

As Reported by the Senate Judiciary Committee

129th General Assembly

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Sub. S. B. No. 160

Senators Bacon, Hughes

Cosponsors: Senators Patton, Wagoner, Faber

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A B I L L

To amend sections 2152.86, 2903.03, 2929.20, 2930.03,	1
2930.06, 2930.16, 2950.01, 2967.03, 2967.12,	2
2967.121, 2967.19, 2967.26, 2967.28, 2971.04,	3
2971.05, 5120.66, 5149.07, and 5149.101 of the	4
Revised Code to require automatic notice to	5
victims of aggravated murder, murder, first,	6
second, or third degree felony offenses of	7
violence, or offenses punishable by a sentence of	8
life imprisonment of certain prisoner or alleged	9
juvenile offender release or transfer proceedings	10
unless the victim has requested that the notice	11
not be provided; to expand victim participation in	12
parole hearings; to require the Department of	13
Rehabilitation and Correction to provide certain	14
information related to paroles to designated	15
public officials; to require the Department to	16
notify the appropriate prosecuting attorney when a	17
felon serving a specified sentence is released	18
pursuant to a pardon, commutation of sentence,	19
parole, or completed prison term; to require that	20
the Department, in cases in which a prosecuting	21
attorney currently is notified that a Department	22
prisoner is being considered for an early release	23

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

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

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

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

dispositional sentence under section 2152.13 of the Revised Code, 53
and the child is adjudicated a delinquent child for committing, 54
attempting to commit, conspiring to commit, or complicity in 55
committing any of the following acts: 56

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

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

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

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

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

(b) The child was fourteen, fifteen, sixteen, or seventeen 80
years of age at the time of committing the act. 81

(c) The court did not issue an order classifying the child as 82
both a juvenile offender registrant and a public 83

registry-qualified juvenile offender registrant pursuant to 84
division (A)(1) of this section. 85

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

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

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

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

(B)(1) If an order is issued under division (A)(1), (2), or 105
(3) of this section, the classification of tier III sex 106
offender/child-victim offender automatically applies to the 107
delinquent child based on the sexually oriented offense the child 108
committed, subject to a possible reclassification pursuant to 109
division (D) of this section for a child whose delinquent act was 110
committed prior to January 1, 2008. If an order is issued under 111
division (A)(2) of this section regarding a child whose delinquent 112
act described in division (A)(1)(a) or (b) of this section was 113
committed prior to January 1, 2008, or if an order is issued under 114

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

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

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

under division (A)(3) of this section, the duty to comply with 147
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 148
Code based upon that order shall be considered, for purposes of 149
section 2950.07 of the Revised Code and for all other purposes, to 150
be a continuation of the duty to comply with those sections 151
imposed upon the child prior to January 1, 2008, under the order 152
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 153
Chapter 2950. of the Revised Code. 154

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

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

hearing and shall provide notice to the delinquent child and the 179
delinquent child's parent, guardian, or custodian and to the 180
prosecutor of the date, time, and place of the hearing. 181

If the delinquent child requests a hearing in accordance with 182
this division, until the court issues its decision at or 183
subsequent to the hearing, the delinquent child shall comply with 184
Chapter 2950. of the Revised Code as it exists on and after 185
January 1, 2008. If a delinquent child requests a hearing in 186
accordance with this division, at the hearing, all parties are 187
entitled to be heard, and the court shall consider all relevant 188
information and testimony presented relative to the issue of 189
whether the child should be classified a public registry-qualified 190
juvenile offender registrant. Notwithstanding the court's 191
classification of the delinquent child as a public 192
registry-qualified juvenile offender registrant, the court may 193
terminate that classification if it determines by clear and 194
convincing evidence that the classification is in error. 195

If the court decides to terminate the court's classification 196
of the delinquent child as a public registry-qualified juvenile 197
offender registrant, the court shall issue an order that specifies 198
that it has determined that the child is not a public 199
registry-qualified juvenile offender registrant and that it has 200
terminated the court's classification of the delinquent child as a 201
public registry-qualified juvenile offender registrant. The court 202
promptly shall serve a copy of the order upon the sheriff with 203
whom the delinquent child most recently registered under section 204
2950.04 or 2950.041 of the Revised Code and upon the bureau of 205
criminal identification and investigation. The delinquent child 206
and the prosecutor have the right to appeal the decision of the 207
court issued under this division. 208

If the delinquent child fails to request a hearing in 209
accordance with this division within the applicable sixty-day 210

period specified in this division, the failure constitutes a 211
waiver by the delinquent child of the delinquent child's right to 212
a hearing under this division, and the delinquent child is bound 213
by the court's classification of the delinquent child as a public 214
registry-qualified juvenile offender registrant. 215

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) A conspiracy to commit, attempt to commit, or complicity 271

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

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

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

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

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

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

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

(2) If the aggregated nonmandatory prison term or terms is at 299
least two years but less than five years, the eligible offender 300
may file the motion not earlier than one hundred eighty days after 301
the offender is delivered to a state correctional institution or, 302

if the prison term includes a mandatory prison term or terms, not 303
earlier than one hundred eighty days after the expiration of all 304
mandatory prison terms. 305

(3) If the aggregated nonmandatory prison term or terms is 306
five years, the eligible offender may file the motion not earlier 307
than four years after the eligible offender is delivered to a 308
state correctional institution or, if the prison term includes a 309
mandatory prison term or terms, not earlier than four years after 310
the expiration of all mandatory prison terms. 311

(4) If the aggregated nonmandatory prison term or terms is 312
more than five years but not more than ten years, the eligible 313
offender may file the motion not earlier than five years after the 314
eligible offender is delivered to a state correctional institution 315
or, if the prison term includes a mandatory prison term or terms, 316
not earlier than five years after the expiration of all mandatory 317
prison terms. 318

(5) If the aggregated nonmandatory prison term or terms is 319
more than ten years, the eligible offender may file the motion not 320
earlier than the later of the date on which the offender has 321
served one-half of the offender's stated prison term or the date 322
specified in division (C)(4) of this section. 323

(D) Upon receipt of a timely motion for judicial release 324
filed by an eligible offender under division (C) of this section 325
or upon the sentencing court's own motion made within the 326
appropriate time specified in that division, the court may deny 327
the motion without a hearing or schedule a hearing on the motion. 328
The court shall not grant the motion without a hearing. If a court 329
denies a motion without a hearing, the court later may consider 330
judicial release for that eligible offender on a subsequent motion 331
filed by that eligible offender unless the court denies the motion 332
with prejudice. If a court denies a motion with prejudice, the 333
court may later consider judicial release on its own motion. If a 334

court denies a motion after a hearing, the court shall not 335
consider a subsequent motion for that eligible offender. The court 336
shall hold only one hearing for any eligible offender. 337

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

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

(1) Subject to division (E)(2) of this section, notify the 362
victim of the offense or the victim's representative pursuant to 363
division (B) of section 2930.16 of the Revised Code; 364

(2) If the offense was an offense of violence that is a 365
felony of the first, second, or third degree, except as otherwise 366

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

(F) Upon an offender's successful completion of 394
rehabilitative activities, the head of the state correctional 395
institution may notify the sentencing court of the successful 396
completion of the activities. 397

(G) Prior to the date of the hearing on a motion for judicial 398

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

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

(I) At the hearing on a motion for judicial release under 423
this section, the court shall afford the eligible offender and the 424
eligible offender's attorney an opportunity to present written 425
and, if present, oral information relevant to the motion. The 426
court shall afford a similar opportunity to the prosecuting 427
attorney, the victim or the victim's representative, ~~as defined in~~ 428
~~section 2930.01 of the Revised Code,~~ and any other person the 429
court determines is likely to present additional relevant 430

information. The court shall consider any statement of a victim 431
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 432
any victim impact statement prepared pursuant to section 2947.051 433
of the Revised Code, and any report made under division (G) of 434
this section. The court may consider any written statement of any 435
person submitted to the court pursuant to division (L) of this 436
section. After ruling on the motion, the court shall notify the 437
victim of the ruling in accordance with sections 2930.03 and 438
2930.16 of the Revised Code. 439

(J)(1) A court shall not grant a judicial release under this 440
section to an eligible offender who is imprisoned for a felony of 441
the first or second degree, or to an eligible offender who 442
committed an offense under Chapter 2925. or 3719. of the Revised 443
Code and for whom there was a presumption under section 2929.13 of 444
the Revised Code in favor of a prison term, unless the court, with 445
reference to factors under section 2929.12 of the Revised Code, 446
finds both of the following: 447

(a) That a sanction other than a prison term would adequately 448
punish the offender and protect the public from future criminal 449
violations by the eligible offender because the applicable factors 450
indicating a lesser likelihood of recidivism outweigh the 451
applicable factors indicating a greater likelihood of recidivism; 452

(b) That a sanction other than a prison term would not demean 453
the seriousness of the offense because factors indicating that the 454
eligible offender's conduct in committing the offense was less 455
serious than conduct normally constituting the offense outweigh 456
factors indicating that the eligible offender's conduct was more 457
serious than conduct normally constituting the offense. 458

(2) A court that grants a judicial release to an eligible 459
offender under division (J)(1) of this section shall specify on 460
the record both findings required in that division and also shall 461
list all the factors described in that division that were 462

presented at the hearing.

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

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If the court grants a motion for judicial release, the court shall notify the appropriate person at the department of rehabilitation and correction, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code. The court also shall notify the prosecuting attorney of the county in which the eligible offender was indicted that the motion has been granted. Unless the victim or the victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or victim's representative not be provided the notice, the prosecuting attorney shall notify the victim or the victim's representative of the judicial release in any manner, and in accordance with the same procedures, pursuant to which the

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prosecuting attorney is authorized to provide notice of the 495
hearing pursuant to division (E)(2) of this section. If the notice 496
is based on an offense committed prior to the effective date of 497
this amendment, the notice to the victim or victim's 498
representative also shall include the opt-out information 499
described in division (D)(1) of section 2930.16 of the Revised 500
Code. 501

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

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

Sec. 2930.03. (A) A person or entity required or authorized 517
under this chapter to give notice to a victim shall give the 518
notice to the victim by any means reasonably calculated to provide 519
prompt actual notice. Except when a provision requires that notice 520
is to be given in a specific manner, a notice may be oral or 521
written. 522

(B)(1) Except for receipt of the initial information and 523
notice required to be given to a victim under divisions (A) and 524
(B) of section 2930.04, section 2930.05, and divisions (A) and (B) 525

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

(2) A victim who does not wish to receive any of the notices 540
required to be given to a victim under division (E)(2) or (K) of 541
section 2929.20, division (D) of section 2930.16, division (H) of 542
section 2967.12, division (E)(1)(b) of section 2967.19, division 543
(A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, 544
or division (A)(2) of section 5149.101 of the Revised Code shall 545
make a request to the prosecutor or custodial agency that is to 546
provide the particular notice that the notice not be provided to 547
the victim. Unless the victim makes a request as described in this 548
division, the prosecutor or custodial agency shall provide the 549
notices required to be given to a victim under division (E)(2) or 550
(K) of section 2929.20, division (D) of section 2930.16, division 551
(H) of section 2967.12, division (E)(1)(b) of section 2967.19, 552
division (A)(3)(b) of section 2967.26, division (D)(1) of section 553
2967.28, or division (A)(2) of section 5149.101 of the Revised 554
Code in any manner, and in accordance with the procedures, 555
specified in the particular division. This division also applies 556
to a victim's representative or a member of a victim's immediate 557
family that is authorized to receive any of the notices specified 558

in this division. 559

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

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

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

Sec. 2930.06. (A) The prosecutor in a case, to the extent 576
practicable, shall confer with the victim in the case before 577
pretrial diversion is granted to the defendant or alleged juvenile 578
offender in the case, before amending or dismissing an indictment, 579
information, or complaint against that defendant or alleged 580
juvenile offender, before agreeing to a negotiated plea for that 581
defendant or alleged juvenile offender, before a trial of that 582
defendant by judge or jury, or before the juvenile court conducts 583
an adjudicatory hearing for that alleged juvenile offender. If the 584
juvenile court disposes of a case prior to the prosecutor's 585
involvement in the case, the court or a court employee shall 586
notify the victim in the case that the alleged juvenile offender 587
will be granted pretrial diversion, the complaint against that 588
alleged juvenile offender will be amended or dismissed, or the 589

