisoner who is transferred to transitional control 3088
status under the program shall be confined in a suitable facility 3089
that is licensed pursuant to division (C) of section 2967.14 of 3090
the Revised Code, or shall be confined in a residence the 3091
department has approved for this purpose and be monitored pursuant 3092
to an electronic monitoring device, as defined in section 2929.01 3093
of the Revised Code. If the department establishes a transitional 3094
control program under this division, the rules establishing the 3095
program shall include criteria that define which prisoners are 3096
eligible for the program, criteria that must be satisfied to be 3097
approved as a residence that may be used for confinement under the 3098
program of a prisoner that is transferred to it and procedures for 3099
the department to approve residences that satisfy those criteria, 3100

and provisions of the type described in division (C) of this 3101
section. At a minimum, the criteria that define which prisoners 3102
are eligible for the program shall provide all of the following: 3103

(a) That a prisoner is eligible for the program if the 3104
prisoner is serving a prison term or term of imprisonment for an 3105
offense committed prior to March 17, 1998, and if, at the time at 3106
which eligibility is being determined, the prisoner would have 3107
been eligible for a furlough under this section as it existed 3108
immediately prior to March 17, 1998, or would have been eligible 3109
for conditional release under former section 2967.23 of the 3110
Revised Code as that section existed immediately prior to March 3111
17, 1998; 3112

(b) That no prisoner who is serving a mandatory prison term 3113
is eligible for the program until after expiration of the 3114
mandatory term; 3115

(c) That no prisoner who is serving a prison term or term of 3116
life imprisonment without parole imposed pursuant to section 3117
2971.03 of the Revised Code is eligible for the program. 3118

(2) At least ~~three weeks~~ sixty days prior to transferring to 3119
transitional control under this section a prisoner who is serving 3120
a term of imprisonment or prison term for an offense committed on 3121
or after July 1, 1996, the division of parole and community 3122
services of the department of rehabilitation and correction shall 3123
give notice of the pendency of the transfer to transitional 3124
control to the court of common pleas of the county in which the 3125
indictment against the prisoner was found and of the fact that the 3126
court may disapprove the transfer of the prisoner to transitional 3127
control and shall include ~~a~~ the institutional summary report 3128
prepared by the head of the state correctional institution in 3129
which the prisoner is confined. The head of the state correctional 3130
institution in which the prisoner is confined, upon the request of 3131
the division of parole and community services, shall provide to 3132

the division for inclusion in the notice sent to the court under 3133
this division ~~a~~ an institutional summary report on the prisoner's 3134
conduct in the institution and in any institution from which the 3135
prisoner may have been transferred. The institutional summary 3136
report shall cover the prisoner's participation in school, 3137
vocational training, work, treatment, and other rehabilitative 3138
activities and any disciplinary action taken against the prisoner. 3139
If the court disapproves of the transfer of the prisoner to 3140
transitional control, the court shall notify the division of the 3141
disapproval within thirty days after receipt of the notice. If the 3142
court timely disapproves the transfer of the prisoner to 3143
transitional control, the division shall not proceed with the 3144
transfer. If the court does not timely disapprove the transfer of 3145
the prisoner to transitional control, the division may transfer 3146
the prisoner to transitional control. 3147

(3)(a) If the victim of an offense for which a prisoner was 3148
sentenced to a prison term or term of imprisonment has requested 3149
notification under section 2930.16 of the Revised Code and has 3150
provided the department of rehabilitation and correction with the 3151
victim's name and address or if division (A)(3)(b) of this section 3152
applies, the division of parole and community services, at least 3153
~~three weeks~~ sixty days prior to transferring the prisoner to 3154
transitional control pursuant to this section, shall notify the 3155
victim of the pendency of the transfer and of the victim's right 3156
to submit a statement to the division regarding the impact of the 3157
transfer of the prisoner to transitional control. If the victim 3158
subsequently submits a statement of that nature to the division, 3159
the division shall consider the statement in deciding whether to 3160
transfer the prisoner to transitional control. 3161

(b) If a prisoner is incarcerated for the commission of 3162
aggravated murder, murder, or an offense of violence that is a 3163
felony of the first, second, or third degree or under a sentence 3164

of life imprisonment, except as otherwise provided in this 3165
division, the notice described in division (A)(3)(a) of this 3166
section shall be given regardless of whether the victim has 3167
requested the notification. The notice described in division 3168
(A)(3)(a) of this section shall not be given under this division 3169
to a victim if the victim has requested pursuant to division 3170
(B)(2) of section 2930.03 of the Revised Code that the victim not 3171
be provided the notice. If notice is to be provided to a victim 3172
under this division, the authority may give the notice by any 3173
reasonable means, including regular mail, telephone, and 3174
electronic mail, in accordance with division (D)(1) of section 3175
2930.16 of the Revised Code. If the notice is based on an offense 3176
committed prior to the effective date of this amendment, the 3177
notice also shall include the opt-out information described in 3178
division (D)(1) of section 2930.16 of the Revised Code. The 3179
authority, in accordance with division (D)(2) of section 2930.16 3180
of the Revised Code, shall keep a record of all attempts to 3181
provide the notice, and of all notices provided, under this 3182
division. 3183

Division (A)(3)(b) of this section, and the notice-related 3184
provisions of divisions (E)(2) and (K) of section 2929.20, 3185
division (D)(1) of section 2930.16, division (H) of section 3186
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 3187
section 2967.28, and division (A)(2) of section 5149.101 of the 3188
Revised Code enacted in the act in which division (A)(3)(b) of 3189
this section was enacted, shall be known as "Roberta's Law." 3190

(4) The department of rehabilitation and correction, at least 3191
~~three weeks~~ sixty days prior to transferring a prisoner to 3192
transitional control pursuant to this section, shall post on the 3193
database it maintains pursuant to section 5120.66 of the Revised 3194
Code the prisoner's name and all of the information specified in 3195
division (A)(1)(c)(iv) of that section. In addition to and 3196

independent of the right of a victim to submit a statement as 3197
described in division (A)(3) of this section or to otherwise make 3198
a statement and in addition to and independent of any other right 3199
or duty of a person to present information or make a statement, 3200
any person may send to the division of parole and community 3201
services at any time prior to the division's transfer of the 3202
prisoner to transitional control a written statement regarding the 3203
transfer of the prisoner to transitional control. In addition to 3204
the information, reports, and statements it considers under 3205
divisions (A)(2) and (3) of this section or that it otherwise 3206
considers, the division shall consider each statement submitted in 3207
accordance with this division in deciding whether to transfer the 3208
prisoner to transitional control. 3209

(B) Each prisoner transferred to transitional control under 3210
this section shall be confined in the manner described in division 3211
(A) of this section during any period of time that the prisoner is 3212
not actually working at the prisoner's approved employment, 3213
engaged in a vocational training or another educational program, 3214
engaged in another program designated by the director, or engaged 3215
in other activities approved by the department. 3216

(C) The department of rehabilitation and correction shall 3217
adopt rules for transferring eligible prisoners to transitional 3218
control, supervising and confining prisoners so transferred, 3219
administering the transitional control program in accordance with 3220
this section, and using the moneys deposited into the transitional 3221
control fund established under division (E) of this section. 3222

