

**As Introduced**

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

**S. B. No. 270**

**Senator Brown**

**Cosponsors: Senators Kearney, Tavares**

—

**A B I L L**

To amend sections 120.03, 120.06, 120.14, 120.16, 1  
120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 2  
1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 3  
2313.37, 2701.07, 2743.51, 2901.02, 2909.24, 4  
2929.02, 2929.13, 2929.14, 2941.021, 2941.14, 5  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 6  
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 7  
2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 8  
2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 9  
2953.81, 2967.05, 2967.13, 2967.193, 2971.03, 10  
2971.07, 5120.113, 5120.61, and 5919.16 and to 11  
repeal sections 109.97, 120.35, 2929.021, 12  
2929.022, 2929.023, 2929.024, 2929.03, 2929.04, 13  
2929.05, 2929.06, 2947.08, 2949.21, 2949.22, 14  
2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 15  
2949.29, 2949.31, and 2967.08 of the Revised Code 16  
to abolish the death penalty and to declare an 17  
emergency. 18

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

**Section 1.** That sections 120.03, 120.06, 120.14, 120.16, 19  
120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 1901.183, 2152.13, 20

2152.67, 2301.20, 2307.60, 2313.37, 2701.07, 2743.51, 2901.02, 21  
2909.24, 2929.02, 2929.13, 2929.14, 2941.021, 2941.14, 2941.148, 22  
2941.401, 2941.43, 2941.51, 2945.06, 2945.21, 2945.25, 2945.33, 23  
2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 24  
2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.81, 2967.05, 25  
2967.13, 2967.193, 2971.03, 2971.07, 5120.113, 5120.61, and 26  
5919.16 of the Revised Code be amended to read as follows: 27

**Sec. 120.03.** (A) The Ohio public defender commission shall 28  
appoint the state public defender, who shall serve at the pleasure 29  
of the commission. 30

(B) The Ohio public defender commission shall establish rules 31  
for the conduct of the offices of the county and joint county 32  
public defenders and for the conduct of county appointed counsel 33  
systems in the state. These rules shall include, but are not 34  
limited to, the following: 35

(1) Standards of indigency and minimum qualifications for 36  
legal representation by a public defender or appointed counsel. In 37  
establishing standards of indigency and determining who is 38  
eligible for legal representation by a public defender or 39  
appointed counsel, the commission shall consider an indigent 40  
person to be an individual who at the time ~~his~~ the person's need 41  
is determined is unable to provide for the payment of an attorney 42  
and all other necessary expenses of representation. Release on 43  
bail shall not prevent a person from being determined to be 44  
indigent. 45

(2) Standards for the hiring of outside counsel; 46

(3) Standards for contracts by a public defender with law 47  
schools, legal aid societies, and nonprofit organizations for 48  
providing counsel; 49

(4) Standards for the qualifications, training, and size of 50

the legal and supporting staff for a public defender, facilities, 51  
and other requirements needed to maintain and operate an office of 52  
a public defender; 53

(5) Minimum caseload standards; 54

(6) Procedures for the assessment and collection of the costs 55  
of legal representation that is provided by public defenders or 56  
appointed counsel; 57

(7) Standards and guidelines for determining whether a client 58  
is able to make an up-front contribution toward the cost of ~~his~~ 59  
the client's legal representation; 60

(8) Procedures for the collection of up-front contributions 61  
from clients who are able to contribute toward the cost of their 62  
legal representation, as determined pursuant to the standards and 63  
guidelines developed under division (B)(7) of this section. All of 64  
such up-front contributions shall be paid into the appropriate 65  
county fund. 66

(9) Standards for contracts between a board of county 67  
commissioners, a county public defender commission, or a joint 68  
county public defender commission and a municipal corporation for 69  
the legal representation of indigent persons charged with 70  
violations of the ordinances of the municipal corporation. 71