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

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

(1) The name of the crime or specified delinquent act with 618
which the defendant or alleged juvenile offender in the case has 619
been charged and the name of the defendant or alleged juvenile 620
offender; 621

(2) The file number of the case; 622

(3) A brief statement regarding the procedural steps in a 623
criminal prosecution or delinquency proceeding involving a crime 624
or specified delinquent act similar to the crime or specified 625
delinquent act with which the defendant or alleged juvenile 626
offender has been charged and the right of the victim to be 627
present during all proceedings held throughout the prosecution of 628
the case; 629

(4) A summary of the rights of a victim under this chapter; 630

(5) Procedures the victim or the prosecutor may follow if the 631
victim becomes subject to threats or intimidation by the 632
defendant, alleged juvenile offender, or any other person; 633

(6) The name and business telephone number of a person to 634
contact for further information with respect to the case; 635

(7) The right of the victim to have a victim's representative 636
exercise the victim's rights under this chapter in accordance with 637
section 2930.02 of the Revised Code and the procedure by which a 638
victim's representative may be designated; 639

(8) Notice that any notification under division (C) of this 640
section, sections 2930.07 to 2930.15, division (A), (B), or (C) of 641
section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 642
of the Revised Code will be given to the victim only if the victim 643
asks to receive the notification and that notice under division 644
(E)(2) or (K) of section 2929.20, division (D) of section 2930.16, 645
division (H) of section 2967.12, division (E)(1)(b) of section 646
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 647
section 2967.28, or division (A)(2) of section 5149.101 of the 648
Revised Code will be given unless the victim asks that the 649
notification not be provided. 650

(C) Upon the request of the victim, the prosecutor or, if it 651
is a delinquency proceeding and a prosecutor is not involved in 652

the case, the court shall give the victim notice of the date, 653
time, and place of any scheduled criminal or juvenile proceedings 654
in the case and notice of any changes in those proceedings or in 655
the schedule in the case. 656

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

(E) If a defendant is charged with the commission of a 668
misdemeanor offense that is not identified in division (A)(2) of 669
section 2930.01 of the Revised Code and if a police report or a 670
complaint, indictment, or information that charges the commission 671
of that offense and provides the basis for a criminal prosecution 672
of that defendant identifies one or more individuals as 673
individuals against whom that offense was committed, after a 674
prosecution in the case has been commenced, the prosecutor or a 675
designee of the prosecutor other than a court or court employee, 676
to the extent practicable, promptly shall notify each of the 677
individuals so identified in the report, complaint, indictment, or 678
information that, if the defendant is convicted of or pleads 679
guilty to the offense, the individual may make an oral or written 680
statement to the court hearing the case regarding the sentence to 681
be imposed upon the defendant and that the court must consider any 682
statement so made that is relevant. Before imposing sentence in 683
the case, the court shall permit the individuals so identified in 684

the report, complaint, indictment, or information to make an oral 685
or written statement. Division (A) of section 2930.14 of the 686
Revised Code applies regarding any statement so made. The court 687
shall consider a statement so made, in accordance with division 688
(B) of that section and division (D) of section 2929.22 of the 689
Revised Code. 690

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 691
a case who has requested to receive notice under this section 692
shall be given notice of the incarceration of the defendant. If an 693
alleged juvenile offender is committed to the temporary custody of 694
a school, camp, institution, or other facility operated for the 695
care of delinquent children or to the legal custody of the 696
department of youth services, a victim in a case who has requested 697
to receive notice under this section shall be given notice of the 698
commitment. Promptly after sentence is imposed upon the defendant 699
or the commitment of the alleged juvenile offender is ordered, the 700
prosecutor in the case shall notify the victim of the date on 701
which the defendant will be released from confinement or the 702
prosecutor's reasonable estimate of that date or the date on which 703
the alleged juvenile offender will have served the minimum period 704
of commitment or the prosecutor's reasonable estimate of that 705
date. The prosecutor also shall notify the victim of the name of 706
the custodial agency of the defendant or alleged juvenile offender 707
and tell the victim how to contact that custodial agency. If the 708
custodial agency is the department of rehabilitation and 709
correction, the prosecutor shall notify the victim of the services 710
offered by the office of victims' services pursuant to section 711
5120.60 of the Revised Code. If the custodial agency is the 712
department of youth services, the prosecutor shall notify the 713
victim of the services provided by the office of victims' services 714
within the release authority of the department pursuant to section 715
5139.55 of the Revised Code and the victim's right pursuant to 716

section 5139.56 of the Revised Code to submit a written request to 717
the release authority to be notified of actions the release 718
authority takes with respect to the alleged juvenile offender. The 719
victim shall keep the custodial agency informed of the victim's 720
current address and telephone number. 721

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

(2) If an offender is sentenced to a prison term pursuant to 733
division (A)(3) or (B) of section 2971.03 of the Revised Code, 734
upon the request of the victim of the crime or in accordance with 735
division (D) of this section, the prosecutor promptly shall notify 736
the victim of any hearing to be conducted pursuant to section 737
2971.05 of the Revised Code to determine whether to modify the 738
requirement that the offender serve the entire prison term in a 739
state correctional facility in accordance with division (C) of 740
that section, whether to continue, revise, or revoke any existing 741
modification of that requirement, or whether to terminate the 742
prison term in accordance with division (D) of that section. The 743
court shall notify the victim of any order issued at the 744
conclusion of the hearing. 745

(C) Upon the victim's request made at any time before the 746
particular notice would be due or in accordance with division (D) 747
of this section, the custodial agency of a defendant or alleged 748

juvenile offender shall give the victim any of the following 749
notices that is applicable: 750

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

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

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

(4) Prompt notice of the defendant's or alleged juvenile 775
offender's escape from a facility of the custodial agency in which 776
the defendant was incarcerated or in which the alleged juvenile 777
offender was placed after commitment, of the defendant's or 778
alleged juvenile offender's absence without leave from a mental 779
health or mental retardation and developmental disabilities 780

facility or from other custody, and of the capture of the 781
defendant or alleged juvenile offender after an escape or absence; 782

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

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

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

(D)(1) If a defendant is incarcerated for the commission of 792
aggravated murder, murder, or an offense of violence that is a 793
felony of the first, second, or third degree or is under a 794
sentence of life imprisonment or if an alleged juvenile offender 795
has been charged with the commission of an act that would be 796
aggravated murder, murder, or an offense of violence that is a 797
felony of the first, second, or third degree or be subject to a 798
sentence of life imprisonment if committed by an adult, except as 799
otherwise provided in this division, the notices described in 800
divisions (B) and (C) of this section shall be given regardless of 801
whether the victim has requested the notification. The notices 802
described in divisions (B) and (C) of this section shall not be 803
given under this division to a victim if the victim has requested 804
pursuant to division (B)(2) of section 2930.03 of the Revised Code 805
that the victim not be provided the notice. Regardless of whether 806
the victim has requested that the notices described in division 807
(C) of this section be provided or not be provided, the custodial 808
agency shall give notice similar to those notices to the 809
prosecutor in the case, to the sentencing court, to the law 810
enforcement agency that arrested the defendant or alleged juvenile 811
offender if any officer of that agency was a victim of the 812

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

The prosecutor or custodial agency may give the notices to 830
which this division applies by any reasonable means, including 831
regular mail, telephone, and electronic mail. If the prosecutor or 832
custodial agency attempts to provide notice to a victim under this 833
division but the attempt is unsuccessful because the prosecutor or 834
custodial agency is unable to locate the victim, is unable to 835
provide the notice by its chosen method because it cannot 836
determine the mailing address, telephone number, or electronic 837
mail address at which to provide the notice, or, if the notice is 838
sent by mail, the notice is returned, the prosecutor or custodial 839
agency shall make another attempt to provide the notice to the 840
victim. If the second attempt is unsuccessful, the prosecutor or 841
custodial agency shall make at least one more attempt to provide 842
the notice. If the notice is based on an offense committed prior 843
to the effective date of this amendment, in each attempt to 844
provide the notice to the victim, the notice shall include the 845

opt-out information described in the preceding paragraph. The 846
prosecutor or custodial agency, in accordance with division (D)(2) 847
of this section, shall keep a record of all attempts to provide 848
the notice, and of all notices provided, under this division. 849

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

(2) Each prosecutor and custodial agency that attempts to 857
give any notice to which division (D)(1) of this section applies 858
shall keep a record of all attempts to give the notice. The record 859
shall indicate the person who was to be the recipient of the 860
notice, the date on which the attempt was made, the manner in 861
which the attempt was made, and the person who made the attempt. 862
If the attempt is successful and the notice is given, the record 863
shall indicate that fact. The record shall be kept in a manner 864
that allows public inspection of attempts and notices given to 865
persons other than victims without revealing the names, addresses, 866
or other identifying information relating to victims. The record 867
of attempts and notices given to victims is not a public record, 868
but the prosecutor or custodial agency shall provide upon request 869
a copy of that record to a prosecuting attorney, judge, law 870
enforcement agency, or member of the general assembly. The record 871
of attempts and notices given to persons other than victims is a 872
public record. A record kept under this division may be indexed by 873
offender name, or in any other manner determined by the prosecutor 874
or the custodial agency. Each prosecutor or custodial agency that 875
is required to keep a record under this division shall determine 876
the procedures for keeping the record and the manner in which it 877

is to be kept, subject to the requirements of this division. 878

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

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

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

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

(F) The department may limit the number of persons specified 896
in division (E)(1) of this section who may be present at any 897
single victim conference, provided that the department shall not 898
limit the number of persons who may be present at any single 899
conference to fewer than three. If the department limits the 900
number of persons who may be present at any single victim 901
conference, the department shall permit and schedule, upon request 902
of the victim, a member of the victim's immediate family, or the 903
victim's representative, multiple victim conferences for the 904
persons specified in division (E)(1) of this section. 905

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

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

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

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

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

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

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

(5) A violation of division (A) of section 2903.04 of the 934
Revised Code when the offender committed or attempted to commit 935
the felony that is the basis of the violation with a sexual 936
motivation; 937

(6) A violation of division (A)(3) of section 2903.211 of the Revised Code; 938
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(7) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation; 940
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(8) A violation of division (A)(4) of section 2905.01 of the Revised Code; 943
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(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; 945
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(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B)(5) of section 2919.22 of the Revised Code; 949
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(11) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section; 953
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(12) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this section. 961
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(B)(1) "Sex offender" means, subject to division (B)(2) of this section, a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a 965
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delinquent child for committing any sexually oriented offense. 969

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

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

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

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

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

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

(3) A violation of any former law of this state, any existing 999

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

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

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

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

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

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

(b) A violation of section 2907.04 of the Revised Code when 1021
the offender is less than four years older than the other person 1022
with whom the offender engaged in sexual conduct, the other person 1023
did not consent to the sexual conduct, and the offender previously 1024
has not been convicted of or pleaded guilty to a violation of 1025
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 1026
violation of former section 2907.12 of the Revised Code; 1027

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

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

(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; 1032
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1034

(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; 1035
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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. 1042
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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. 1045
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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. 1050
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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 1056
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offender/child-victim offender relative to the offense. 1061

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

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

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

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

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

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

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

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

(g) A violation of any former law of this state, any existing 1087
or former municipal ordinance or law of another state or the 1088
United States, any existing or former law applicable in a military 1089
court or in an Indian tribal court, or any existing or former law 1090

of any nation other than the United States that is or was 1091
substantially equivalent to any offense listed in division 1092
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 1093

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

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

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

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

(4) A child-victim offender who is adjudicated a delinquent 1117
child for committing or has been adjudicated a delinquent child 1118
for committing any child-victim oriented offense and whom a 1119
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1120
2152.85 of the Revised Code, classifies a tier II sex 1121

offender/child-victim offender relative to the current offense. 1122

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

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

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

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

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

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

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

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

(d) A violation of division (A) of section 2903.04 of the 1151

Revised Code when the offender committed or attempted to commit 1152
the felony that is the basis of the violation with a sexual 1153
motivation; 1154

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

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

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

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

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

~~(i)~~(j) Any sexually oriented offense that is committed after 1174
the sex offender previously has been convicted of, pleaded guilty 1175
to, or been adjudicated a delinquent child for committing any 1176
sexually oriented offense or child-victim oriented offense for 1177
which the offender was classified a tier II sex 1178
offender/child-victim offender or a tier III sex 1179
offender/child-victim offender. 1180