(D) The department of rehabilitation and correction may adopt 3223
rules for the issuance of passes for the limited purposes 3224
described in this division to prisoners who are transferred to 3225
transitional control under this section. If the department adopts 3226
rules of that nature, the rules shall govern the granting of the 3227
passes and shall provide for the supervision of prisoners who are 3228

temporarily released pursuant to one of those passes. Upon the 3229
adoption of rules under this division, the department may issue 3230
passes to prisoners who are transferred to transitional control 3231
status under this section in accordance with the rules and the 3232
provisions of this division. All passes issued under this division 3233
shall be for a maximum of forty-eight hours and may be issued only 3234
for the following purposes: 3235

(1) To visit a relative in imminent danger of death; 3236

(2) To have a private viewing of the body of a deceased 3237
relative; 3238

(3) To visit with family; 3239

(4) To otherwise aid in the rehabilitation of the prisoner. 3240

(E) The division of parole and community services may require 3241
a prisoner who is transferred to transitional control to pay to 3242
the division the reasonable expenses incurred by the division in 3243
supervising or confining the prisoner while under transitional 3244
control. Inability to pay those reasonable expenses shall not be 3245
grounds for refusing to transfer an otherwise eligible prisoner to 3246
transitional control. Amounts received by the division of parole 3247
and community services under this division shall be deposited into 3248
the transitional control fund, which is hereby created in the 3249
state treasury and which hereby replaces and succeeds the furlough 3250
services fund that formerly existed in the state treasury. All 3251
moneys that remain in the furlough services fund on March 17, 3252
1998, shall be transferred on that date to the transitional 3253
control fund. The transitional control fund shall be used solely 3254
to pay costs related to the operation of the transitional control 3255
program established under this section. The director of 3256
rehabilitation and correction shall adopt rules in accordance with 3257
section 111.15 of the Revised Code for the use of the fund. 3258

(F) A prisoner who violates any rule established by the 3259

department of rehabilitation and correction under division (A), 3260
(C), or (D) of this section may be transferred to a state 3261
correctional institution pursuant to rules adopted under division 3262
(A), (C), or (D) of this section, but the prisoner shall receive 3263
credit towards completing the prisoner's sentence for the time 3264
spent under transitional control. 3265

If a prisoner is transferred to transitional control under 3266
this section, upon successful completion of the period of 3267
transitional control, the prisoner may be released on parole or 3268
under post-release control pursuant to section 2967.13 or 2967.28 3269
of the Revised Code and rules adopted by the department of 3270
rehabilitation and correction. If the prisoner is released under 3271
post-release control, the duration of the post-release control, 3272
the type of post-release control sanctions that may be imposed, 3273
the enforcement of the sanctions, and the treatment of prisoners 3274
who violate any sanction applicable to the prisoner are governed 3275
by section 2967.28 of the Revised Code. 3276

Sec. 2967.28. (A) As used in this section: 3277

(1) "Monitored time" means the monitored time sanction 3278
specified in section 2929.17 of the Revised Code. 3279

(2) "Deadly weapon" and "dangerous ordnance" have the same 3280
meanings as in section 2923.11 of the Revised Code. 3281

(3) "Felony sex offense" means a violation of a section 3282
contained in Chapter 2907. of the Revised Code that is a felony. 3283

(4) "Risk reduction sentence" means a prison term imposed by 3284
a court, when the court recommends pursuant to section 2929.143 of 3285
the Revised Code that the offender serve the sentence under 3286
section 5120.036 of the Revised Code, and the offender may 3287
potentially be released from imprisonment prior to the expiration 3288
of the prison term if the offender successfully completes all 3289

assessment and treatment or programming required by the department 3290
of rehabilitation and correction under section 5120.036 of the 3291
Revised Code. 3292

(5) "Victim's immediate family" has the same meaning as in 3293
section 2967.12 of the Revised Code. 3294

(B) Each sentence to a prison term for a felony of the first 3295
degree, for a felony of the second degree, for a felony sex 3296
offense, or for a felony of the third degree that is an offense of 3297
violence and is not a felony sex offense ~~and in the commission of~~ 3298
~~which the offender caused or threatened to cause physical harm to~~ 3299
~~a person~~ shall include a requirement that the offender be subject 3300
to a period of post-release control imposed by the parole board 3301
after the offender's release from imprisonment. This division 3302
applies with respect to all prison terms of a type described in 3303
this division, including a term of any such type that is a risk 3304
reduction sentence. If a court imposes a sentence including a 3305
prison term of a type described in this division on or after July 3306
11, 2006, the failure of a sentencing court to notify the offender 3307
pursuant to division (B)(2)(c) of section 2929.19 of the Revised 3308
Code of this requirement or to include in the judgment of 3309
conviction entered on the journal a statement that the offender's 3310
sentence includes this requirement does not negate, limit, or 3311
otherwise affect the mandatory period of supervision that is 3312
required for the offender under this division. Section 2929.191 of 3313
the Revised Code applies if, prior to July 11, 2006, a court 3314
imposed a sentence including a prison term of a type described in 3315
this division and failed to notify the offender pursuant to 3316
division (B)(2)(c) of section 2929.19 of the Revised Code 3317
regarding post-release control or to include in the judgment of 3318
conviction entered on the journal or in the sentence pursuant to 3319
division (D)(1) of section 2929.14 of the Revised Code a statement 3320
regarding post-release control. Unless reduced by the parole board 3321

pursuant to division (D) of this section when authorized under 3322
that division, a period of post-release control required by this 3323
division for an offender shall be of one of the following periods: 3324

(1) For a felony of the first degree or for a felony sex 3325
offense, five years; 3326

(2) For a felony of the second degree that is not a felony 3327
sex offense, three years; 3328

(3) For a felony of the third degree that is an offense of 3329
violence and is not a felony sex offense ~~and in the commission of~~ 3330
~~which the offender caused or threatened physical harm to a person,~~ 3331
three years. 3332

(C) Any sentence to a prison term for a felony of the third, 3333
fourth, or fifth degree that is not subject to division (B)(1) or 3334
(3) of this section shall include a requirement that the offender 3335
be subject to a period of post-release control of up to three 3336
years after the offender's release from imprisonment, if the 3337
parole board, in accordance with division (D) of this section, 3338
determines that a period of post-release control is necessary for 3339
that offender. This division applies with respect to all prison 3340
terms of a type described in this division, including a term of 3341
any such type that is a risk reduction sentence. Section 2929.191 3342
of the Revised Code applies if, prior to July 11, 2006, a court 3343
imposed a sentence including a prison term of a type described in 3344
this division and failed to notify the offender pursuant to 3345
division (B)(2)(d) of section 2929.19 of the Revised Code 3346
regarding post-release control or to include in the judgment of 3347
conviction entered on the journal or in the sentence pursuant to 3348
division (D)(2) of section 2929.14 of the Revised Code a statement 3349
regarding post-release control. Pursuant to an agreement entered 3350
into under section 2967.29 of the Revised Code, a court of common 3351
pleas or parole board may impose sanctions or conditions on an 3352
offender who is placed on post-release control under this 3353