(C) The Ohio public defender commission shall adopt rules 72  
prescribing minimum qualifications of counsel appointed pursuant 73  
to this chapter or appointed by the courts. ~~Without limiting its~~ 74  
~~general authority to prescribe different qualifications for~~ 75  
~~different categories of appointed counsel, the commission shall~~ 76  
~~prescribe, by rule, special qualifications for counsel and~~ 77  
~~eo counsel appointed in capital cases.~~ 78

(D) In administering the office of the Ohio public defender 79  
commission: 80

(1) The commission shall do the following:	81
(a) Approve an annual operating budget;	82
(b) Make an annual report to the governor, the general assembly, and the supreme court of Ohio on the operation of the state public defender's office, the county appointed counsel systems, and the county and joint county public defenders' offices.	83 84 85 86 87
(2) The commission may do the following:	88
(a) Accept the services of volunteer workers and consultants at no compensation other than reimbursement of actual and necessary expenses;	89 90 91
(b) Prepare and publish statistical and case studies and other data pertinent to the legal representation of indigent persons;	92 93 94
(c) Conduct programs having a general objective of training and educating attorneys and others in the legal representation of indigent persons.	95 96 97
(E) There is hereby established in the state treasury the public defender training fund for the deposit of fees received by the Ohio public defender commission from educational seminars, and the sale of publications, on topics concerning criminal law and procedure. Expenditures from this fund shall be made only for the operation of activities authorized by division (D)(2)(c) of this section.	98 99 100 101 102 103 104
(F)(1) In accordance with sections 109.02, 109.07, and 109.361 to 109.366 of the Revised Code, but subject to division (E) of section 120.06 of the Revised Code, the attorney general shall represent or provide for the representation of the Ohio public defender commission, the state public defender, assistant state public defenders, and other employees of the commission or	105 106 107 108 109 110

the state public defender. 111

(2) Subject to division (E) of section 120.06 of the Revised 112  
Code, the attorney general shall represent or provide for the 113  
representation of attorneys described in division (C) of section 114  
120.41 of the Revised Code in malpractice or other civil actions 115  
or proceedings that arise from alleged actions or omissions 116  
related to responsibilities derived pursuant to this chapter, or 117  
in civil actions that are based upon alleged violations of the 118  
constitution or statutes of the United States, including section 119  
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 120  
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 121  
or omissions related to responsibilities derived pursuant to this 122  
chapter. For purposes of the representation, sections 109.361 to 123  
109.366 of the Revised Code shall apply to an attorney described 124  
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 125  
attorney were an officer or employee, as defined in section 109.36 126  
of the Revised Code, and the Ohio public defender commission or 127  
the state public defender, whichever contracted with the attorney, 128  
shall be considered ~~his~~ the attorney's employer. 129

**Sec. 120.06.** (A)(1) The state public defender, when 130  
designated by the court or requested by a county public defender 131  
or joint county public defender, may provide legal representation 132  
in all courts throughout the state to indigent adults and 133  
juveniles who are charged with the commission of an offense or act 134  
for which the penalty or any possible adjudication includes the 135  
potential loss of liberty. 136

(2) The state public defender may provide legal 137  
representation to any indigent person who, while incarcerated in 138  
any state correctional institution, is charged with a felony 139  
offense, for which the penalty or any possible adjudication that 140  
may be imposed by a court upon conviction includes the potential 141

loss of liberty. 142

(3) The state public defender may provide legal 143  
representation to any person incarcerated in any correctional 144  
institution of the state, in any matter in which the person 145  
asserts the person is unlawfully imprisoned or detained. 146

(4) The state public defender, in any case in which the state 147  
public defender has provided legal representation or is requested 148  
to do so by a county public defender or joint county public 149  
defender, may provide legal representation on appeal. 150

(5) The state public defender, when designated by the court 151  
or requested by a county public defender, joint county public 152  
defender, or the director of rehabilitation and correction, shall 153  
provide legal representation in parole and probation revocation 154  
matters or matters relating to the revocation of community control 155  
or post-release control under a community control sanction or 156  
post-release control sanction, unless the state public defender 157  
finds that the alleged parole or probation violator or alleged 158  
violator of a community control sanction or post-release control 159  
sanction has the financial capacity to retain the alleged 160  
violator's own counsel. 161