(2) A child-victim offender who is convicted of, pleads 1181
guilty to, has been convicted of, or has pleaded guilty to any 1182

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

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

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

(5) A sex offender or child-victim offender who is not in any 1202
category of tier III sex offender/child-victim offender set forth 1203
in division (G)(1), (2), (3), or (4) of this section, who prior to 1204
January 1, 2008, was convicted of or pleaded guilty to a sexually 1205
oriented offense or child-victim oriented offense or was 1206
adjudicated a delinquent child for committing a sexually oriented 1207
offense or child-victim oriented offense and classified a juvenile 1208
offender registrant, and who prior to that date was adjudicated a 1209
sexual predator or adjudicated a child-victim predator, unless 1210
either of the following applies: 1211

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

offender/child-victim offender relative to the offense. 1215

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

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

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

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

(b) Subsequent to the conviction, plea of guilty, or 1241
adjudication in the other jurisdiction, the offender or delinquent 1242
child resides, has temporary domicile, attends school or an 1243
institution of higher education, is employed, or intends to reside 1244
in this state in any manner and for any period of time that 1245

subjects the offender or delinquent child to a duty to register or 1246
provide notice of intent to reside under section 2950.04 or 1247
2950.041 of the Revised Code. 1248

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

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

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

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

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

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

(L) "Post-release control sanction" and "transitional 1271
control" have the same meanings as in section 2967.01 of the 1272
Revised Code. 1273

(M) "Juvenile offender registrant" means a person who is 1274
adjudicated a delinquent child for committing on or after January 1275

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

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

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

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

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

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

(2) The person was fourteen, fifteen, sixteen, or seventeen 1306

years of age at the time of committing the act. 1307

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

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

(P) "Out-of-state juvenile offender registrant" means a 1323
person who is adjudicated a delinquent child in a court in another 1324
state, in a federal court, military court, or Indian tribal court, 1325
or in a court in any nation other than the United States for 1326
committing a sexually oriented offense or a child-victim oriented 1327
offense, who on or after January 1, 2002, moves to and resides in 1328
this state or temporarily is domiciled in this state for more than 1329
five days, and who has a duty under section 2950.04 or 2950.041 of 1330
the Revised Code to register in this state and the duty to 1331
otherwise comply with that applicable section and sections 2950.05 1332
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1333
registrant" includes a person who prior to January 1, 2008, was an 1334
"out-of-state juvenile offender registrant" under the definition 1335
of the term in existence prior to January 1, 2008, and a person 1336
who prior to July 31, 2003, was an "out-of-state juvenile sex 1337
offender registrant" under the former definition of that former 1338

term. 1339

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

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

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

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

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

(V) "Multi-unit building" means a building in which is 1361
located more than twelve residential units that have entry doors 1362
that open directly into the unit from a hallway that is shared 1363
with one or more other units. A residential unit is not considered 1364
located in a multi-unit building if the unit does not have an 1365
entry door that opens directly into the unit from a hallway that 1366
is shared with one or more other units or if the unit is in a 1367
building that is not a multi-unit building as described in this 1368
division. 1369

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

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

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

The authority may recommend to the governor the pardon, 1392
commutation of sentence, medical release, or reprieve of any 1393
convict or prisoner or grant a parole to any prisoner for whom 1394
parole is authorized, if in its judgment there is reasonable 1395
ground to believe that granting a pardon, commutation, medical 1396
release, or reprieve to the convict or paroling the prisoner would 1397
further the interests of justice and be consistent with the 1398
welfare and security of society. However, the authority shall not 1399
recommend a pardon, commutation of sentence, or medical release 1400

of, or grant a parole to, any convict or prisoner until the 1401
authority has complied with the applicable notice requirements of 1402
sections 2930.16 and 2967.12 of the Revised Code and until it has 1403
considered any statement made by a victim or a victim's 1404
representative that is relevant to the convict's or prisoner's 1405
case and that was sent to the authority pursuant to section 1406
2930.17 of the Revised Code, any other statement made by a victim 1407
or a victim's representative that is relevant to the convict's or 1408
prisoner's case and that was received by the authority after it 1409
provided notice of the pendency of the action under sections 1410
2930.16 and 2967.12 of the Revised Code, and any written statement 1411
of any person submitted to the court pursuant to division ~~(G)~~(I) 1412
of section 2967.12 of the Revised Code. If a victim, victim's 1413
representative, or the victim's spouse, parent, sibling, or child 1414
appears at a full board hearing of the parole board and gives 1415
testimony as authorized by section 5149.101 of the Revised Code, 1416
the authority shall consider the testimony in determining whether 1417
to grant a parole. The trial judge and prosecuting attorney of the 1418
trial court in which a person was convicted shall furnish to the 1419
authority, at the request of the authority, a summarized statement 1420
of the facts proved at the trial and of all other facts having 1421
reference to the propriety of recommending a pardon, commutation, 1422
or medical release, or granting a parole, together with a 1423
recommendation for or against a pardon, commutation, medical 1424
release, or parole, and the reasons for the recommendation. The 1425
trial judge, the prosecuting attorney, specified law enforcement 1426
agency members, and a representative of the prisoner may appear at 1427
a full board hearing of the parole board and give testimony in 1428
regard to the grant of a parole to the prisoner as authorized by 1429
section 5149.101 of the Revised Code. All state and local 1430
officials shall furnish information to the authority, when so 1431
requested by it in the performance of its duties. 1432

The adult parole authority shall exercise its functions and 1433

duties in relation to the release of prisoners who are serving a 1434
stated prison term in accordance with section 2967.28 of the 1435
Revised Code. 1436

Sec. 2967.12. (A) Except as provided in division (G) of this 1437
section, at least ~~three weeks~~ sixty days before the adult parole 1438
authority recommends any pardon or commutation of sentence, or 1439
grants any parole, the authority shall provide a notice of the 1440
pendency of the pardon, commutation, or parole, setting forth the 1441
name of the person on whose behalf it is made, the offense of 1442
which the person was convicted or to which the person pleaded 1443
guilty, the time of conviction or the guilty plea, and the term of 1444
the person's sentence, to the prosecuting attorney and the judge 1445
of the court of common pleas of the county in which the indictment 1446
against the person was found. If there is more than one judge of 1447
that court of common pleas, the authority shall provide the notice 1448
to the presiding judge. Upon the request of the prosecuting 1449
attorney or of any law enforcement agency, the authority shall 1450
provide to the requesting prosecuting attorney and law enforcement 1451
agencies an institutional summary report that covers the subject 1452
person's participation while confined in a state correctional 1453
institution in training, work, and other rehabilitative activities 1454
and any disciplinary action taken against the person while so 1455
confined. The department of rehabilitation and correction may 1456
utilize electronic means to provide this notice. The department of 1457
rehabilitation and correction, at the same time that it provides 1458
the notice to the prosecuting attorney and judge under this 1459
division, also shall post on the database it maintains pursuant to 1460
section 5120.66 of the Revised Code the offender's name and all of 1461
the information specified in division (A)(1)(c)(iii) of that 1462
section. 1463

(B) If a request for notification has been made pursuant to 1464
section 2930.16 of the Revised Code or if division (H) of this 1465

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

(C) When notice of the pendency of any pardon, commutation of 1495
sentence, or parole has been provided to a judge or prosecutor or 1496
posted on the database as required in division (A) of this section 1497
and a hearing on the pardon, commutation, or parole is continued 1498

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

(D) In case of an application for the pardon or commutation 1524
of sentence of a person sentenced to capital punishment, the 1525
governor may modify the requirements of notification and 1526
publication if there is not sufficient time for compliance with 1527
the requirements before the date fixed for the execution of 1528
sentence. 1529

(E) If an offender is serving a prison term imposed under 1530

division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1531
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1532
Code and if the parole board terminates its control over the 1533
offender's service of that term pursuant to section 2971.04 of the 1534
Revised Code, the parole board immediately shall provide written 1535
notice of its termination of control or the transfer of control to 1536
the entities and persons specified in section 2971.04 of the 1537
Revised Code. 1538

(F) The failure of the adult parole authority to comply with 1539
the notice or posting provisions of division (A), (B), or (C) of 1540
this section or the failure of the parole board to comply with the 1541
notice provisions of division (E) of this section do not give any 1542
rights or any grounds for appeal or post-conviction relief to the 1543
person serving the sentence. 1544

(G) Divisions (A), (B), and (C) of this section do not apply 1545
to any release of a person that is of the type described in 1546
division (B)(2)(b) of section 5120.031 of the Revised Code. 1547

(H) If a defendant is incarcerated for the commission of 1548
aggravated murder, murder, or an offense of violence that is a 1549
felony of the first, second, or third degree or is under a 1550
sentence of life imprisonment, except as otherwise provided in 1551
this division, the notice described in division (B) of this 1552
section shall be given to the victim or victim's representative 1553
regardless of whether the victim or victim's representative has 1554
made a request for notification. The notice described in division 1555
(B) of this section shall not be given under this division to a 1556
victim or victim's representative if the victim or victim's 1557
representative has requested pursuant to division (B)(2) of 1558
section 2930.03 of the Revised Code that the victim or the 1559
victim's representative not be provided the notice. The notice 1560
described in division (B) of this section does not have to be 1561
given under this division to a victim or victim's representative 1562

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

Division (H) of this section, and the notice-related 1589
provisions of divisions (E)(2) and (K) of section 2929.20, 1590
division (D)(1) of section 2930.16, division (E)(1)(b) of section 1591
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) of 1592
section 2967.28, and division (A)(2) of section 5149.101 of the 1593
Revised Code enacted in the act in which division (H) of this 1594
section was enacted, shall be known as "Roberta's Law." 1595

(I) In addition to and independent of the right of a victim 1596
to make a statement as described in division (A) of this section 1597
or pursuant to section 2930.17 of the Revised Code or to otherwise 1598
make a statement, the authority for a judge or prosecuting 1599
attorney to furnish statements and information, make 1600
recommendations, and give testimony as described in division (A) 1601
of this section, the right of a prosecuting attorney, judge, or 1602
victim to give testimony or submit a statement at a full parole 1603
board hearing pursuant to section 5149.101 of the Revised Code, 1604
and any other right or duty of a person to present information or 1605
make a statement, any person may send to the adult parole 1606
authority at any time prior to the authority's recommending a 1607
pardon or commutation or granting a parole for the offender a 1608
written statement relative to the offense and the pending action. 1609

(J) As used in this section, "victim's immediate family" 1610
means the mother, father, spouse, sibling, or child of the victim, 1611
provided that in no case does "victim's immediate family" include 1612
the offender with respect to whom the notice in question applies. 1613

Sec. 2967.121. (A) Subject to division ~~(C)~~(D) of this 1614
section, at least two weeks before any convict who is serving a 1615
sentence for committing aggravated murder, murder, or a felony of 1616
the first, second, or third degree or who is serving a sentence of 1617
life imprisonment is released from confinement in any state 1618
correctional institution pursuant to a pardon, commutation of 1619
sentence, parole, or completed prison term, the adult parole 1620
authority shall provide notice of the release to the prosecuting 1621
attorney of the county in which the indictment of the convict was 1622
found. The 1623

~~(B) The notice required by this division (A) of this section~~ 1624
may be contained in a weekly list of all ~~felons~~ convicts who are 1625
serving a sentence for aggravated murder, murder, or a felony of 1626

the first, second, or third degree or are serving a sentence of 1627
life imprisonment and who are scheduled for release. ~~The notice~~ 1628

(B) Subject to division (D) of this section, if a convict who 1629
is serving a sentence for committing aggravated murder, murder, or 1630
a felony of the first, second, or third degree or who is serving a 1631
sentence of life imprisonment is released from confinement 1632
pursuant to a pardon, commutation of sentence, parole, or 1633
completed prison term, the adult parole authority shall send 1634
notice of the release to the prosecuting attorney of the county in 1635
which the indictment of the convict was filed. The notice required 1636
by this division shall be sent to the appropriate prosecuting 1637
attorney at the end of the month in which the convict is released 1638
and may be contained in a monthly list of all convicts who are 1639
released in that month and for whom this division requires a 1640
notice to be sent to that prosecuting attorney. 1641

(C) The notices required by divisions (A) and (B) of this 1642
section shall contain all of the following: 1643

(1) The name of the convict being released; 1644

(2) The date of the convict's release; 1645

(3) The offense for the violation of which the convict was 1646
convicted and incarcerated; 1647