division. 3354

(D)(1) Before the prisoner is released from imprisonment, the 3355
parole board or, pursuant to an agreement under section 2967.29 of 3356
the Revised Code, the court shall impose upon a prisoner described 3357
in division (B) of this section, shall impose upon a prisoner 3358
described in division (C) of this section who is to be released 3359
before the expiration of the prisoner's stated prison term under a 3360
risk reduction sentence, may impose upon a prisoner described in 3361
division (C) of this section who is not to be released before the 3362
expiration of the prisoner's stated prison term under a risk 3363
reduction sentence, and shall impose upon a prisoner described in 3364
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 3365
section 5120.032 of the Revised Code, one or more post-release 3366
control sanctions to apply during the prisoner's period of 3367
post-release control. Whenever the board or court imposes one or 3368
more post-release control sanctions upon a prisoner, the board or 3369
court, in addition to imposing the sanctions, also shall include 3370
as a condition of the post-release control that the offender not 3371
leave the state without permission of the court or the offender's 3372
parole or probation officer and that the offender abide by the 3373
law. The board or court may impose any other conditions of release 3374
under a post-release control sanction that the board or court 3375
considers appropriate, and the conditions of release may include 3376
any community residential sanction, community nonresidential 3377
sanction, or financial sanction that the sentencing court was 3378
authorized to impose pursuant to sections 2929.16, 2929.17, and 3379
2929.18 of the Revised Code. Prior to the release of a prisoner 3380
for whom it will impose one or more post-release control sanctions 3381
under this division, the parole board or court shall review the 3382
prisoner's criminal history, results from the single validated 3383
risk assessment tool selected by the department of rehabilitation 3384
and correction under section 5120.114 of the Revised Code, all 3385
juvenile court adjudications finding the prisoner, while a 3386

juvenile, to be a delinquent child, and the record of the 3387
prisoner's conduct while imprisoned. The parole board or court 3388
shall consider any recommendation regarding post-release control 3389
sanctions for the prisoner made by the office of victims' 3390
services. After considering those materials, the board or court 3391
shall determine, for a prisoner described in division (B) of this 3392
section, division (B)(2)(b) of section 5120.031, or division 3393
(B)(1) of section 5120.032 of the Revised Code and for a prisoner 3394
described in division (C) of this section who is to be released 3395
before the expiration of the prisoner's stated prison term under a 3396
risk reduction sentence, which post-release control sanction or 3397
combination of post-release control sanctions is reasonable under 3398
the circumstances or, for a prisoner described in division (C) of 3399
this section who is not to be released before the expiration of 3400
the prisoner's stated prison term under a risk reduction sentence, 3401
whether a post-release control sanction is necessary and, if so, 3402
which post-release control sanction or combination of post-release 3403
control sanctions is reasonable under the circumstances. In the 3404
case of a prisoner convicted of a felony of the fourth or fifth 3405
degree other than a felony sex offense, the board or court shall 3406
presume that monitored time is the appropriate post-release 3407
control sanction unless the board or court determines that a more 3408
restrictive sanction is warranted. A post-release control sanction 3409
imposed under this division takes effect upon the prisoner's 3410
release from imprisonment. 3411

Regardless of whether the prisoner was sentenced to the 3412
prison term prior to, on, or after July 11, 2006, prior to the 3413
release of a prisoner for whom it will impose one or more 3414
post-release control sanctions under this division, the parole 3415
board shall notify the prisoner that, if the prisoner violates any 3416
sanction so imposed or any condition of post-release control 3417
described in division (B) of section 2967.131 of the Revised Code 3418
that is imposed on the prisoner, the parole board may impose a 3419

prison term of up to one-half of the stated prison term originally 3420
imposed upon the prisoner. 3421

At least thirty days before the prisoner is released from 3422
imprisonment, except as otherwise provided in this paragraph, the 3423
department of rehabilitation and correction shall notify the 3424
victim and the victim's immediate family of the date on which the 3425
prisoner will be released, the period for which the prisoner will 3426
be under post-release control supervision, and the terms and 3427
conditions of the prisoner's post-release control regardless of 3428
whether the victim or victim's immediate family has requested the 3429
notification. The notice described in this paragraph shall not be 3430
given to a victim or victim's immediate family if the victim or 3431
the victim's immediate family has requested pursuant to division 3432
(B)(2) of section 2930.03 of the Revised Code that the notice not 3433
be provided to the victim or the victim's immediate family. At 3434
least thirty days before the prisoner is released from 3435
imprisonment and regardless of whether the victim or victim's 3436
immediate family has requested that the notice described in this 3437
paragraph be provided or not be provided to the victim or the 3438
victim's immediate family, the department also shall provide 3439
notice of that nature to the prosecuting attorney in the case and 3440
the law enforcement agency that arrested the prisoner if any 3441
officer of that agency was a victim of the offense. 3442

If the notice given under the preceding paragraph to the 3443
victim or the victim's immediate family is based on an offense 3444
committed prior to the effective date of this amendment and if the 3445
department of rehabilitation and correction has not previously 3446
successfully provided any notice to the victim or the victim's 3447
immediate family under division (B), (C), or (D) of section 3448
2930.16 of the Revised Code with respect to that offense and the 3449
offender who committed it, the notice also shall inform the victim 3450
or the victim's immediate family that the victim or the victim's 3451

immediate family may request that the victim or the victim's 3452
immediate family not be provided any further notices with respect 3453
to that offense and the offender who committed it and shall 3454
describe the procedure for making that request. The department may 3455
give the notices to which the preceding paragraph applies by any 3456
reasonable means, including regular mail, telephone, and 3457
electronic mail. If the department attempts to provide notice to 3458
any specified person under the preceding paragraph but the attempt 3459
is unsuccessful because the department is unable to locate the 3460
specified person, is unable to provide the notice by its chosen 3461
method because it cannot determine the mailing address, electronic 3462
mail address, or telephone number at which to provide the notice, 3463
or, if the notice is sent by mail, the notice is returned, the 3464
department shall make another attempt to provide the notice to the 3465
specified person. If the second attempt is unsuccessful, the 3466
department shall make at least one more attempt to provide the 3467
notice. If the notice is based on an offense committed prior to 3468
the effective date of this amendment, in each attempt to provide 3469
the notice to the victim or victim's immediate family, the notice 3470
shall include the opt-out information described in this paragraph. 3471
The department, in the manner described in division (D)(2) of 3472
section 2930.16 of the Revised Code, shall keep a record of all 3473
attempts to provide the notice, and of all notices provided, under 3474
this paragraph and the preceding paragraph. The record shall be 3475
considered as if it was kept under division (D)(2) of section 3476
2930.16 of the Revised Code. This paragraph, the preceding 3477
paragraph, and the notice-related provisions of divisions (E)(2) 3478
and (K) of section 2929.20, division (D)(1) of section 2930.16, 3479
division (H) of section 2967.12, division (E)(1)(b) of section 3480
2967.19, division (A)(3)(b) of section 2967.26, and division 3481
(A)(2) of section 5149.101 of the Revised Code enacted in the act 3482
in which this paragraph and the preceding paragraph were enacted, 3483
shall be known as "Roberta's Law." 3484

(2) If a prisoner who is placed on post-release control under 3485
this section is released before the expiration of the prisoner's 3486
stated prison term by reason of credit earned under section 3487
2967.193 of the Revised Code and if the prisoner earned sixty or 3488
more days of credit, the adult parole authority shall supervise 3489
the offender with an active global positioning system device for 3490
the first fourteen days after the offender's release from 3491
imprisonment. This division does not prohibit or limit the 3492
imposition of any post-release control sanction otherwise 3493
authorized by this section. 3494