(6) If the state public defender contracts with a county 162  
public defender commission, a joint county public defender 163  
commission, or a board of county commissioners for the provision 164  
of services, under authority of division (C)(7) of section 120.04 165  
of the Revised Code, the state public defender shall provide legal 166  
representation in accordance with the contract. 167

(B) The state public defender shall not be required to 168  
prosecute any appeal, postconviction remedy, or other proceeding 169  
pursuant to division (A)(3), (4), or (5) of this section, unless 170  
the state public defender first is satisfied that there is 171  
arguable merit to the proceeding. 172

(C) A court may appoint counsel or allow an indigent person 173  
to select the indigent's own personal counsel to assist the state 174  
public defender as co-counsel when the interests of justice so 175  
require. When co-counsel is appointed to assist the state public 176  
defender, the co-counsel shall receive any compensation that the 177  
court may approve, not to exceed the amounts provided for in 178  
section 2941.51 of the Revised Code. 179

(D)(1) When the state public defender is designated by the 180  
court or requested by a county public defender or joint county 181  
public defender to provide legal representation for an indigent 182  
person in any case, other than pursuant to a contract entered into 183  
under authority of division (C)(7) of section 120.04 of the 184  
Revised Code, the state public defender shall send to the county 185  
in which the case is filed a bill detailing the actual cost of the 186  
representation that separately itemizes legal fees and expenses. 187  
The county, upon receipt of an itemized bill from the state public 188  
defender pursuant to this division, shall pay the state public 189  
defender each of the following amounts: 190

(a) For the amount identified as legal fees in the itemized 191  
bill, one hundred per cent of the amount identified as legal fees 192  
less the state reimbursement rate as calculated by the state 193  
public defender pursuant to section 120.34 of the Revised Code for 194  
the month the case terminated, as set forth in the itemized bill; 195

(b) For the amount identified as expenses in the itemized 196  
bill, one hundred per cent. 197

(2) Upon payment of the itemized bill under division (D)(1) 198  
of this section, the county may submit the cost of the expenses, 199  
excluding legal fees, to the state public defender for 200  
reimbursement pursuant to section 120.33 of the Revised Code. 201

(3) When the state public defender provides investigation or 202  
mitigation services to private appointed counsel or to a county or 203

joint county public defender as approved by the appointing court, 204  
other than pursuant to a contract entered into under authority of 205  
division (C)(7) of section 120.04 of the Revised Code, the state 206  
public defender shall send to the county in which the case is 207  
filed a bill itemizing the actual cost of the services provided. 208  
The county, upon receipt of an itemized bill from the state public 209  
defender pursuant to this division, shall pay one hundred per cent 210  
of the amount as set forth in the itemized bill. Upon payment of 211  
the itemized bill received pursuant to this division, the county 212  
may submit the cost of the investigation and mitigation services 213  
to the state public defender for reimbursement pursuant to section 214  
120.33 of the Revised Code. 215

(4) There is hereby created in the state treasury the county 216  
representation fund for the deposit of moneys received from 217  
counties under this division. All moneys credited to the fund 218  
shall be used by the state public defender to provide legal 219  
representation for indigent persons when designated by the court 220  
or requested by a county or joint county public defender or to 221  
provide investigation or mitigation services, including 222  
investigation or mitigation services to private appointed counsel 223  
or a county or joint county public defender, as approved by the 224  
court. 225