(4) The date of the convict's conviction pursuant to which 1648
the convict was incarcerated; 1649

(5) The sentence imposed for that conviction; 1650

(6) The length of any supervision that the convict will be 1651
under; 1652

(7) The name, business address, and business phone number of 1653
the convict's supervising officer; 1654

(8) The address at which the convict will reside. 1655

~~(C)~~(D)(1) Divisions (A) ~~and~~, (B), and (C) of this section do 1656

not apply to the release from confinement of an offender if the
offender is serving a 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, if the court
pursuant to section 2971.05 of the Revised Code modifies the
requirement that the offender serve that entire term in a state
correctional institution, and if the release from confinement is
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; 1687

(d) A prison term imposed for any felony other than carrying 1688
a concealed weapon an essential element of which is any conduct or 1689
failure to act expressly involving any deadly weapon or dangerous 1690
ordnance; 1691

(e) A prison term imposed for any violation of section 1692
2925.03 of the Revised Code that is a felony of the first or 1693
second degree; 1694

(f) A prison term imposed for engaging in a pattern of 1695
corrupt activity in violation of section 2923.32 of the Revised 1696
Code; 1697

(g) A prison term imposed pursuant to section 2971.03 of the 1698
Revised Code; 1699

(h) A prison term imposed for any sexually oriented offense. 1700

(3) "Eligible prison term" means any prison term that is not 1701
a disqualifying prison term and is not a restricting prison term. 1702

(4) "Restricting prison term" means any of the following: 1703

(a) A mandatory prison term imposed under division (D)(1)(a), 1704
(D)(1)(c), (D)(1)(f), (D)(1)(g), (D)(2), or (D)(7) of section 1705
2929.14 of the Revised Code for a specification of the type 1706
described in that division; 1707

(b) In the case of an offender who has been sentenced to a 1708
mandatory prison term for a specification of the type described in 1709
division (A)(4)(a) of this section, the prison term imposed for 1710
the felony offense for which the specification was stated at the 1711
end of the body of the indictment, count in the indictment, or 1712
information charging the offense; 1713

(c) A prison term imposed for trafficking in persons; 1714

(d) A prison term imposed for any offense that is described 1715
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii) 1716

of this section applies to the offender: 1717

(i) The offense is a felony of the first or second degree 1718
that is an offense of violence and that is not described in 1719
division (A)(2)(a) or (b) of this section, an attempt to commit a 1720
felony of the first or second degree that is an offense of 1721
violence and that is not described in division (A)(2)(a) or (b) of 1722
this section if the attempt is a felony of the first or second 1723
degree, or an offense under an existing or former law of this 1724
state, another state, or the United States that is or was 1725
substantially equivalent to any other offense described in this 1726
division. 1727

(ii) The offender previously was convicted of or pleaded 1728
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 1729
this section. 1730

(5) "Sexually oriented offense" has the same meaning as in 1731
section 2950.01 of the Revised Code. 1732

(B) The director of rehabilitation and correction may 1733
petition the sentencing court for the release from prison of any 1734
offender confined in a state correctional institution under a 1735
stated prison term of one year or more who is eligible under 1736
division (C) of this section for a release under this section and 1737
who has served at least eighty per cent of that stated prison term 1738
that remains to be served after the offender becomes eligible as 1739
described in that division. If the director wishes to submit a 1740
petition for release under this section, the director shall submit 1741
the petition not earlier than ninety days prior to the date on 1742
which the offender has served eighty per cent of the offender's 1743
stated prison term that remains to be served after the offender 1744
becomes eligible as described in division (C) of this section. The 1745
director's submission of a petition for release under this section 1746
constitutes a recommendation by the director that the court 1747
strongly consider release of the offender consistent with the 1748

purposes and principles of sentencing set forth in sections 1749
2929.11 and 2929.13 of the Revised Code. 1750

(C)(1) An offender serving a stated prison term of one year 1751
or more and who has commenced service of that stated prison term 1752
becomes eligible for release from prison under this section only 1753
as described in this division. An offender serving a stated prison 1754
term that includes a disqualifying prison term is not eligible for 1755
release from prison under this section. An offender serving a 1756
stated prison term that consists solely of one or more restricting 1757
prison terms is not eligible for release under this section. An 1758
offender serving a stated prison term of one year or more that 1759
includes one or more restricting prison terms and one or more 1760
eligible prison terms becomes eligible for release under this 1761
section after having fully served each restricting prison term. An 1762
offender serving a stated prison term that consists solely of one 1763
or more eligible prison terms becomes eligible for release under 1764
this section upon the offender's commencement of service of that 1765
stated prison term. After an offender becomes eligible for release 1766
under this section, the director of rehabilitation and correction 1767
may petition for the release of the offender under division (C)(2) 1768
of this section no earlier than ninety days before the offender 1769
has served the portion of the offender's stated prison term 1770
specified in that division. For purposes of determining an 1771
offender's eligibility for release under this section, if the 1772
offender's stated prison term includes consecutive prison terms, 1773
any restricting prison terms shall be deemed served prior to any 1774
eligible prison terms that run consecutively to the restricting 1775
prison terms, and the eligible prison terms are deemed to commence 1776
after all of the restricting prison terms have been fully served. 1777

An offender serving a stated prison term ~~one~~ of one year or 1778
more that includes a mandatory prison term that is not a 1779
disqualifying prison term and is not a restricting prison term is 1780

not automatically ineligible as a result of the offender's service 1781
of that mandatory term for release from prison under this section, 1782
and the offender's eligibility for release from prison under this 1783
section is determined in accordance with this division. 1784

(2) If an offender confined in a state correctional 1785
institution under a stated prison term is eligible for release 1786
under this section as described in division (C)(1) of this 1787
section, the director of rehabilitation and correction may 1788
petition the sentencing court pursuant to division (B) of this 1789
section for the release from prison of the offender. 1790

(D) The director shall include with any petition submitted to 1791
the sentencing court under this section an institutional summary 1792
report that covers the offender's participation while confined in 1793
a state correctional institution in school, training, work, 1794
treatment, and other rehabilitative activities and any 1795
disciplinary action taken against the offender while so confined. 1796
The director shall include with the petition a post-release 1797
control assessment and placement plan, when relevant, and any 1798
other documentation requested by the court, if available. 1799

(E)(1) When the director submits a petition under this 1800
section for release of an offender, the department promptly shall 1801
provide to the prosecuting attorney of the county in which the 1802
offender was indicted a copy of the petition, a copy of the 1803
institutional summary report, and any other information provided 1804
to the court and shall provide a copy of the institutional summary 1805
report to any law enforcement agency that requests the report. The 1806
department also promptly shall give do whichever of the following 1807
is applicable: 1808

(a) Subject to division (E)(1)(b) of this section, give 1809
notice of the filing of the petition to any victim of the offender 1810
or victim's representative of any victim of the offender who is 1811
registered with the office of victim's services. 1812

(b) If the offense was aggravated murder, murder, an offense 1813
of violence that is a felony of the first, second, or third 1814
degree, or an offense punished by a sentence of life imprisonment, 1815
except as otherwise provided in this division, notify the victim 1816
or the victim's representative of the filing of the petition 1817
regardless of whether the victim or victim's representative has 1818
registered with the office of victim's services. The notice of the 1819
filing of the petition shall not be given under this division to a 1820
victim or victim's representative if the victim or victim's 1821
representative has requested pursuant to division (B)(2) of 1822
section 2930.03 of the Revised Code that the victim or the 1823
victim's representative not be provided the notice. If notice is 1824
to be provided to a victim or victim's representative under this 1825
division, the department may give the notice by any reasonable 1826
means, including regular mail, telephone, and electronic mail, in 1827
accordance with division (D)(1) of section 2930.16 of the Revised 1828
Code. If the notice is based on an offense committed prior to the 1829
effective date of this amendment, the notice also shall include 1830
the opt-out information described in division (D)(1) of section 1831
2930.16 of the Revised Code. The department, in accordance with 1832
division (D)(2) of section 2930.16 of the Revised Code, shall keep 1833
a record of all attempts to provide the notice, and of all notices 1834
provided, under this division. 1835

Division (E)(1)(b) of this section, and the notice-related 1836
provisions of divisions (E)(2) and (K) of section 2929.20, 1837
division (D)(1) of section 2930.16, division (H) of section 1838
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 1839
section 2967.28, and division (A)(2) of section 5149.101 of the 1840
Revised Code enacted in the act in which division (E)(2) of this 1841
section was enacted, shall be known as "Roberta's Law." 1842

The (2) When the director submits a petition under this 1843
section, the department also promptly shall post notice of the 1844

petition on the database it maintains under section 5120.66 of the
Revised Code and include information on where a person may send
comments regarding the petition.

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

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

Upon receipt of notice from a court of a hearing on the
release of an offender under this division, the head of the state
correctional institution in which the offender is confined
immediately shall notify the appropriate person at the department
of rehabilitation and correction of the hearing, and the
department within twenty-four hours after receipt of the notice
shall post on the database it maintains pursuant to section

5120.66 of the Revised Code the offender's name and all of the 1877
information specified in division (A)(1)(c)(i) of that section. If 1878
the court grants a hearing on a petition for release of an 1879
offender under this section, the court promptly shall give notice 1880
of the hearing to the prosecuting attorney of the county in which 1881
the offender was indicted. Upon receipt of the notice from the 1882
court, the prosecuting attorney shall notify pursuant to section 1883
2930.16 of the Revised Code any victim of the offender or the 1884
victim's representative of the hearing. 1885

(H) If the court grants a hearing on a petition for release 1886
of an offender under this section, at the hearing, the court shall 1887
afford the offender and the offender's attorney an opportunity to 1888
present written information and, if present, oral information 1889
relevant to the motion. The court shall afford a similar 1890
opportunity to the prosecuting attorney, victim or victim's 1891
representative, as defined in section 2930.01 of the Revised Code, 1892
and any other person the court determines is likely to present 1893
additional relevant information. If the court pursuant to division 1894
(G) of this section permits the offender to appear at the hearing 1895
by video conferencing equipment, the offender's opportunity to 1896
present oral information shall be as a part of the video 1897
conferencing. The court shall consider any statement of a victim 1898
made under section 2930.14 or 2930.17 of the Revised Code, any 1899
victim impact statement prepared under section 2947.051 of the 1900
Revised Code, and any report, plan, and other documentation 1901
submitted by the director under division (D) of this section. 1902
After ruling on the motion, the court shall notify the victim in 1903
accordance with sections 2930.03 and 2930.16 of the Revised Code. 1904

(I) If the court grants a petition for release of an offender 1905
under this section, it shall order the release of the offender, 1906
shall place the offender under one or more appropriate community 1907
control sanctions, under appropriate conditions, and under the 1908

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

If the court grants a petition for release of an offender 1932
under this section, it shall notify the appropriate person at the 1933
department of rehabilitation and correction of the release, and 1934
the department shall post notice of the release on the database it 1935
maintains pursuant to section 5120.66 of the Revised Code. 1936

(J) The department shall adopt under Chapter 119. of the 1937
Revised Code any rules necessary to implement this section. 1938

Sec. 2967.26. (A)(1) The department of rehabilitation and 1939

correction, by rule, may establish a transitional control program 1940
for the purpose of closely monitoring a prisoner's adjustment to 1941
community supervision during the final one hundred eighty days of 1942
the prisoner's confinement. If the department establishes a 1943
transitional control program under this division, the adult parole 1944
authority may transfer eligible prisoners to transitional control 1945
status under the program during the final one hundred eighty days 1946
of their confinement and under the terms and conditions 1947
established by the department, shall provide for the confinement 1948
as provided in this division of each eligible prisoner so 1949
transferred, and shall supervise each eligible prisoner so 1950
transferred in one or more community control sanctions. Each 1951
eligible prisoner who is transferred to transitional control 1952
status under the program shall be confined in a suitable facility 1953
that is licensed pursuant to division (C) of section 2967.14 of 1954
the Revised Code, or shall be confined in a residence the 1955
department has approved for this purpose and be monitored pursuant 1956
to an electronic monitoring device, as defined in section 2929.01 1957
of the Revised Code. If the department establishes a transitional 1958
control program under this division, the rules establishing the 1959
program shall include criteria that define which prisoners are 1960
eligible for the program, criteria that must be satisfied to be 1961
approved as a residence that may be used for confinement under the 1962
program of a prisoner that is transferred to it and procedures for 1963
the department to approve residences that satisfy those criteria, 1964
and provisions of the type described in division (C) of this 1965
section. At a minimum, the criteria that define which prisoners 1966
are eligible for the program shall provide all of the following: 1967