(3) At any time after a prisoner is released from 3495
imprisonment and during the period of post-release control 3496
applicable to the releasee, the adult parole authority or, 3497
pursuant to an agreement under section 2967.29 of the Revised 3498
Code, the court may review the releasee's behavior under the 3499
post-release control sanctions imposed upon the releasee under 3500
this section. The authority or court may determine, based upon the 3501
review and in accordance with the standards established under 3502
division (E) of this section, that a more restrictive or a less 3503
restrictive sanction is appropriate and may impose a different 3504
sanction. The authority also may recommend that the parole board 3505
or court increase or reduce the duration of the period of 3506
post-release control imposed by the court. If the authority 3507
recommends that the board or court increase the duration of 3508
post-release control, the board or court shall review the 3509
releasee's behavior and may increase the duration of the period of 3510
post-release control imposed by the court up to eight years. If 3511
the authority recommends that the board or court reduce the 3512
duration of control for an offense described in division (B) or 3513
(C) of this section, the board or court shall review the 3514
releasee's behavior and may reduce the duration of the period of 3515
control imposed by the court. In no case shall the board or court 3516
reduce the duration of the period of control imposed for an 3517

offense described in division (B)(1) of this section to a period 3518
less than the length of the stated prison term originally imposed, 3519
and in no case shall the board or court permit the releasee to 3520
leave the state without permission of the court or the releasee's 3521
parole or probation officer. 3522

(E) The department of rehabilitation and correction, in 3523
accordance with Chapter 119. of the Revised Code, shall adopt 3524
rules that do all of the following: 3525

(1) Establish standards for the imposition by the parole 3526
board of post-release control sanctions under this section that 3527
are consistent with the overriding purposes and sentencing 3528
principles set forth in section 2929.11 of the Revised Code and 3529
that are appropriate to the needs of releasees; 3530

(2) Establish standards that provide for a period of 3531
post-release control of up to three years for all prisoners 3532
described in division (C) of this section who are to be released 3533
before the expiration of their stated prison term under a risk 3534
reduction sentence and standards by which the parole board can 3535
determine which prisoners described in division (C) of this 3536
section who are not to be released before the expiration of their 3537
stated prison term under a risk reduction sentence should be 3538
placed under a period of post-release control; 3539

(3) Establish standards to be used by the parole board in 3540
reducing the duration of the period of post-release control 3541
imposed by the court when authorized under division (D) of this 3542
section, in imposing a more restrictive post-release control 3543
sanction than monitored time upon a prisoner convicted of a felony 3544
of the fourth or fifth degree other than a felony sex offense, or 3545
in imposing a less restrictive control sanction upon a releasee 3546
based on the releasee's activities including, but not limited to, 3547
remaining free from criminal activity and from the abuse of 3548
alcohol or other drugs, successfully participating in approved 3549

rehabilitation programs, maintaining employment, and paying 3550
restitution to the victim or meeting the terms of other financial 3551
sanctions; 3552

(4) Establish standards to be used by the adult parole 3553
authority in modifying a releasee's post-release control sanctions 3554
pursuant to division (D)(2) of this section; 3555

(5) Establish standards to be used by the adult parole 3556
authority or parole board in imposing further sanctions under 3557
division (F) of this section on releasees who violate post-release 3558
control sanctions, including standards that do the following: 3559

(a) Classify violations according to the degree of 3560
seriousness; 3561

(b) Define the circumstances under which formal action by the 3562
parole board is warranted; 3563

(c) Govern the use of evidence at violation hearings; 3564

(d) Ensure procedural due process to an alleged violator; 3565

(e) Prescribe nonresidential community control sanctions for 3566
most misdemeanor and technical violations; 3567

(f) Provide procedures for the return of a releasee to 3568
imprisonment for violations of post-release control. 3569

(F)(1) Whenever the parole board imposes one or more 3570
post-release control sanctions upon an offender under this 3571
section, the offender upon release from imprisonment shall be 3572
under the general jurisdiction of the adult parole authority and 3573
generally shall be supervised by the field services section 3574
through its staff of parole and field officers as described in 3575
section 5149.04 of the Revised Code, as if the offender had been 3576
placed on parole. If the offender upon release from imprisonment 3577
violates the post-release control sanction or any conditions 3578
described in division (A) of section 2967.131 of the Revised Code 3579

that are imposed on the offender, the public or private person or 3580
entity that operates or administers the sanction or the program or 3581
activity that comprises the sanction shall report the violation 3582
directly to the adult parole authority or to the officer of the 3583
authority who supervises the offender. The authority's officers 3584
may treat the offender as if the offender were on parole and in 3585
violation of the parole, and otherwise shall comply with this 3586
section. 3587

(2) If the adult parole authority or, pursuant to an 3588
agreement under section 2967.29 of the Revised Code, the court 3589
determines that a releasee has violated a post-release control 3590
sanction or any conditions described in division (A) of section 3591
2967.131 of the Revised Code imposed upon the releasee and that a 3592
more restrictive sanction is appropriate, the authority or court 3593
may impose a more restrictive sanction upon the releasee, in 3594
accordance with the standards established under division (E) of 3595
this section or in accordance with the agreement made under 3596
section 2967.29 of the Revised Code, or may report the violation 3597
to the parole board for a hearing pursuant to division (F)(3) of 3598
this section. The authority or court may not, pursuant to this 3599
division, increase the duration of the releasee's post-release 3600
control or impose as a post-release control sanction a residential 3601
sanction that includes a prison term, but the authority or court 3602
may impose on the releasee any other residential sanction, 3603
nonresidential sanction, or financial sanction that the sentencing 3604
court was authorized to impose pursuant to sections 2929.16, 3605
2929.17, and 2929.18 of the Revised Code. 3606

(3) The parole board or, pursuant to an agreement under 3607
section 2967.29 of the Revised Code, the court may hold a hearing 3608
on any alleged violation by a releasee of a post-release control 3609
sanction or any conditions described in division (A) of section 3610
2967.131 of the Revised Code that are imposed upon the releasee. 3611

If after the hearing the board or court finds that the releasee 3612
violated the sanction or condition, the board or court may 3613
increase the duration of the releasee's post-release control up to 3614
the maximum duration authorized by division (B) or (C) of this 3615
section or impose a more restrictive post-release control 3616
sanction. When appropriate, the board or court may impose as a 3617
post-release control sanction a residential sanction that includes 3618
a prison term. The board or court shall consider a prison term as 3619
a post-release control sanction imposed for a violation of 3620
post-release control when the violation involves a deadly weapon 3621
or dangerous ordnance, physical harm or attempted serious physical 3622
harm to a person, or sexual misconduct, or when the releasee 3623
committed repeated violations of post-release control sanctions. 3624
Unless a releasee's stated prison term was reduced pursuant to 3625
section 5120.032 of the Revised Code, the period of a prison term 3626
that is imposed as a post-release control sanction under this 3627
division shall not exceed nine months, and the maximum cumulative 3628
prison term for all violations under this division shall not 3629
exceed one-half of the stated prison term originally imposed upon 3630
the offender as part of this sentence. If a releasee's stated 3631
prison term was reduced pursuant to section 5120.032 of the 3632
Revised Code, the period of a prison term that is imposed as a 3633
post-release control sanction under this division and the maximum 3634
cumulative prison term for all violations under this division 3635
shall not exceed the period of time not served in prison under the 3636
sentence imposed by the court. The period of a prison term that is 3637
imposed as a post-release control sanction under this division 3638
shall not count as, or be credited toward, the remaining period of 3639
post-release control. 3640