(E)(1) Notwithstanding any contrary provision of sections 226  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 227  
that pertains to representation by the attorney general, an 228  
assistant attorney general, or special counsel of an officer or 229  
employee, as defined in section 109.36 of the Revised Code, or of 230  
an entity of state government, the state public defender may elect 231  
to contract with, and to have the state pay pursuant to division 232  
(E)(2) of this section for the services of, private legal counsel 233  
to represent the Ohio public defender commission, the state public 234  
defender, assistant state public defenders, other employees of the 235



commission or the state public defender, and attorneys described 236  
in division (C) of section 120.41 of the Revised Code in a 237  
malpractice or other civil action or proceeding that arises from 238  
alleged actions or omissions related to responsibilities derived 239  
pursuant to this chapter, or in a civil action that is based upon 240  
alleged violations of the constitution or statutes of the United 241  
States, including section 1983 of Title 42 of the United States 242  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 243  
arises from alleged actions or omissions related to 244  
responsibilities derived pursuant to this chapter, if the state 245  
public defender determines, in good faith, that the defendant in 246  
the civil action or proceeding did not act manifestly outside the 247  
scope of the defendant's employment or official responsibilities, 248  
with malicious purpose, in bad faith, or in a wanton or reckless 249  
manner. If the state public defender elects not to contract 250  
pursuant to this division for private legal counsel in a civil 251  
action or proceeding, then, in accordance with sections 109.02, 252  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 253  
attorney general shall represent or provide for the representation 254  
of the Ohio public defender commission, the state public defender, 255  
assistant state public defenders, other employees of the 256  
commission or the state public defender, or attorneys described in 257  
division (C) of section 120.41 of the Revised Code in the civil 258  
action or proceeding. 259

(2)(a) Subject to division (E)(2)(b) of this section, payment 260  
from the state treasury for the services of private legal counsel 261  
with whom the state public defender has contracted pursuant to 262  
division (E)(1) of this section shall be accomplished only through 263  
the following procedure: 264

(i) The private legal counsel shall file with the attorney 265  
general a copy of the contract; a request for an award of legal 266  
fees, court costs, and expenses earned or incurred in connection 267

with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding; a written itemization of those fees, costs, and expenses, including the signature of the state public defender and the state public defender's attestation that the fees, costs, and expenses were earned or incurred pursuant to division (E)(1) of this section to the best of the state public defender's knowledge and information; a written statement whether the fees, costs, and expenses are for all legal services to be rendered in connection with that defense, are only for legal services rendered to the date of the request and additional legal services likely will have to be provided in connection with that defense, or are for the final legal services rendered in connection with that defense; a written statement indicating whether the private legal counsel previously submitted a request for an award under division (E)(2) of this section in connection with that defense and, if so, the date and the amount of each award granted; and, if the fees, costs, and expenses are for all legal services to be rendered in connection with that defense or are for the final legal services rendered in connection with that defense, a certified copy of any judgment entry in the civil action or proceeding or a signed copy of any settlement agreement entered into between the parties to the civil action or proceeding.

(ii) Upon receipt of a request for an award of legal fees, court costs, and expenses and the requisite supportive documentation described in division (E)(2)(a)(i) of this section, the attorney general shall review the request and documentation; determine whether any of the limitations specified in division (E)(2)(b) of this section apply to the request; and, if an award of legal fees, court costs, or expenses is permissible after applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The

document shall name the private legal counsel as the recipient of 301  
the award; specify the total amount of the award as determined by 302  
the attorney general; itemize the portions of the award that 303  
represent legal fees, court costs, and expenses; specify any 304  
limitation applied pursuant to division (E)(2)(b) of this section 305  
to reduce the amount of the award sought by the private legal 306  
counsel; state that the award is payable from the state treasury 307  
pursuant to division (E)(2)(a)(iii) of this section; and be 308  
approved by the inclusion of the signatures of the attorney 309  
general, the state public defender, and the private legal counsel. 310