(a) That a prisoner is eligible for the program if the 1968
prisoner is serving a prison term or term of imprisonment for an 1969
offense committed prior to March 17, 1998, and if, at the time at 1970
which eligibility is being determined, the prisoner would have 1971
been eligible for a furlough under this section as it existed 1972

immediately prior to March 17, 1998, or would have been eligible 1973
for conditional release under former section 2967.23 of the 1974
Revised Code as that section existed immediately prior to March 1975
17, 1998; 1976

(b) That no prisoner who is serving a mandatory prison term 1977
is eligible for the program until after expiration of the 1978
mandatory term; 1979

(c) That no prisoner who is serving a prison term or term of 1980
life imprisonment without parole imposed pursuant to section 1981
2971.03 of the Revised Code is eligible for the program. 1982

(2) At least ~~three weeks~~ sixty days prior to transferring to 1983
transitional control under this section a prisoner who is serving 1984
a term of imprisonment or prison term for an offense committed on 1985
or after July 1, 1996, the adult parole authority shall give 1986
notice of the pendency of the transfer to transitional control to 1987
the court of common pleas of the county in which the indictment 1988
against the prisoner was found and of the fact that the court may 1989
disapprove the transfer of the prisoner to transitional control 1990
and shall include a the institutional summary report prepared by 1991
the head of the state correctional institution in which the 1992
prisoner is confined. The head of the state correctional 1993
institution in which the prisoner is confined, upon the request of 1994
the adult parole authority, shall provide to the authority for 1995
inclusion in the notice sent to the court under this division a an 1996
institutional summary report on the prisoner's conduct in the 1997
institution and in any institution from which the prisoner may 1998
have been transferred. The institutional summary report shall 1999
cover the prisoner's participation in school, vocational training, 2000
work, treatment, and other rehabilitative activities and any 2001
disciplinary action taken against the prisoner. If the court 2002
disapproves of the transfer of the prisoner to transitional 2003
control, the court shall notify the authority of the disapproval 2004

within thirty days after receipt of the notice. If the court
timely disapproves the transfer of the prisoner to transitional
control, the authority shall not proceed with the transfer. If the
court does not timely disapprove the transfer of the prisoner to
transitional control, the authority may transfer the prisoner to
transitional control.

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

(b) If a prisoner 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 under a sentence
of life imprisonment, except as otherwise provided in this
division, the notice described in division (A)(3)(a) of this
section shall be given regardless of whether the victim has
requested the notification. The notice described in division
(A)(3)(a) of this section shall not be given under this division
to a victim if the victim has requested pursuant to division
(B)(2) of section 2930.03 of the Revised Code that the victim not
be provided the notice. If notice is to be provided to a victim
under this division, the authority may give the notice by any

reasonable means, including regular mail, telephone, and 2037
electronic mail, in accordance with division (D)(1) of section 2038
2930.16 of the Revised Code. If the notice is based on an offense 2039
committed prior to the effective date of this amendment, the 2040
notice also shall include the opt-out information described in 2041
division (D)(1) of section 2930.16 of the Revised Code. The 2042
authority, in accordance with division (D)(2) of section 2930.16 2043
of the Revised Code, shall keep a record of all attempts to 2044
provide the notice, and of all notices provided, under this 2045
division. 2046

Division (A)(3)(b) of this section, and the notice-related 2047
provisions of divisions (E)(2) and (K) of section 2929.20, 2048
division (D)(1) of section 2930.16, division (H) of section 2049
2967.12, division (E)(1)(b) of section 2967.19, division (D)(1) of 2050
section 2967.28, and division (A)(2) of section 5149.101 of the 2051
Revised Code enacted in the act in which division (A)(3)(b) of 2052
this section was enacted, shall be known as "Roberta's Law." 2053

(4) The department of rehabilitation and correction, at least 2054
~~three weeks~~ sixty days prior to transferring a prisoner to 2055
transitional control pursuant to this section, shall post on the 2056
database it maintains pursuant to section 5120.66 of the Revised 2057
Code the prisoner's name and all of the information specified in 2058
division (A)(1)(c)(iv) of that section. In addition to and 2059
independent of the right of a victim to submit a statement as 2060
described in division (A)(3) of this section or to otherwise make 2061
a statement and in addition to and independent of any other right 2062
or duty of a person to present information or make a statement, 2063
any person may send to the adult parole authority at any time 2064
prior to the authority's transfer of the prisoner to transitional 2065
control a written statement regarding the transfer of the prisoner 2066
to transitional control. In addition to the information, reports, 2067
and statements it considers under divisions (A)(2) and (3) of this 2068

section or that it otherwise considers, the authority shall 2069
consider each statement submitted in accordance with this division 2070
in deciding whether to transfer the prisoner to transitional 2071
control. 2072

(B) Each prisoner transferred to transitional control under 2073
this section shall be confined in the manner described in division 2074
(A) of this section during any period of time that the prisoner is 2075
not actually working at the prisoner's approved employment, 2076
engaged in a vocational training or another educational program, 2077
engaged in another program designated by the director, or engaged 2078
in other activities approved by the department. 2079

(C) The department of rehabilitation and correction shall 2080
adopt rules for transferring eligible prisoners to transitional 2081
control, supervising and confining prisoners so transferred, 2082
administering the transitional control program in accordance with 2083
this section, and using the moneys deposited into the transitional 2084
control fund established under division (E) of this section. 2085

(D) The department of rehabilitation and correction may adopt 2086
rules for the issuance of passes for the limited purposes 2087
described in this division to prisoners who are transferred to 2088
transitional control under this section. If the department adopts 2089
rules of that nature, the rules shall govern the granting of the 2090
passes and shall provide for the supervision of prisoners who are 2091
temporarily released pursuant to one of those passes. Upon the 2092
adoption of rules under this division, the department may issue 2093
passes to prisoners who are transferred to transitional control 2094
status under this section in accordance with the rules and the 2095
provisions of this division. All passes issued under this division 2096
shall be for a maximum of forty-eight hours and may be issued only 2097
for the following purposes: 2098

(1) To visit a relative in imminent danger of death; 2099

(2) To have a private viewing of the body of a deceased 2100
relative; 2101

(3) To visit with family; 2102

(4) To otherwise aid in the rehabilitation of the prisoner. 2103

(E) The adult parole authority may require a prisoner who is 2104
transferred to transitional control to pay to the division of 2105
parole and community services the reasonable expenses incurred by 2106
the division in supervising or confining the prisoner while under 2107
transitional control. Inability to pay those reasonable expenses 2108
shall not be grounds for refusing to transfer an otherwise 2109
eligible prisoner to transitional control. Amounts received by the 2110
division of parole and community services under this division 2111
shall be deposited into the transitional control fund, which is 2112
hereby created in the state treasury and which hereby replaces and 2113
succeeds the furlough services fund that formerly existed in the 2114
state treasury. All moneys that remain in the furlough services 2115
fund on March 17, 1998, shall be transferred on that date to the 2116
transitional control fund. The transitional control fund shall be 2117
used solely to pay costs related to the operation of the 2118
transitional control program established under this section. The 2119
director of rehabilitation and correction shall adopt rules in 2120
accordance with section 111.15 of the Revised Code for the use of 2121
the fund. 2122

(F) A prisoner who violates any rule established by the 2123
department of rehabilitation and correction under division (A), 2124
(C), or (D) of this section may be transferred to a state 2125
correctional institution pursuant to rules adopted under division 2126
(A), (C), or (D) of this section, but the prisoner shall receive 2127
credit towards completing the prisoner's sentence for the time 2128
spent under transitional control. 2129

If a prisoner is transferred to transitional control under 2130

this section, upon successful completion of the period of 2131
transitional control, the prisoner may be released on parole or 2132
under post-release control pursuant to section 2967.13 or 2967.28 2133
of the Revised Code and rules adopted by the department of 2134
rehabilitation and correction. If the prisoner is released under 2135
post-release control, the duration of the post-release control, 2136
the type of post-release control sanctions that may be imposed, 2137
the enforcement of the sanctions, and the treatment of prisoners 2138
who violate any sanction applicable to the prisoner are governed 2139
by section 2967.28 of the Revised Code. 2140

Sec. 2967.28. (A) As used in this section: 2141

(1) "Monitored time" means the monitored time sanction 2142
specified in section 2929.17 of the Revised Code. 2143

(2) "Deadly weapon" and "dangerous ordnance" have the same 2144
meanings as in section 2923.11 of the Revised Code. 2145

(3) "Felony sex offense" means a violation of a section 2146
contained in Chapter 2907. of the Revised Code that is a felony. 2147

(4) "Victim's immediate family" has the same meaning as in 2148
section 2967.12 of the Revised Code. 2149

(B) Each sentence to a prison term for a felony of the first 2150
degree, for a felony of the second degree, for a felony sex 2151
offense, or for a felony of the third degree that is an offense of 2152
violence and is not a felony sex offense ~~and in the commission of~~ 2153
~~which the offender caused or threatened to cause physical harm to~~ 2154
~~a person~~ shall include a requirement that the offender be subject 2155
to a period of post-release control imposed by the parole board 2156
after the offender's release from imprisonment. If a court imposes 2157
a sentence including a prison term of a type described in this 2158
division on or after July 11, 2006, the failure of a sentencing 2159
court to notify the offender pursuant to division (B)(2)(c) of 2160

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

(1) For a felony of the first degree or for a felony sex 2178
offense, five years; 2179

(2) For a felony of the second degree that is not a felony 2180
sex offense, three years; 2181

(3) For a felony of the third degree that is an offense of 2182
violence and is not a felony sex offense ~~and in the commission of~~ 2183
~~which the offender caused or threatened physical harm to a person,~~ 2184
three years. 2185

(C) Any sentence to a prison term for a felony of the third, 2186
fourth, or fifth degree that is not subject to division (B)(1) or 2187
(3) of this section shall include a requirement that the offender 2188
be subject to a period of post-release control of up to three 2189
years after the offender's release from imprisonment, if the 2190
parole board, in accordance with division (D) of this section, 2191
determines that a period of post-release control is necessary for 2192

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

(D)(1) Before the prisoner is released from imprisonment, the 2205
parole board or, pursuant to an agreement under section 2967.29 of 2206
the Revised Code, the court shall impose upon a prisoner described 2207
in division (B) of this section, may impose upon a prisoner 2208
described in division (C) of this section, and shall impose upon a 2209
prisoner described in division (B)(2)(b) of section 5120.031 or in 2210
division (B)(1) of section 5120.032 of the Revised Code, one or 2211
more post-release control sanctions to apply during the prisoner's 2212
period of post-release control. Whenever the board or court 2213
imposes one or more post-release control sanctions upon a 2214
prisoner, the board or court, in addition to imposing the 2215
sanctions, also shall include as a condition of the post-release 2216
control that the offender not leave the state without permission 2217
of the court or the offender's parole or probation officer and 2218
that the offender abide by the law. The board or court may impose 2219
any other conditions of release under a post-release control 2220
sanction that the board or court considers appropriate, and the 2221
conditions of release may include any community residential 2222
sanction, community nonresidential sanction, or financial sanction 2223
that the sentencing court was authorized to impose pursuant to 2224
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 2225

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

Regardless of whether the prisoner was sentenced to the 2253
prison term prior to, on, or after July 11, 2006, prior to the 2254
release of a prisoner for whom it will impose one or more 2255
post-release control sanctions under this division, the parole 2256
board shall notify the prisoner that, if the prisoner violates any 2257
sanction so imposed or any condition of post-release control 2258

described in division (B) of section 2967.131 of the Revised Code 2259
that is imposed on the prisoner, the parole board may impose a 2260
prison term of up to one-half of the stated prison term originally 2261
imposed upon the prisoner. 2262