If an offender is imprisoned for a felony committed while 3641
under post-release control supervision and is again released on 3642
post-release control for a period of time determined by division 3643
(F)(4)(d) of this section, the maximum cumulative prison term for 3644

all violations under this division shall not exceed one-half of 3645
the total stated prison terms of the earlier felony, reduced by 3646
any prison term administratively imposed by the parole board or 3647
court, plus one-half of the total stated prison term of the new 3648
felony. 3649

(4) Any period of post-release control shall commence upon an 3650
offender's actual release from prison. If an offender is serving 3651
an indefinite prison term or a life sentence in addition to a 3652
stated prison term, the offender shall serve the period of 3653
post-release control in the following manner: 3654

(a) If a period of post-release control is imposed upon the 3655
offender and if the offender also is subject to a period of parole 3656
under a life sentence or an indefinite sentence, and if the period 3657
of post-release control ends prior to the period of parole, the 3658
offender shall be supervised on parole. The offender shall receive 3659
credit for post-release control supervision during the period of 3660
parole. The offender is not eligible for final release under 3661
section 2967.16 of the Revised Code until the post-release control 3662
period otherwise would have ended. 3663

(b) If a period of post-release control is imposed upon the 3664
offender and if the offender also is subject to a period of parole 3665
under an indefinite sentence, and if the period of parole ends 3666
prior to the period of post-release control, the offender shall be 3667
supervised on post-release control. The requirements of parole 3668
supervision shall be satisfied during the post-release control 3669
period. 3670

(c) If an offender is subject to more than one period of 3671
post-release control, the period of post-release control for all 3672
of the sentences shall be the period of post-release control that 3673
expires last, as determined by the parole board or court. Periods 3674
of post-release control shall be served concurrently and shall not 3675
be imposed consecutively to each other. 3676

(d) The period of post-release control for a releasee who 3677
commits a felony while under post-release control for an earlier 3678
felony shall be the longer of the period of post-release control 3679
specified for the new felony under division (B) or (C) of this 3680
section or the time remaining under the period of post-release 3681
control imposed for the earlier felony as determined by the parole 3682
board or court. 3683

Sec. 2971.04. (A) If an offender is serving a prison term 3684
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 3685
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 3686
the Revised Code, at any time after the offender has served the 3687
minimum term imposed under that sentence, the parole board may 3688
terminate its control over the offender's service of the prison 3689
term. The parole board initially shall determine whether to 3690
terminate its control over the offender's service of the prison 3691
term upon the completion of the offender's service of the minimum 3692
term under the sentence and shall make subsequent determinations 3693
at least once every two years after that first determination. The 3694
parole board shall not terminate its control over the offender's 3695
service of the prison term unless it finds at a hearing that the 3696
offender does not represent a substantial risk of physical harm to 3697
others. Upon the request of the prosecuting attorney or of any law 3698
enforcement agency, the board shall provide to the requesting 3699
prosecuting attorney and law enforcement agencies an institutional 3700
summary report prepared by the department of rehabilitation and 3701
correction that covers the offender's participation while confined 3702
in a state correctional institution in training, work, and other 3703
rehabilitative activities and any disciplinary action taken 3704
against the offender while so confined. Prior to determining 3705
whether to terminate its control over the offender's service of 3706
the prison term, the parole board shall request the department of 3707
rehabilitation and correction to prepare pursuant to section 3708

5120.61 of the Revised Code an update of the most recent risk 3709
assessment and report relative to the offender. The offender has 3710
the right to be present at any hearing held under this section. ~~At~~ 3711

At the hearing, the offender and the prosecuting attorney may 3712
make a statement and present evidence as to whether the parole 3713
board should terminate its control over the offender's service of 3714
the prison term. In making its determination as to whether to 3715
terminate its control over the offender's service of the prison 3716
term, the parole board may follow the standards and guidelines 3717
adopted by the department of rehabilitation and correction under 3718
section 5120.49 of the Revised Code and shall consider the updated 3719
risk assessment and report relating to the offender prepared by 3720
the department pursuant to section 5120.61 of the Revised Code in 3721
response to the request made under this division and any 3722
statements or evidence submitted by the offender or the 3723
prosecuting attorney. If the parole board terminates its control 3724
over an offender's service of a prison term imposed under division 3725
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3726
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 3727
Code, it shall recommend to the court modifications to the 3728
requirement that the offender serve the entire term in a state 3729
correctional institution. The court is not bound by the 3730
recommendations submitted by the parole board. 3731

(B) If the parole board terminates its control over an 3732
offender's service of a prison term imposed pursuant to division 3733
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3734
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 3735
Code, the parole board immediately shall provide written notice of 3736
its termination of control to the department of rehabilitation and 3737
correction, the court, and the prosecuting attorney, and, after 3738
the board's termination of its control, the court shall have 3739
control over the offender's service of that prison term. 3740

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

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

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

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

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

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

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

Sec. 2971.05. (A)(1) After control over an offender's service
of a prison term imposed 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 has been transferred
pursuant to section 2971.04 of the Revised Code to the court, the
court shall schedule, within thirty days of any of the following,
a hearing on whether to modify in accordance with division (C) of
this section the requirement that the offender serve the entire
prison term in a state correctional institution or to terminate
the prison term in accordance with division (D) of this section:

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

(b) Two years elapse after the most recent prior hearing held 3771
pursuant to division (A)(1) or (2) of this section; 3772

(c) The prosecuting attorney, the department of 3773
rehabilitation and correction, or the adult parole authority 3774
requests the hearing, and recommends that the requirement be 3775
modified or that the offender's prison term be terminated. 3776

(2) After control over the offender's service of a prison 3777
term has been transferred pursuant to section 2971.04 of the 3778
Revised Code to the court, the court, within thirty days of either 3779
of the following, shall conduct a hearing on whether to modify in 3780
accordance with division (C) of this section the requirement that 3781
the offender serve the entire prison term in a state correctional 3782
institution, whether to continue, revise, or revoke an existing 3783
modification of that requirement, or whether to terminate the term 3784
in accordance with division (D) of this section: 3785

(a) The requirement that the offender serve the entire prison 3786
term in a state correctional institution has been modified, and 3787
the offender is taken into custody for any reason. 3788

(b) The department of rehabilitation and correction or the 3789
prosecuting attorney notifies the court pursuant to section 3790
2971.06 of the Revised Code regarding a known or suspected 3791
violation of a term or condition of the modification or a belief 3792
that there is a substantial likelihood that the offender has 3793
committed or is about to commit a sexually violent offense. 3794

(3) After control over the offender's service of a prison 3795
term has been transferred pursuant to section 2971.04 of the 3796
Revised Code to the court, the court, in any of the following 3797
circumstances, may conduct a hearing within thirty days to 3798
determine whether to modify in accordance with division (C) of 3799
this section the requirement that the offender serve the entire 3800
prison term in a state correctional institution, whether to 3801

continue, revise, or revoke an existing modification of that 3802
requirement, or whether to terminate the sentence in accordance 3803
with division (D) of this section: 3804