(iii) The attorney general shall forward a copy of the 311  
document prepared pursuant to division (E)(2)(a)(ii) of this 312  
section to the director of budget and management. The award of 313  
legal fees, court costs, or expenses shall be paid out of the 314  
state public defender's appropriations, to the extent there is a 315  
sufficient available balance in those appropriations. If the state 316  
public defender does not have a sufficient available balance in 317  
the state public defender's appropriations to pay the entire award 318  
of legal fees, court costs, or expenses, the director shall make 319  
application for a transfer of appropriations out of the emergency 320  
purposes account or any other appropriation for emergencies or 321  
contingencies in an amount equal to the portion of the award that 322  
exceeds the sufficient available balance in the state public 323  
defender's appropriations. A transfer of appropriations out of the 324  
emergency purposes account or any other appropriation for 325  
emergencies or contingencies shall be authorized if there are 326  
sufficient moneys greater than the sum total of then pending 327  
emergency purposes account requests, or requests for releases from 328  
the other appropriation. If a transfer of appropriations out of 329  
the emergency purposes account or other appropriation for 330  
emergencies or contingencies is made to pay an amount equal to the 331  
portion of the award that exceeds the sufficient available balance 332  
in the state public defender's appropriations, the director shall 333

cause the payment to be made to the private legal counsel. If 334  
sufficient moneys do not exist in the emergency purposes account 335  
or other appropriation for emergencies or contingencies to pay an 336  
amount equal to the portion of the award that exceeds the 337  
sufficient available balance in the state public defender's 338  
appropriations, the private legal counsel shall request the 339  
general assembly to make an appropriation sufficient to pay an 340  
amount equal to the portion of the award that exceeds the 341  
sufficient available balance in the state public defender's 342  
appropriations, and no payment in that amount shall be made until 343  
the appropriation has been made. The private legal counsel shall 344  
make the request during the current biennium and during each 345  
succeeding biennium until a sufficient appropriation is made. 346

(b) An award of legal fees, court costs, and expenses 347  
pursuant to division (E) of this section is subject to the 348  
following limitations: 349

(i) The maximum award or maximum aggregate of a series of 350  
awards of legal fees, court costs, and expenses to the private 351  
legal counsel in connection with the defense of the Ohio public 352  
defender commission, the state public defender, an assistant state 353  
public defender, an employee, or an attorney in a specified civil 354  
action or proceeding shall not exceed fifty thousand dollars. 355

(ii) The private legal counsel shall not be awarded legal 356  
fees, court costs, or expenses to the extent the fees, costs, or 357  
expenses are covered by a policy of malpractice or other 358  
insurance. 359

(iii) The private legal counsel shall be awarded legal fees 360  
and expenses only to the extent that the fees and expenses are 361  
reasonable in light of the legal services rendered by the private 362  
legal counsel in connection with the defense of the Ohio public 363  
defender commission, the state public defender, an assistant state 364  
public defender, an employee, or an attorney in a specified civil 365

action or proceeding. 366

(c) If, pursuant to division (E)(2)(a) of this section, the attorney general denies a request for an award of legal fees, court costs, or expenses to private legal counsel because of the application of a limitation specified in division (E)(2)(b) of this section, the attorney general shall notify the private legal counsel in writing of the denial and of the limitation applied.

(d) If, pursuant to division (E)(2)(c) of this section, a private legal counsel receives a denial of an award notification or if a private legal counsel refuses to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, the private legal counsel may commence a civil action against the attorney general in the court of claims to prove the private legal counsel's entitlement to the award sought, to prove that division (E)(2)(b) of this section does not prohibit or otherwise limit the award sought, and to recover a judgment for the amount of the award sought. A civil action under division (E)(2)(d) of this section shall be commenced no later than two years after receipt of a denial of award notification or, if the private legal counsel refused to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, no later than two years after the refusal. Any judgment of the court of claims in favor of the private legal counsel shall be paid from the state treasury in accordance with division (E)(2)(a) of this section.