At least thirty days before the prisoner is released from 2263
imprisonment, except as otherwise provided in this paragraph, the 2264
department of rehabilitation and correction shall notify the 2265
victim and the victim's immediate family of the date on which the 2266
prisoner will be released, the period for which the prisoner will 2267
be under post-release control supervision, and the terms and 2268
conditions of the prisoner's post-release control regardless of 2269
whether the victim or victim's immediate family has requested the 2270
notification. The notice described in this paragraph shall not be 2271
given to a victim or victim's immediate family if the victim or 2272
the victim's immediate family has requested pursuant to division 2273
(B)(2) of section 2930.03 of the Revised Code that the notice not 2274
be provided to the victim or the victim's immediate family. At 2275
least thirty days before the prisoner is released from 2276
imprisonment and regardless of whether the victim or victim's 2277
immediate family has requested that the notice described in this 2278
paragraph be provided or not be provided to the victim or the 2279
victim's immediate family, the department also shall provide 2280
notice of that nature to the prosecuting attorney in the case and 2281
the law enforcement agency that arrested the prisoner if any 2282
officer of that agency was a victim of the offense. 2283

If the notice given under the preceding paragraph to the 2284
victim or the victim's immediate family is based on an offense 2285
committed prior to the effective date of this amendment and if the 2286
department of rehabilitation and correction has not previously 2287
successfully provided any notice to the victim or the victim's 2288
immediate family under division (B), (C), or (D) of section 2289
2930.16 of the Revised Code with respect to that offense and the 2290

offender who committed it, the notice also shall inform the victim 2291
or the victim's immediate family that the victim or the victim's 2292
immediate family may request that the victim or the victim's 2293
immediate family not be provided any further notices with respect 2294
to that offense and the offender who committed it and shall 2295
describe the procedure for making that request. The department may 2296
give the notices to which the preceding paragraph applies by any 2297
reasonable means, including regular mail, telephone, and 2298
electronic mail. If the department attempts to provide notice to 2299
any specified person under the preceding paragraph but the attempt 2300
is unsuccessful because the department is unable to locate the 2301
specified person, is unable to provide the notice by its chosen 2302
method because it cannot determine the mailing address, electronic 2303
mail address, or telephone number at which to provide the notice, 2304
or, if the notice is sent by mail, the notice is returned, the 2305
department shall make another attempt to provide the notice to the 2306
specified person. If the second attempt is unsuccessful, the 2307
department shall make at least one more attempt to provide the 2308
notice. If the notice is based on an offense committed prior to 2309
the effective date of this amendment, in each attempt to provide 2310
the notice to the victim or victim's immediate family, the notice 2311
shall include the opt-out information described in this paragraph. 2312
The department, in the manner described in division (D)(2) of 2313
section 2930.16 of the Revised Code, shall keep a record of all 2314
attempts to provide the notice, and of all notices provided, under 2315
this paragraph and the preceding paragraph. The record shall be 2316
considered as if it was kept under division (D)(2) of section 2317
2930.16 of the Revised Code. This paragraph, the preceding 2318
paragraph, and the notice-related provisions of divisions (E)(2) 2319
and (K) of section 2929.20, division (D)(1) of section 2930.16, 2320
division (H) of section 2967.12, division (E)(1)(b) of section 2321
2967.19, division (A)(3)(b) of section 2967.26, and division 2322
(A)(2) of section 5149.101 of the Revised Code enacted in the act 2323

in which this paragraph and the preceding paragraph were enacted, 2324
shall be known as "Roberta's Law." 2325

(2) If a prisoner who is placed on post-release control under 2326
this section is released before the expiration of the prisoner's 2327
stated prison term by reason of credit earned under section 2328
2967.193 of the Revised Code and if the prisoner earned sixty or 2329
more days of credit, the adult parole authority shall supervise 2330
the offender with an active global positioning system device for 2331
the first fourteen days after the offender's release from 2332
imprisonment. This division does not prohibit or limit the 2333
imposition of any post-release control sanction otherwise 2334
authorized by this section. 2335

(3) At any time after a prisoner is released from 2336
imprisonment and during the period of post-release control 2337
applicable to the releasee, the adult parole authority or, 2338
pursuant to an agreement under section 2967.29 of the Revised 2339
Code, the court may review the releasee's behavior under the 2340
post-release control sanctions imposed upon the releasee under 2341
this section. The authority or court may determine, based upon the 2342
review and in accordance with the standards established under 2343
division (E) of this section, that a more restrictive or a less 2344
restrictive sanction is appropriate and may impose a different 2345
sanction. The authority also may recommend that the parole board 2346
or court increase or reduce the duration of the period of 2347
post-release control imposed by the court. If the authority 2348
recommends that the board or court increase the duration of 2349
post-release control, the board or court shall review the 2350
releasee's behavior and may increase the duration of the period of 2351
post-release control imposed by the court up to eight years. If 2352
the authority recommends that the board or court reduce the 2353
duration of control for an offense described in division (B) or 2354
(C) of this section, the board or court shall review the 2355

releasee's behavior and may reduce the duration of the period of 2356
control imposed by the court. In no case shall the board or court 2357
reduce the duration of the period of control imposed for an 2358
offense described in division (B)(1) of this section to a period 2359
less than the length of the stated prison term originally imposed, 2360
and in no case shall the board or court permit the releasee to 2361
leave the state without permission of the court or the releasee's 2362
parole or probation officer. 2363

(E) The department of rehabilitation and correction, in 2364
accordance with Chapter 119. of the Revised Code, shall adopt 2365
rules that do all of the following: 2366

(1) Establish standards for the imposition by the parole 2367
board of post-release control sanctions under this section that 2368
are consistent with the overriding purposes and sentencing 2369
principles set forth in section 2929.11 of the Revised Code and 2370
that are appropriate to the needs of releasees; 2371

(2) Establish standards by which the parole board can 2372
determine which prisoners described in division (C) of this 2373
section should be placed under a period of post-release control; 2374

(3) Establish standards to be used by the parole board in 2375
reducing the duration of the period of post-release control 2376
imposed by the court when authorized under division (D) of this 2377
section, in imposing a more restrictive post-release control 2378
sanction than monitored time upon a prisoner convicted of a felony 2379
of the fourth or fifth degree other than a felony sex offense, or 2380
in imposing a less restrictive control sanction upon a releasee 2381
based on the releasee's activities including, but not limited to, 2382
remaining free from criminal activity and from the abuse of 2383
alcohol or other drugs, successfully participating in approved 2384
rehabilitation programs, maintaining employment, and paying 2385
restitution to the victim or meeting the terms of other financial 2386
sanctions; 2387

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	2388 2389 2390
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	2391 2392 2393 2394
(a) Classify violations according to the degree of seriousness;	2395 2396
(b) Define the circumstances under which formal action by the parole board is warranted;	2397 2398
(c) Govern the use of evidence at violation hearings;	2399
(d) Ensure procedural due process to an alleged violator;	2400
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	2401 2402
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	2403 2404
(F)(1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation	2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417

directly to the adult parole authority or to the officer of the 2418
authority who supervises the offender. The authority's officers 2419
may treat the offender as if the offender were on parole and in 2420
violation of the parole, and otherwise shall comply with this 2421
section. 2422

(2) If the adult parole authority or, pursuant to an 2423
agreement under section 2967.29 of the Revised Code, the court 2424
determines that a releasee has violated a post-release control 2425
sanction or any conditions described in division (A) of section 2426
2967.131 of the Revised Code imposed upon the releasee and that a 2427
more restrictive sanction is appropriate, the authority or court 2428
may impose a more restrictive sanction upon the releasee, in 2429
accordance with the standards established under division (E) of 2430
this section or in accordance with the agreement made under 2431
section 2967.29 of the Revised Code, or may report the violation 2432
to the parole board for a hearing pursuant to division (F)(3) of 2433
this section. The authority or court may not, pursuant to this 2434
division, increase the duration of the releasee's post-release 2435
control or impose as a post-release control sanction a residential 2436
sanction that includes a prison term, but the authority or court 2437
may impose on the releasee any other residential sanction, 2438
nonresidential sanction, or financial sanction that the sentencing 2439
court was authorized to impose pursuant to sections 2929.16, 2440
2929.17, and 2929.18 of the Revised Code. 2441

(3) The parole board or, pursuant to an agreement under 2442
section 2967.29 of the Revised Code, the court may hold a hearing 2443
on any alleged violation by a releasee of a post-release control 2444
sanction or any conditions described in division (A) of section 2445
2967.131 of the Revised Code that are imposed upon the releasee. 2446
If after the hearing the board or court finds that the releasee 2447
violated the sanction or condition, the board or court may 2448
increase the duration of the releasee's post-release control up to 2449

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

If an offender is imprisoned for a felony committed while 2476
under post-release control supervision and is again released on 2477
post-release control for a period of time determined by division 2478
(F)(4)(d) of this section, the maximum cumulative prison term for 2479
all violations under this division shall not exceed one-half of 2480
the total stated prison terms of the earlier felony, reduced by 2481
any prison term administratively imposed by the parole board or 2482

court, plus one-half of the total stated prison term of the new 2483
felony. 2484

(4) Any period of post-release control shall commence upon an 2485
offender's actual release from prison. If an offender is serving 2486
an indefinite prison term or a life sentence in addition to a 2487
stated prison term, the offender shall serve the period of 2488
post-release control in the following manner: 2489

(a) If a period of post-release control is imposed upon the 2490
offender and if the offender also is subject to a period of parole 2491
under a life sentence or an indefinite sentence, and if the period 2492
of post-release control ends prior to the period of parole, the 2493
offender shall be supervised on parole. The offender shall receive 2494
credit for post-release control supervision during the period of 2495
parole. The offender is not eligible for final release under 2496
section 2967.16 of the Revised Code until the post-release control 2497
period otherwise would have ended. 2498

(b) If a period of post-release control is imposed upon the 2499
offender and if the offender also is subject to a period of parole 2500
under an indefinite sentence, and if the period of parole ends 2501
prior to the period of post-release control, the offender shall be 2502
supervised on post-release control. The requirements of parole 2503
supervision shall be satisfied during the post-release control 2504
period. 2505

(c) If an offender is subject to more than one period of 2506
post-release control, the period of post-release control for all 2507
of the sentences shall be the period of post-release control that 2508
expires last, as determined by the parole board or court. Periods 2509
of post-release control shall be served concurrently and shall not 2510
be imposed consecutively to each other. 2511

(d) The period of post-release control for a releasee who 2512
commits a felony while under post-release control for an earlier 2513

felony shall be the longer of the period of post-release control 2514
specified for the new felony under division (B) or (C) of this 2515
section or the time remaining under the period of post-release 2516
control imposed for the earlier felony as determined by the parole 2517
board or court. 2518

Sec. 2971.04. (A) If an offender is serving a prison term 2519
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 2520
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 2521
the Revised Code, at any time after the offender has served the 2522
minimum term imposed under that sentence, the parole board may 2523
terminate its control over the offender's service of the prison 2524
term. The parole board initially shall determine whether to 2525
terminate its control over the offender's service of the prison 2526
term upon the completion of the offender's service of the minimum 2527
term under the sentence and shall make subsequent determinations 2528
at least once every two years after that first determination. The 2529
parole board shall not terminate its control over the offender's 2530
service of the prison term unless it finds at a hearing that the 2531
offender does not represent a substantial risk of physical harm to 2532
others. Upon the request of the prosecuting attorney or of any law 2533
enforcement agency, the board shall provide to the requesting 2534
prosecuting attorney and law enforcement agencies an institutional 2535
summary report prepared by the department of rehabilitation and 2536
correction that covers the offender's participation while confined 2537
in a state correctional institution in training, work, and other 2538
rehabilitative activities and any disciplinary action taken 2539
against the offender while so confined. Prior to determining 2540
whether to terminate its control over the offender's service of 2541
the prison term, the parole board shall request the department of 2542
rehabilitation and correction to prepare pursuant to section 2543
5120.61 of the Revised Code an update of the most recent risk 2544
assessment and report relative to the offender. The offender has 2545

the right to be present at any hearing held under this section. ~~At~~ 2546

At the hearing, the offender and the prosecuting attorney may 2547
make a statement and present evidence as to whether the parole 2548
board should terminate its control over the offender's service of 2549
the prison term. In making its determination as to whether to 2550
terminate its control over the offender's service of the prison 2551
term, the parole board may follow the standards and guidelines 2552
adopted by the department of rehabilitation and correction under 2553
section 5120.49 of the Revised Code and shall consider the updated 2554
risk assessment and report relating to the offender prepared by 2555
the department pursuant to section 5120.61 of the Revised Code in 2556
response to the request made under this division and any 2557
statements or evidence submitted by the offender or the 2558
prosecuting attorney. If the parole board terminates its control 2559
over an offender's service of a prison term imposed under division 2560
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 2561
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2562
Code, it shall recommend to the court modifications to the 2563
requirement that the offender serve the entire term in a state 2564
correctional institution. The court is not bound by the 2565
recommendations submitted by the parole board. 2566