(a) The offender requests the hearing; 3805

(b) Upon the court's own motion; 3806

(c) One or more examiners who have conducted a psychological 3807
examination and assessment of the offender file a statement that 3808
states that there no longer is a likelihood that the offender will 3809
engage in the future in a sexually violent offense. 3810

(B)(1) Before a court holds a hearing pursuant to division 3811
(A) of this section, the court shall provide notice of the date, 3812
time, place, and purpose of the hearing to the offender, the 3813
prosecuting attorney, the department of rehabilitation and 3814
correction, and the adult parole authority and shall request the 3815
department to prepare pursuant to section 5120.61 of the Revised 3816
Code an update of the most recent risk assessment and report 3817
relative to the offender. Upon the request of the prosecuting 3818
attorney or of any law enforcement agency, the department shall 3819
provide to the requesting prosecuting attorney and law enforcement 3820
agencies an institutional summary report prepared by the 3821
department that covers the offender's participation while confined 3822
in a state correctional institution in training, work, and other 3823
rehabilitative activities and any disciplinary action taken 3824
against the offender while so confined. The offender has the right 3825
to be present at any hearing held under this section. At the 3826
hearing, the offender and the prosecuting attorney may make a 3827
statement and present evidence as to whether the requirement that 3828
the offender serve the entire prison term in a state correctional 3829
institution should or should not be modified, whether the existing 3830
modification of the requirement should be continued, revised, or 3831
revoked, and whether the prison term should or should not be 3832
terminated. 3833

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

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

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

supervision of the offender be pursuant to division (E) of this section. 3866
3867

(2) The modification of the requirement does not terminate 3868
the prison term but serves only to suspend the requirement that 3869
the offender serve the entire term in a state correctional 3870
institution. The prison term shall remain in effect for the 3871
offender's entire life unless the court terminates the prison term 3872
pursuant to division (D) of this section. The offender shall 3873
remain under the jurisdiction of the court for the offender's 3874
entire life unless the court so terminates the prison term. The 3875
modification of the requirement does not terminate the 3876
classification of the offender, as described in division (F) of 3877
section 2971.03 of the Revised Code, as a sexual predator for 3878
purposes of Chapter 2950. of the Revised Code, and the offender is 3879
subject to supervision, including supervision under division (E) 3880
of this section if the court required the supervision of the 3881
offender to be pursuant to that division. 3882

(3) If the court revokes the modification under 3883
consideration, the court shall order that the offender be returned 3884
to the custody of the department of rehabilitation and correction 3885
to continue serving the prison term to which the modification 3886
applied, and section 2971.06 of the Revised Code applies regarding 3887
the offender. 3888

(D)(1) If, at the conclusion of a hearing held pursuant to 3889
division (A) of this section, the court determines by clear and 3890
convincing evidence that the offender is unlikely to commit a 3891
sexually violent offense in the future, the court may terminate 3892
the offender's prison term imposed under division (A)(3), 3893
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 3894
(c), or (d) of section 2971.03 of the Revised Code, subject to the 3895
offender satisfactorily completing the period of conditional 3896
release required by this division and, if applicable, compliance 3897

with division (E) of this section. If the court terminates the
prison term, the court shall place the offender on conditional
release for five years, notify the adult parole authority of its
determination and of the termination of the prison term, and order
the adult parole authority to supervise the offender during the
five-year period of conditional release or, if division (E)
applies to the offender, to supervise the offender pursuant to and
for the period of time specified in that division. If the court
terminates the prison term for an offender whose prison term was
imposed pursuant to division (A)(3) of section 2971.03 of the
Revised Code, the court shall require that the authority's
supervision of the offender be pursuant to division (E) of this
section. If the court terminates the prison term for an offender
whose prison term was imposed pursuant to division (B)(1)(a), (b),
or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of
section 2971.03 of the Revised Code, the court may require that
the authority's supervision of the offender be pursuant to
division (E) of this section. Upon receipt of a notice from a
court pursuant to this division, the adult parole authority shall
supervise the offender who is the subject of the notice during the
five-year period of conditional release, periodically notify the
court of the offender's activities during that five-year period of
conditional release, and file with the court no later than thirty
days prior to the expiration of the five-year period of
conditional release a written recommendation as to whether the
termination of the offender's prison term should be finalized,
whether the period of conditional release should be extended, or
whether another type of action authorized pursuant to this chapter
should be taken.

(2) Upon receipt of a recommendation of the adult parole
authority filed pursuant to division (D)(1) of this section, the
court shall hold a hearing to determine whether to finalize the
termination of the offender's prison term, to extend the period of

conditional release, or to take another type of action authorized 3931
pursuant to this chapter. The court shall hold the hearing no 3932
later than the date on which the five-year period of conditional 3933
release terminates and shall provide notice of the date, time, 3934
place, and purpose of the hearing to the offender and to the 3935
prosecuting attorney. At the hearing, the offender, the 3936
prosecuting attorney, and the adult parole authority employee who 3937
supervised the offender during the period of conditional release 3938
may make a statement and present evidence. 3939

If the court determines at the hearing to extend an 3940
offender's period of conditional release, it may do so for 3941
additional periods of one year in the same manner as the original 3942
period of conditional release, and, except as otherwise described 3943
in this division, all procedures and requirements that applied to 3944
the original period of conditional release apply to the additional 3945
period of extended conditional release unless the court modifies a 3946
procedure or requirement. If an offender's period of conditional 3947
release is extended as described in this division, all references 3948
to a five-year period of conditional release that are contained in 3949
division (D)(1) of this section shall be construed, in applying 3950
the provisions of that division to the extension, as being 3951
references to the one-year period of the extension of the 3952
conditional release. 3953

If the court determines at the hearing to take another type 3954
of action authorized pursuant to this chapter, it may do so in the 3955
same manner as if the action had been taken at any other stage of 3956
the proceedings under this chapter. As used in this division, 3957
"another type of action" includes the revocation of the 3958
conditional release and the return of the offender to a state 3959
correctional institution to continue to serve the prison term. 3960

If the court determines at the hearing to finalize the 3961
termination of the offender's prison term, it shall notify the 3962

department of rehabilitation and correction, the department shall 3963
enter into its records a final release and issue to the offender a 3964
certificate of final release, and the prison term thereafter shall 3965
be considered completed and terminated in every way. 3966

(3) The termination of an offender's prison term pursuant to 3967
division (D)(1) or (2) of this section does not affect the 3968
classification of the offender, as described in division (F) of 3969
section 2971.03 of the Revised Code, as a tier III sex 3970
offender/child-victim offender for purposes of Chapter 2950. of 3971
the Revised Code, does not terminate the adult parole authority's 3972
supervision of the offender, and, if the court had required the 3973
supervision of the offender to be pursuant to division (E) of this 3974
section, does not terminate the supervision of the offender with 3975
an active global positioning system device, pursuant to that 3976
division. 3977