~~(F) If a court appoints the office of the state public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the~~

~~petitioner in the proceeding pursuant to the appointment, whether 398  
an assistant state public defender, the state public defender, or 399  
another attorney, shall be certified under Rule 20 of the Rules of 400  
Superintendence for the Courts of Ohio to represent indigent 401  
defendants charged with or convicted of an offense for which the 402  
death penalty can be or has been imposed. 403~~

~~(G) As used in this section: 404~~

~~(1) "Community control sanction" has the same meaning as in 405  
section 2929.01 of the Revised Code. 406~~

~~(2) "Post-release control sanction" has the same meaning as 407  
in section 2967.01 of the Revised Code. 408~~

**Sec. 120.14.** (A)(1) Except as provided in division (A)(2) of 409  
this section, the county public defender commission shall appoint 410  
the county public defender and may remove ~~him~~ the county public 411  
defender from office only for good cause. 412

(2) If a county public defender commission contracts with the 413  
state public defender or with one or more nonprofit organizations 414  
for the state public defender or the organizations to provide all 415  
of the services that the county public defender is required or 416  
permitted to provide by this chapter, the commission shall not 417  
appoint a county public defender. 418

(B) The commission shall determine the qualifications and 419  
size of the supporting staff and facilities and other requirements 420  
needed to maintain and operate the office of the county public 421  
defender. 422

(C) In administering the office of county public defender, 423  
the commission shall: 424

(1) Recommend to the county commissioners an annual operating 425  
budget which is subject to the review, amendment, and approval of 426  
the board of county commissioners; 427

(2)(a) Make an annual report to the county commissioners and 428  
the Ohio public defender commission on the operation of the county 429  
public defender's office, ~~including complete and detailed~~ 430  
~~information on finances and costs that separately states costs and~~ 431  
~~expenses that are reimbursable under section 120.35 of the Revised~~ 432  
~~Code,~~ and any other data and information requested by the state 433  
public defender; 434

(b) Make monthly reports relating to reimbursement and 435  
associated case data pursuant to the rules of the Ohio public 436  
defender commission to the board of county commissioners and the 437  
Ohio public defender commission on the total costs of the public 438  
defender's office. 439

(3) Cooperate with the Ohio public defender commission in 440  
maintaining the standards established by rules of the Ohio public 441  
defender commission pursuant to divisions (B) and (C) of section 442  
120.03 of the Revised Code, and cooperate with the state public 443  
defender in ~~his~~ the state public defender's programs providing 444  
technical aid and assistance to county systems. 445

(D) The commission may accept the services of volunteer 446  
workers and consultants at no compensation except reimbursement 447  
for actual and necessary expenses. 448

(E) The commission may contract with any municipal 449  
corporation, within the county served by the county public 450  
defender, for the county public defender to provide legal 451  
representation for indigent persons who are charged with a 452  
violation of the ordinances of the municipal corporation. 453

(F) A county public defender commission, with the approval of 454  
the board of county commissioners regarding all provisions that 455  
pertain to the financing of defense counsel for indigent persons, 456  
may contract with the state public defender or with any nonprofit 457  
organization, the primary purpose of which is to provide legal 458

representation to indigent persons, for the state public defender 459  
or the organization to provide all or any part of the services 460  
that a county public defender is required or permitted to provide 461  
by this chapter. A contract entered into pursuant to this division 462  
may provide for payment for the services provided on a per case, 463  
hourly, or fixed contract basis. The state public defender and any 464  
nonprofit organization that contracts with a county public 465  
defender commission pursuant to this division shall do all of the 466  
following: 467

(1) Comply with all standards established by the rules of the 468  
Ohio public defender commission; 469

(2) Comply with all standards established by the state public 470  
defender; 471

(3) Comply with all statutory duties and other laws 472  
applicable to county public defenders. 473

**Sec. 120.16.** (A)(1) The county public defender shall provide 474  
legal representation to indigent adults and juveniles who are 475  
charged with the commission of an offense or act that is a 476  
violation of a state statute and for which the penalty or any 477  
possible adjudication includes the potential loss of liberty and 478  
in postconviction proceedings as defined in this section. 479

(2) The county public defender may provide legal 480  
representation to indigent adults and juveniles charged with the 481  
violation of an ordinance of a municipal corporation for which the 482  
penalty or any possible adjudication includes the potential loss 483  
of liberty, if the county public defender commission has 484  
contracted with the municipal corporation to provide legal 485  
representation for indigent persons charged with a violation of an 486  
ordinance of the municipal corporation. 487