(B) If the parole board terminates its control over an 2567
offender's service of a prison term imposed pursuant to division 2568
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 2569
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2570
Code, the parole board immediately shall provide written notice of 2571
its termination of control to the department of rehabilitation and 2572
correction, the court, and the prosecuting attorney, and, after 2573
the board's termination of its control, the court shall have 2574
control over the offender's service of that prison term. 2575

After the transfer, the court shall have control over the 2576
offender's service of that prison term for the offender's entire 2577

life, subject to the court's termination of the term pursuant to 2578
section 2971.05 of the Revised Code. 2579

(C) If control over the offender's service of the prison term 2580
is transferred to the court, all of the following apply: 2581

(1) The offender shall not be released solely as a result of 2582
the transfer of control over the service of that prison term. 2583

(2) The offender shall not be permitted solely as a result of 2584
the transfer to serve a portion of that term in a place other than 2585
a state correctional institution. 2586

(3) The offender shall continue serving that term in a state 2587
correctional institution, subject to the following: 2588

(a) A release pursuant to a pardon, commutation, or reprieve; 2589

(b) A modification or termination of the term by the court 2590
pursuant to this chapter. 2591

Sec. 2971.05. (A)(1) After control over an offender's service 2592
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 2593
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 2594
(d) of section 2971.03 of the Revised Code has been transferred 2595
pursuant to section 2971.04 of the Revised Code to the court, the 2596
court shall schedule, within thirty days of any of the following, 2597
a hearing on whether to modify in accordance with division (C) of 2598
this section the requirement that the offender serve the entire 2599
prison term in a state correctional institution or to terminate 2600
the prison term in accordance with division (D) of this section: 2601
2602

(a) Control over the offender's service of a prison term is 2603
transferred pursuant to section 2971.04 of the Revised Code to the 2604
court, and no hearing to modify the requirement has been held; 2605

(b) Two years elapse after the most recent prior hearing held 2606
pursuant to division (A)(1) or (2) of this section; 2607

(c) The prosecuting attorney, the department of 2608
rehabilitation and correction, or the adult parole authority 2609
requests the hearing, and recommends that the requirement be 2610
modified or that the offender's prison term be terminated. 2611

(2) After control over the offender's service of a prison 2612
term has been transferred pursuant to section 2971.04 of the 2613
Revised Code to the court, the court, within thirty days of either 2614
of the following, shall conduct a hearing on whether to modify in 2615
accordance with division (C) of this section the requirement that 2616
the offender serve the entire prison term in a state correctional 2617
institution, whether to continue, revise, or revoke an existing 2618
modification of that requirement, or whether to terminate the term 2619
in accordance with division (D) of this section: 2620

(a) The requirement that the offender serve the entire prison 2621
term in a state correctional institution has been modified, and 2622
the offender is taken into custody for any reason. 2623

(b) The department of rehabilitation and correction or the 2624
prosecuting attorney notifies the court pursuant to section 2625
2971.06 of the Revised Code regarding a known or suspected 2626
violation of a term or condition of the modification or a belief 2627
that there is a substantial likelihood that the offender has 2628
committed or is about to commit a sexually violent offense. 2629

(3) After control over the offender's service of a prison 2630
term has been transferred pursuant to section 2971.04 of the 2631
Revised Code to the court, the court, in any of the following 2632
circumstances, may conduct a hearing within thirty days to 2633
determine whether to modify in accordance with division (C) of 2634
this section the requirement that the offender serve the entire 2635
prison term in a state correctional institution, whether to 2636
continue, revise, or revoke an existing modification of that 2637
requirement, or whether to terminate the sentence in accordance 2638
with division (D) of this section: 2639

(a) The offender requests the hearing; 2640

(b) Upon the court's own motion; 2641

(c) One or more examiners who have conducted a psychological 2642
examination and assessment of the offender file a statement that 2643
states that there no longer is a likelihood that the offender will 2644
engage in the future in a sexually violent offense. 2645

(B)(1) Before a court holds a hearing pursuant to division 2646
(A) of this section, the court shall provide notice of the date, 2647
time, place, and purpose of the hearing to the offender, the 2648
prosecuting attorney, the department of rehabilitation and 2649
correction, and the adult parole authority and shall request the 2650
department to prepare pursuant to section 5120.61 of the Revised 2651
Code an update of the most recent risk assessment and report 2652
relative to the offender. Upon the request of the prosecuting 2653
attorney or of any law enforcement agency, the department shall 2654
provide to the requesting prosecuting attorney and law enforcement 2655
agencies an institutional summary report prepared by the 2656
department that covers the offender's participation while confined 2657
in a state correctional institution in training, work, and other 2658
rehabilitative activities and any disciplinary action taken 2659
against the offender while so confined. The offender has the right 2660
to be present at any hearing held under this section. At the 2661
hearing, the offender and the prosecuting attorney may make a 2662
statement and present evidence as to whether the requirement that 2663
the offender serve the entire prison term in a state correctional 2664
institution should or should not be modified, whether the existing 2665
modification of the requirement should be continued, revised, or 2666
revoked, and whether the prison term should or should not be 2667
terminated. 2668

(2) At a hearing held pursuant to division (A) of this 2669
section, the court may and, if the hearing is held pursuant to 2670
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 2671

determine by clear and convincing evidence whether the offender is 2672
unlikely to commit a sexually violent offense in the future. 2673

(3) At the conclusion of the hearing held pursuant to 2674
division (A) of this section, the court may order that the 2675
requirement that the offender serve the entire prison term in a 2676
state correctional institution be continued, that the requirement 2677
be modified pursuant to division (C) of this section, that an 2678
existing modification be continued, revised, or revoked pursuant 2679
to division (C) of this section, or that the prison term be 2680
terminated pursuant to division (D) of this section. 2681

(C)(1) If, at the conclusion of a hearing held pursuant to 2682
division (A) of this section, the court determines by clear and 2683
convincing evidence that the offender will not represent a 2684
substantial risk of physical harm to others, the court may modify 2685
the requirement that the offender serve the entire prison term 2686
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 2687
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 2688
the Revised Code in a state correctional institution in a manner 2689
that the court considers appropriate. If the court modifies the 2690
requirement for an offender whose prison term was imposed pursuant 2691
to division (A)(3) of section 2971.03 of the Revised Code, the 2692
court shall order the adult parole authority to supervise the 2693
offender and shall require that the authority's supervision of the 2694
offender be pursuant to division (E) of this section. If the court 2695
modifies the requirement for an offender whose prison term was 2696
imposed pursuant to division (B)(1)(a), (b), or (c), (2)(a), (b), 2697
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 2698
Revised Code, the court shall order the adult parole authority to 2699
supervise the offender and may require that the authority's 2700
supervision of the offender be pursuant to division (E) of this 2701
section. 2702

(2) The modification of the requirement does not terminate 2703

the prison term but serves only to suspend the requirement that 2704
the offender serve the entire term in a state correctional 2705
institution. The prison term shall remain in effect for the 2706
offender's entire life unless the court terminates the prison term 2707
pursuant to division (D) of this section. The offender shall 2708
remain under the jurisdiction of the court for the offender's 2709
entire life unless the court so terminates the prison term. The 2710
modification of the requirement does not terminate the 2711
classification of the offender, as described in division (F) of 2712
section 2971.03 of the Revised Code, as a sexual predator for 2713
purposes of Chapter 2950. of the Revised Code, and the offender is 2714
subject to supervision, including supervision under division (E) 2715
of this section if the court required the supervision of the 2716
offender to be pursuant to that division. 2717

(3) If the court revokes the modification under 2718
consideration, the court shall order that the offender be returned 2719
to the custody of the department of rehabilitation and correction 2720
to continue serving the prison term to which the modification 2721
applied, and section 2971.06 of the Revised Code applies regarding 2722
the offender. 2723

(D)(1) If, at the conclusion of a hearing held pursuant to 2724
division (A) of this section, the court determines by clear and 2725
convincing evidence that the offender is unlikely to commit a 2726
sexually violent offense in the future, the court may terminate 2727
the offender's prison term imposed under division (A)(3), 2728
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 2729
(c), or (d) of section 2971.03 of the Revised Code, subject to the 2730
offender satisfactorily completing the period of conditional 2731
release required by this division and, if applicable, compliance 2732
with division (E) of this section. If the court terminates the 2733
prison term, the court shall place the offender on conditional 2734
release for five years, notify the adult parole authority of its 2735

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

(2) Upon receipt of a recommendation of the adult parole 2762
authority filed pursuant to division (D)(1) of this section, the 2763
court shall hold a hearing to determine whether to finalize the 2764
termination of the offender's prison term, to extend the period of 2765
conditional release, or to take another type of action authorized 2766
pursuant to this chapter. The court shall hold the hearing no 2767
later than the date on which the five-year period of conditional 2768

release terminates and shall provide notice of the date, time, 2769
place, and purpose of the hearing to the offender and to the 2770
prosecuting attorney. At the hearing, the offender, the 2771
prosecuting attorney, and the adult parole authority employee who 2772
supervised the offender during the period of conditional release 2773
may make a statement and present evidence. 2774

If the court determines at the hearing to extend an 2775
offender's period of conditional release, it may do so for 2776
additional periods of one year in the same manner as the original 2777
period of conditional release, and, except as otherwise described 2778
in this division, all procedures and requirements that applied to 2779
the original period of conditional release apply to the additional 2780
period of extended conditional release unless the court modifies a 2781
procedure or requirement. If an offender's period of conditional 2782
release is extended as described in this division, all references 2783
to a five-year period of conditional release that are contained in 2784
division (D)(1) of this section shall be construed, in applying 2785
the provisions of that division to the extension, as being 2786
references to the one-year period of the extension of the 2787
conditional release. 2788

If the court determines at the hearing to take another type 2789
of action authorized pursuant to this chapter, it may do so in the 2790
same manner as if the action had been taken at any other stage of 2791
the proceedings under this chapter. As used in this division, 2792
"another type of action" includes the revocation of the 2793
conditional release and the return of the offender to a state 2794
correctional institution to continue to serve the prison term. 2795

If the court determines at the hearing to finalize the 2796
termination of the offender's prison term, it shall notify the 2797
department of rehabilitation and correction, the department shall 2798
enter into its records a final release and issue to the offender a 2799
certificate of final release, and the prison term thereafter shall 2800

be considered completed and terminated in every way. 2801

(3) The termination of an offender's prison term pursuant to 2802
division (D)(1) or (2) of this section does not affect the 2803
classification of the offender, as described in division (F) of 2804
section 2971.03 of the Revised Code, as a tier III sex 2805
offender/child-victim offender for purposes of Chapter 2950. of 2806
the Revised Code, does not terminate the adult parole authority's 2807
supervision of the offender, and, if the court had required the 2808
supervision of the offender to be pursuant to division (E) of this 2809
section, does not terminate the supervision of the offender with 2810
an active global positioning system device, pursuant to that 2811
division. 2812

(E) If a prison term imposed upon an offender pursuant to 2813
division (A)(3) of section 2971.03 of the Revised Code is modified 2814
as provided in division (C) of this section or terminated as 2815
provided in division (D) of this section, the adult parole 2816
authority shall supervise the offender with an active global 2817
positioning system device during any time period in which the 2818
offender is not incarcerated in a state correctional institution. 2819
If a prison term imposed upon an offender pursuant to division 2820
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 2821
or (d) of section 2971.03 of the Revised Code is modified as 2822
provided in division (C) of this section or terminated as provided 2823
in division (D) of this section, and if the court requires that 2824
the adult parole authority's supervision of the offender be 2825
pursuant to this division, the authority shall supervise the 2826
offender with an active global positioning system device during 2827
any time period in which the offender is not incarcerated in a 2828
state correctional institution. If the adult parole authority is 2829
required to supervise the offender with an active global 2830
positioning system device as described in this division, unless 2831
the court removes the offender's classification as a sexually 2832

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

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 2852
but not before January 1, 2006, the department of rehabilitation 2853
and correction shall establish and operate on the internet a 2854
database that contains all of the following: 2855