(E) If a prison term imposed upon an offender pursuant to 3978
division (A)(3) of section 2971.03 of the Revised Code is modified 3979
as provided in division (C) of this section or terminated as 3980
provided in division (D) of this section, the adult parole 3981
authority shall supervise the offender with an active global 3982
positioning system device during any time period in which the 3983
offender is not incarcerated in a state correctional institution. 3984
If a prison term imposed upon an offender pursuant to division 3985
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 3986
or (d) of section 2971.03 of the Revised Code is modified as 3987
provided in division (C) of this section or terminated as provided 3988
in division (D) of this section, and if the court requires that 3989
the adult parole authority's supervision of the offender be 3990
pursuant to this division, the authority shall supervise the 3991
offender with an active global positioning system device during 3992
any time period in which the offender is not incarcerated in a 3993
state correctional institution. If the adult parole authority is 3994

required to supervise the offender with an active global 3995
positioning system device as described in this division, unless 3996
the court removes the offender's classification as a sexually 3997
violent predator regarding an offender whose prison term was 3998
imposed under division (A)(3) of section 2971.03 of the Revised 3999
Code or terminates the requirement that supervision of the 4000
offender be pursuant to this division regarding an offender whose 4001
prison term was imposed under division (B)(1)(a), (b), or (c), 4002
(2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 4003
2971.03 of the Revised Code, the offender is subject to 4004
supervision with an active global positioning system pursuant to 4005
this division for the offender's entire life. The costs of 4006
administering the supervision of offenders with an active global 4007
positioning system device pursuant to this division shall be paid 4008
out of funds from the reparations fund, created pursuant to 4009
section 2743.191 of the Revised Code. This division shall only 4010
apply to a sexually violent predator sentenced pursuant to 4011
division (A)(3) of section 2971.03 of the Revised Code who is 4012
released from the custody of the department of rehabilitation and 4013
correction on or after September 29, 2005, or an offender 4014
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 4015
the Revised Code on or after January 2, 2007. 4016

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 4017
but not before January 1, 2006, the department of rehabilitation 4018
and correction shall establish and operate on the internet a 4019
database that contains all of the following: 4020

(1) For each inmate in the custody of the department under a 4021
sentence imposed for a conviction of or plea of guilty to any 4022
offense, all of the following information: 4023

(a) The inmate's name; 4024

(b) For each offense for which the inmate was sentenced to a 4025

prison term or term of imprisonment and is in the department's 4026
custody, the name of the offense, the Revised Code section of 4027
which the offense is a violation, the gender of each victim of the 4028
offense if those facts are known, whether each victim of the 4029
offense was an adult or child if those facts are known, whether 4030
any victim of the offense was a law enforcement officer if that 4031
fact is known, the range of the possible prison terms or term of 4032
imprisonment that could have been imposed for the offense, the 4033
actual prison term or term of imprisonment imposed for the 4034
offense, the county in which the offense was committed, the date 4035
on which the inmate began serving the prison term or term of 4036
imprisonment imposed for the offense, and either the date on which 4037
the inmate will be eligible for parole relative to the offense if 4038
the prison term or term of imprisonment is an indefinite term or 4039
life term or the date on which the term ends if the prison term is 4040
a definite term; 4041

(c) All of the following information that is applicable 4042
regarding the inmate: 4043

(i) If known to the department prior to the conduct of any 4044
hearing for judicial release of the defendant pursuant to section 4045
2929.20 of the Revised Code in relation to any prison term or term 4046
of imprisonment the inmate is serving for any offense or any 4047
hearing for release of the defendant pursuant to section 2967.19 4048
of the Revised Code in relation to any such term, notice of the 4049
fact that the inmate will be having a hearing regarding a possible 4050
grant of judicial release or release, the date of the hearing, and 4051
the right of any person pursuant to division (J) of section 4052
2929.20 or division (H) of section 2967.19 of the Revised Code, 4053
whichever is applicable, to submit to the court a written 4054
statement regarding the possible judicial release or release. The 4055
department also shall post notice of the filing of any petition 4056
for release of the inmate pursuant to section 2967.19 of the 4057

Revised Code, as required by division (E) of that section. 4058

(ii) If the inmate is serving a prison term pursuant to 4059
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 4060
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 4061
Code, prior to the conduct of any hearing pursuant to section 4062
2971.05 of the Revised Code to determine whether to modify the 4063
requirement that the inmate serve the entire prison term in a 4064
state correctional facility in accordance with division (C) of 4065
that section, whether to continue, revise, or revoke any existing 4066
modification of that requirement, or whether to terminate the 4067
prison term in accordance with division (D) of that section, 4068
notice of the fact that the inmate will be having a hearing 4069
regarding those determinations and ~~of~~ the date of the hearing; 4070

(iii) At least ~~three weeks~~ sixty days before the adult parole 4071
authority recommends a pardon or commutation of sentence for the 4072
inmate or at least ~~three weeks~~ sixty days prior to a hearing 4073
before the adult parole authority regarding a grant of parole to 4074
the inmate in relation to any prison term or term of imprisonment 4075
the inmate is serving for any offense, notice of the fact that the 4076
inmate might be under consideration for a pardon or commutation of 4077
sentence or will be having a hearing regarding a possible grant of 4078
parole, ~~of~~ the date of any hearing regarding a possible grant of 4079
parole, and ~~of~~ the right of any person to submit a written 4080
statement regarding the pending action; 4081

(iv) At least ~~three weeks~~ sixty days before the inmate is 4082
transferred to transitional control under section 2967.26 of the 4083
Revised Code in relation to any prison term or term of 4084
imprisonment the inmate is serving for any offense, notice of the 4085
pendency of the transfer, ~~of~~ the date of the possible transfer, 4086
and ~~of~~ the right of any person to submit a statement regarding the 4087
possible transfer; 4088

(v) Prompt notice of the inmate's escape from any facility in 4089

which the inmate was incarcerated and of the capture of the inmate 4090
after an escape; 4091

(vi) Notice of the inmate's death while in confinement; 4092

(vii) Prior to the release of the inmate from confinement, 4093
notice of the fact that the inmate will be released, of the date 4094
of the release, and, if applicable, of the standard terms and 4095
conditions of the release; 4096

(viii) Notice of the inmate's judicial release pursuant to 4097
section 2929.20 of the Revised Code or release pursuant to section 4098
2967.19 of the Revised Code. 4099

(2) Information as to where a person can send written 4100
statements of the types referred to in divisions (A)(1)(c)(i), 4101
(iii), and (iv) of this section. 4102

(B)(1) The department shall update the database required 4103
under division (A) of this section every twenty-four hours to 4104
ensure that the information it contains is accurate and current. 4105

(2) The database required under division (A) of this section 4106
is a public record open for inspection under section 149.43 of the 4107
Revised Code. The department shall make the database searchable by 4108
inmate name and by the county and zip code where the offender 4109
intends to reside after release from a state correctional 4110
institution if this information is known to the department. 4111

(3) The database required under division (A) of this section 4112
may contain information regarding inmates who are listed in the 4113
database in addition to the information described in that 4114
division. 4115

(4) No information included on the database required under 4116
division (A) of this section shall identify or enable the 4117
identification of any victim of any offense committed by an 4118
inmate. 4119

(C) The failure of the department to comply with the 4120
requirements of division (A) or (B) of this section does not give 4121
any rights or any grounds for appeal or post-conviction relief to 4122
any inmate. 4123

(D) This section, and the related provisions of sections 4124
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 4125
in the act in which this section was enacted, shall be known as 4126
"Laura's Law." 4127