(1) For each inmate in the custody of the department under a 2856
sentence imposed for a conviction of or plea of guilty to any 2857
offense, all of the following information: 2858

(a) The inmate's name; 2859

(b) For each offense for which the inmate was sentenced to a 2860
prison term or term of imprisonment and is in the department's 2861
custody, the name of the offense, the Revised Code section of 2862
which the offense is a violation, the gender of each victim of the 2863

offense if those facts are known, whether each victim of the 2864
offense was an adult or child if those facts are known, whether 2865
any victim of the offense was a law enforcement officer if that 2866
fact is known, the range of the possible prison terms or term of 2867
imprisonment that could have been imposed for the offense, the 2868
actual prison term or term of imprisonment imposed for the 2869
offense, the county in which the offense was committed, the date 2870
on which the inmate began serving the prison term or term of 2871
imprisonment imposed for the offense, and either the date on which 2872
the inmate will be eligible for parole relative to the offense if 2873
the prison term or term of imprisonment is an indefinite term or 2874
life term or the date on which the term ends if the prison term is 2875
a definite term; 2876

(c) All of the following information that is applicable 2877
regarding the inmate: 2878

(i) If known to the department prior to the conduct of any 2879
hearing for judicial release of the defendant pursuant to section 2880
2929.20 of the Revised Code in relation to any prison term or term 2881
of imprisonment the inmate is serving for any offense or any 2882
hearing for release of the defendant pursuant to section 2967.19 2883
of the Revised Code in relation to any such term, notice of the 2884
fact that the inmate will be having a hearing regarding a possible 2885
grant of judicial release or release, the date of the hearing, and 2886
the right of any person pursuant to division (J) of section 2887
2929.20 or division (H) of section 2967.19 of the Revised Code, 2888
whichever is applicable, to submit to the court a written 2889
statement regarding the possible judicial release or release. The 2890
department also shall post notice of the filing of any petition 2891
for release of the inmate pursuant to section 2967.19 of the 2892
Revised Code, as required by division (E) of that section. 2893

(ii) If the inmate is serving a prison term pursuant to 2894
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 2895

or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 2896
Code, prior to the conduct of any hearing pursuant to section 2897
2971.05 of the Revised Code to determine whether to modify the 2898
requirement that the inmate serve the entire prison term in a 2899
state correctional facility in accordance with division (C) of 2900
that section, whether to continue, revise, or revoke any existing 2901
modification of that requirement, or whether to terminate the 2902
prison term in accordance with division (D) of that section, 2903
notice of the fact that the inmate will be having a hearing 2904
regarding those determinations and ~~of~~ the date of the hearing; 2905

(iii) At least ~~three weeks~~ sixty days before the adult parole 2906
authority recommends a pardon or commutation of sentence for the 2907
inmate or at least ~~three weeks~~ sixty days prior to a hearing 2908
before the adult parole authority regarding a grant of parole to 2909
the inmate in relation to any prison term or term of imprisonment 2910
the inmate is serving for any offense, notice of the fact that the 2911
inmate might be under consideration for a pardon or commutation of 2912
sentence or will be having a hearing regarding a possible grant of 2913
parole, ~~of~~ the date of any hearing regarding a possible grant of 2914
parole, and ~~of~~ the right of any person to submit a written 2915
statement regarding the pending action; 2916

(iv) At least ~~three weeks~~ sixty days before the inmate is 2917
transferred to transitional control under section 2967.26 of the 2918
Revised Code in relation to any prison term or term of 2919
imprisonment the inmate is serving for any offense, notice of the 2920
pendency of the transfer, ~~of~~ the date of the possible transfer, 2921
and ~~of~~ the right of any person to submit a statement regarding the 2922
possible transfer; 2923

(v) Prompt notice of the inmate's escape from any facility in 2924
which the inmate was incarcerated and of the capture of the inmate 2925
after an escape; 2926

(vi) Notice of the inmate's death while in confinement; 2927

(vii) Prior to the release of the inmate from confinement, 2928
notice of the fact that the inmate will be released, of the date 2929
of the release, and, if applicable, of the standard terms and 2930
conditions of the release; 2931

(viii) Notice of the inmate's judicial release pursuant to 2932
section 2929.20 of the Revised Code or release pursuant to section 2933
2967.19 of the Revised Code. 2934

(2) Information as to where a person can send written 2935
statements of the types referred to in divisions (A)(1)(c)(i), 2936
(iii), and (iv) of this section. 2937

(B)(1) The department shall update the database required 2938
under division (A) of this section every twenty-four hours to 2939
ensure that the information it contains is accurate and current. 2940

(2) The database required under division (A) of this section 2941
is a public record open for inspection under section 149.43 of the 2942
Revised Code. The department shall make the database searchable by 2943
inmate name and by the county and zip code where the offender 2944
intends to reside after release from a state correctional 2945
institution if this information is known to the department. 2946

(3) The database required under division (A) of this section 2947
may contain information regarding inmates who are listed in the 2948
database in addition to the information described in that 2949
division. 2950

(4) No information included on the database required under 2951
division (A) of this section shall identify or enable the 2952
identification of any victim of any offense committed by an 2953
inmate. 2954

(C) The failure of the department to comply with the 2955
requirements of division (A) or (B) of this section does not give 2956
any rights or any grounds for appeal or post-conviction relief to 2957
any inmate. 2958

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

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

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

At the end of each quarter, the department shall submit to the chairpersons of the committees of the senate and the house of representatives that consider criminal justice legislation a report on the number and results of parole hearings conducted during the quarter and a list of persons incarcerated for committing offenses of violence who were granted parole and a

summary of the terms and conditions of their parole. The 2990
department shall provide the committees with any documentation 2991
related to the reports that members of the committees may request. 2992

Upon request, the department shall provide a detailed 2993
statement, supported by documentation, of the reasons why a 2994
particular prisoner was granted parole to the law enforcement 2995
agency that arrested the prisoner, the prosecuting attorney who 2996
prosecuted the case, or any person who is a member of the general 2997
assembly at the time the person makes the request. 2998

Sec. 5149.101. (A)(1) A board hearing officer, a board 2999
member, or the office of victims' services may petition the board 3000
for a full board hearing that relates to the proposed parole or 3001
re-parole of a prisoner. At a meeting of the board at which a 3002
majority of board members are present, the majority of those 3003
present shall determine whether a full board hearing shall be 3004
held. 3005

(2) A victim of a violation of section 2903.01 or 2903.02 of 3006
the Revised Code, an offense of violence that is a felony of the 3007
first, second, or third degree, or an offense punished by a 3008
sentence of life imprisonment, the victim's representative, or any 3009
person described in division (B)(5) of this section may request 3010
the board to hold a full board hearing that relates to the 3011
proposed parole or re-parole of the person that committed the 3012
violation. If a victim, victim's representative, or other person 3013
requests a full board hearing pursuant to this division, the board 3014
shall hold a full board hearing. 3015

At least thirty days before the full hearing, except as 3016
otherwise provided in this division, the board shall give notice 3017
of the date, time, and place of the hearing to the victim 3018
regardless of whether the victim has requested the notification. 3019
The notice of the date, time, and place of the hearing shall not 3020

be given under this division to a victim if the victim has 3021
requested pursuant to division (B)(2) of section 2930.03 of the 3022
Revised Code that the notice not be provided to the victim. At 3023
least thirty days before the full board hearing and regardless of 3024
whether the victim has requested that the notice be provided or 3025
not be provided under this division to the victim, the board shall 3026
give similar notice to the prosecuting attorney in the case, the 3027
law enforcement agency that arrested the prisoner if any officer 3028
of that agency was a victim of the offense, and, if different than 3029
the victim, the person who requested the full hearing. If the 3030
prosecuting attorney has not previously been sent an institutional 3031
summary report with respect to the prisoner, upon the request of 3032
the prosecuting attorney, the board shall include with the notice 3033
sent to the prosecuting attorney an institutional summary report 3034
that covers the offender's participation while confined in a state 3035
correctional institution in training, work, and other 3036
rehabilitative activities and any disciplinary action taken 3037
against the offender while so confined. Upon the request of a law 3038
enforcement agency that has not previously been sent an 3039
institutional summary report with respect to the prisoner, the 3040
board also shall send a copy of the institutional summary report 3041
to the law enforcement agency. If notice is to be provided as 3042
described in this division, the board may give the notice by any 3043
reasonable means, including regular mail, telephone, and 3044
electronic mail, in accordance with division (D)(1) of section 3045
2930.16 of the Revised Code. If the notice is based on an offense 3046
committed prior to the effective date of this amendment, the 3047
notice also shall include the opt-out information described in 3048
division (D)(1) of section 2930.16 of the Revised Code. The board, 3049
in accordance with division (D)(2) of section 2930.16 of the 3050
Revised Code, shall keep a record of all attempts to provide the 3051
notice, and of all notices provided, under this division. 3052

The preceding paragraph, and the notice-related provisions of 3053

divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 3054
section 2930.16, division (H) of section 2967.12, division 3055
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 3056
2967.26, and division (D)(1) of section 2967.28 of the Revised 3057
Code enacted in the act in which this paragraph was enacted, shall 3058
be known as "Roberta's Law." 3059

(B) At a full board hearing that relates to the proposed 3060
parole or re-parole of a prisoner and that has been petitioned for 3061
or requested in accordance with division (A) of this section, the 3062
parole board shall permit the following persons to appear and to 3063
give testimony or to submit written statements: 3064

(1) The prosecuting attorney of the county in which the 3065
original indictment against the prisoner was found and members of 3066
any law enforcement agency that assisted in the prosecution of the 3067
original offense; 3068

(2) The judge of the court of common pleas who imposed the 3069
original sentence of incarceration upon the prisoner, or the 3070
judge's successor; 3071

(3) The victim of the original offense for which the prisoner 3072
is serving the sentence or the victim's representative designated 3073
pursuant to section 2930.02 of the Revised Code; 3074

(4) The victim of any behavior that resulted in parole being 3075
revoked; 3076

(5) With respect to a full board hearing held pursuant to 3077
division (A)(2) of this section, all of the following: 3078

(a) The spouse of the victim of the original offense; 3079

(b) The parent or parents of the victim of the original 3080
offense; 3081

(c) The sibling of the victim of the original offense; 3082

(d) The child or children of the victim of the original 3083

offense. 3084

(6) Counsel or some other person designated by the prisoner 3085
as a representative, as described in division (C) of this section. 3086

(C) Except as otherwise provided in this division, a full 3087
board hearing of the parole board is not subject to section 121.22 3088
of the Revised Code. The persons who may attend a full board 3089
hearing are the persons described in divisions (B)(1) to (6) of 3090
this section, and representatives of the press, radio and 3091
television stations, and broadcasting networks who are members of 3092
a generally recognized professional media organization. 3093

At the request of a person described in division (B)(3) of 3094
this section, representatives of the news media described in this 3095
division shall be excluded from the hearing while that person is 3096
giving testimony at the hearing. The prisoner being considered for 3097
parole has no right to be present at the hearing, but may be 3098
represented by counsel or some other person designated by the 3099
prisoner. 3100

If there is an objection at a full board hearing to a 3101
recommendation for the parole of a prisoner, the board may approve 3102
or disapprove the recommendation or defer its decision until a 3103
subsequent full board hearing. The board may permit interested 3104
persons other than those listed in this division and division (B) 3105
of this section to attend full board hearings pursuant to rules 3106
adopted by the adult parole authority. 3107

(D) If the victim of the original offense died as a result of 3108
the offense and the offense was aggravated murder, murder, an 3109
offense of violence that is a felony of the first, second, or 3110
third degree, or an offense punished by a sentence of life 3111
imprisonment, the family of the victim may show at a full board 3112
hearing a video recording not exceeding five minutes in length 3113
memorializing the victim. 3114

(E) The adult parole authority shall adopt rules for the 3115
implementation of this section. The rules shall specify reasonable 3116
restrictions on the number of media representatives that may 3117
attend a hearing, based on considerations of space, and other 3118
procedures designed to accomplish an effective, orderly process 3119
for full board hearings. 3120

Section 2. That existing sections 2152.86, 2903.03, 2929.20, 3121
2930.03, 2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 3122
2967.19, 2967.26, 2967.28, 2971.04, 2971.05, 5120.66, 5149.07, and 3123
5149.101 of the Revised Code are hereby repealed. 3124