Sec. 5149.07. The department of rehabilitation and correction 4128
shall maintain central files and records pertaining to the work of 4129
the adult parole authority, and shall coordinate the department's 4130
record-keeping with that of the adult parole authority. 4131
Additionally, the department shall not later than the first Monday 4132
of January of odd-numbered years prepare and submit to the 4133
governor for ~~his~~ the governor's approval and signature a written 4134
report showing each case of pardon, commutation, or reprieve 4135
granted during the preceding biennium, stating the name and crime 4136
of the convict or prisoner, the sentence, its date, and the date 4137
of the clemency action, together with the reasons listed therefor 4138
in the governor's clemency record. The report shall conform to the 4139
requirements of Section 11 of Article III, Ohio Constitution. 4140

The department shall conduct research relative to the 4142
functioning of clemency, probation, and parole as part of the 4143
adult corrections program in this state, which research shall be 4144
designed to yield information upon which the division of parole 4145
and community services, the department of rehabilitation and 4146
correction, the governor, and the general assembly can base policy 4147
decisions. 4148

At the end of each quarter, the department shall submit to 4149
the chairpersons of the committees of the senate and the house of 4150

representatives that consider criminal justice legislation a 4151
report on the number and results of parole hearings conducted 4152
during the quarter and a list of persons incarcerated for 4153
committing offenses of violence who were granted parole and a 4154
summary of the terms and conditions of their parole. The 4155
department shall provide the committees with any documentation 4156
related to the reports that members of the committees may request. 4157

Upon request, the department shall provide a detailed 4158
statement, supported by documentation, of the reasons why a 4159
particular prisoner was granted parole to the law enforcement 4160
agency that arrested the prisoner, the prosecuting attorney who 4161
prosecuted the case, or any person who is a member of the general 4162
assembly at the time the person makes the request. 4163

Sec. 5149.101. (A)(1) A board hearing officer, a board 4164
member, or the office of victims' services may petition the board 4165
for a full board hearing that relates to the proposed parole or 4166
re-parole of a prisoner. At a meeting of the board at which a 4167
majority of board members are present, the majority of those 4168
present shall determine whether a full board hearing shall be 4169
held. 4170

(2) A victim of a violation of section 2903.01 or 2903.02 of 4171
the Revised Code, an offense of violence that is a felony of the 4172
first, second, or third degree, or an offense punished by a 4173
sentence of life imprisonment, the victim's representative, or any 4174
person described in division (B)(5) of this section may request 4175
the board to hold a full board hearing that relates to the 4176
proposed parole or re-parole of the person that committed the 4177
violation. If a victim, victim's representative, or other person 4178
requests a full board hearing pursuant to this division, the board 4179
shall hold a full board hearing. 4180

At least thirty days before the full hearing, except as 4181

otherwise provided in this division, the board shall give notice 4182
of the date, time, and place of the hearing to the victim 4183
regardless of whether the victim has requested the notification. 4184
The notice of the date, time, and place of the hearing shall not 4185
be given under this division to a victim if the victim has 4186
requested pursuant to division (B)(2) of section 2930.03 of the 4187
Revised Code that the notice not be provided to the victim. At 4188
least thirty days before the full board hearing and regardless of 4189
whether the victim has requested that the notice be provided or 4190
not be provided under this division to the victim, the board shall 4191
give similar notice to the prosecuting attorney in the case, the 4192
law enforcement agency that arrested the prisoner if any officer 4193
of that agency was a victim of the offense, and, if different than 4194
the victim, the person who requested the full hearing. If the 4195
prosecuting attorney has not previously been sent an institutional 4196
summary report with respect to the prisoner, upon the request of 4197
the prosecuting attorney, the board shall include with the notice 4198
sent to the prosecuting attorney an institutional summary report 4199
that covers the offender's participation while confined in a state 4200
correctional institution in training, work, and other 4201
rehabilitative activities and any disciplinary action taken 4202
against the offender while so confined. Upon the request of a law 4203
enforcement agency that has not previously been sent an 4204
institutional summary report with respect to the prisoner, the 4205
board also shall send a copy of the institutional summary report 4206
to the law enforcement agency. If notice is to be provided as 4207
described in this division, the board may give the notice by any 4208
reasonable means, including regular mail, telephone, and 4209
electronic mail, in accordance with division (D)(1) of section 4210
2930.16 of the Revised Code. If the notice is based on an offense 4211
committed prior to the effective date of this amendment, the 4212
notice also shall include the opt-out information described in 4213
division (D)(1) of section 2930.16 of the Revised Code. The board, 4214

in accordance with division (D)(2) of section 2930.16 of the 4215
Revised Code, shall keep a record of all attempts to provide the 4216
notice, and of all notices provided, under this division. 4217

The preceding paragraph, and the notice-related provisions of 4218
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 4219
section 2930.16, division (H) of section 2967.12, division 4220
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 4221
2967.26, and division (D)(1) of section 2967.28 of the Revised 4222
Code enacted in the act in which this paragraph was enacted, shall 4223
be known as "Roberta's Law." 4224

(B) At a full board hearing that relates to the proposed 4225
parole or re-parole of a prisoner and that has been petitioned for 4226
or requested in accordance with division (A) of this section, the 4227
parole board shall permit the following persons to appear and to 4228
give testimony or to submit written statements: 4229

(1) The prosecuting attorney of the county in which the 4230
original indictment against the prisoner was found and members of 4231
any law enforcement agency that assisted in the prosecution of the 4232
original offense; 4233

(2) The judge of the court of common pleas who imposed the 4234
original sentence of incarceration upon the prisoner, or the 4235
judge's successor; 4236

(3) The victim of the original offense for which the prisoner 4237
is serving the sentence or the victim's representative designated 4238
pursuant to section 2930.02 of the Revised Code; 4239

(4) The victim of any behavior that resulted in parole being 4240
revoked; 4241

(5) With respect to a full board hearing held pursuant to 4242
division (A)(2) of this section, all of the following: 4243

(a) The spouse of the victim of the original offense; 4244

(b) The parent or parents of the victim of the original offense; 4245
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(c) The sibling of the victim of the original offense; 4247

(d) The child or children of the victim of the original offense. 4248
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(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section. 4250
4251

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 4252
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At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner. 4259
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 4266
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(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or 4273
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third degree, or an offense punished by a sentence of life 4276
imprisonment, the family of the victim may show at a full board 4277
hearing a video recording not exceeding five minutes in length 4278
memorializing the victim. 4279

(E) The adult parole authority shall adopt rules for the 4280
implementation of this section. The rules shall specify reasonable 4281
restrictions on the number of media representatives that may 4282
attend a hearing, based on considerations of space, and other 4283
procedures designed to accomplish an effective, orderly process 4284
for full board hearings. 4285

Section 2. That existing sections 2152.86, 2717.01, 2903.03, 4286
2929.13, 2929.20, 2930.03, 2930.06, 2930.16, 2950.01, 2951.041, 4287
2953.08, 2967.03, 2967.12, 2967.121, 2967.19, 2967.26, 2967.28, 4288
2971.04, 2971.05, 5120.66, 5149.07, and 5149.101 of the Revised 4289
Code are hereby repealed. 4290

Section 3. Section 2967.26 of the Revised Code is presented 4291
in this act as a composite of the section as amended by both Am. 4292
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 4293
The General Assembly, applying the principle stated in division 4294
(B) of section 1.52 of the Revised Code that amendments are to be 4295
harmonized if reasonably capable of simultaneous operation, finds 4296
that the composite is the resulting version of the section in 4297
effect prior to the effective date of the section as presented in 4298
this act. 4299