(B) The county public defender shall provide the legal 488



representation authorized by division (A) of this section at every 489  
stage of the proceedings following arrest, detention, service of 490  
summons, or indictment. 491

(C) The county public defender may request the state public 492  
defender to prosecute any appeal or other remedy before or after 493  
conviction that the county public defender decides is in the 494  
interests of justice, and may provide legal representation in 495  
parole and probation revocation matters and matters relating to 496  
the revocation of community control or post-release control under 497  
a community control sanction or post-release control sanction. 498

(D) The county public defender shall not be required to 499  
prosecute any appeal, postconviction remedy, or other proceeding, 500  
unless the county public defender is first satisfied there is 501  
arguable merit to the proceeding. 502

(E) Nothing in this section shall prevent a court from 503  
appointing counsel other than the county public defender or from 504  
allowing an indigent person to select the indigent person's own 505  
personal counsel to represent the indigent person. A court may 506  
also appoint counsel or allow an indigent person to select the 507  
indigent person's own personal counsel to assist the county public 508  
defender as co-counsel when the interests of justice so require. 509

(F) Information as to the right to legal representation by 510  
the county public defender or assigned counsel shall be afforded 511  
to an accused person immediately upon arrest, when brought before 512  
a magistrate, or when formally charged, whichever occurs first. 513

(G) ~~If a court appoints the office of the county public 514  
defender to represent a petitioner in a postconviction relief 515  
proceeding under section 2953.21 of the Revised Code, the 516  
petitioner has received a sentence of death, and the proceeding 517  
relates to that sentence, all of the attorneys who represent the 518  
petitioner in the proceeding pursuant to the appointment, whether 519~~

~~an assistant county public defender or the county public defender,~~ 520  
~~shall be certified under Rule 20 of the Rules of Superintendence~~ 521  
~~for the Courts of Ohio to represent indigent defendants charged~~ 522  
~~with or convicted of an offense for which the death penalty can be~~ 523  
~~or has been imposed.~~ 524

~~(H)~~ As used in this section: 525

(1) "Community control sanction" has the same meaning as in 526  
section 2929.01 of the Revised Code. 527

(2) "Post-release control sanction" has the same meaning as 528  
in section 2967.01 of the Revised Code. 529

**Sec. 120.18.** (A) The county public defender commission's 530  
report to the board of county commissioners shall be audited by 531  
the county auditor. The board of county commissioners, after 532  
review and approval of the audited report, may then certify it to 533  
the state public defender for reimbursement. If a request for the 534  
reimbursement of any operating expenditure incurred by a county 535  
public defender office is not received by the state public 536  
defender within sixty days after the end of the calendar month in 537  
which the expenditure is incurred, the state public defender shall 538  
not pay the requested reimbursement, unless the county has 539  
requested, and the state public defender has granted, an extension 540  
of the sixty-day time limit. Each request for reimbursement shall 541  
include a certification by the county public defender that the 542  
persons provided representation by the county public defender's 543  
office during the period covered by the report were indigent and, 544  
for each person provided representation during that period, a 545  
financial disclosure form completed by the person on a form 546  
prescribed by the state public defender. The state public defender 547  
shall also review the report and, in accordance with the 548  
standards, guidelines, and maximums established pursuant to 549  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 550

prepare a voucher for fifty per cent of the total cost of each 551  
county public defender's office for the period of time covered by 552  
the certified report ~~and a voucher for fifty per cent of the costs~~ 553  
~~and expenses that are reimbursable under section 120.35 of the~~ 554  
~~Revised Code, if any,~~ or, if the amount of money appropriated by 555  
the general assembly to reimburse counties for the operation of 556  
county public defender offices, joint county public defender 557  
offices, and county appointed counsel systems is not sufficient to 558  
pay fifty per cent of the total cost of all of the offices and 559  
systems, for the lesser amount required by section 120.34 of the 560  
Revised Code. For the purposes of this section, "total cost" means 561  
total expenses minus ~~costs and expenses reimbursable under section~~ 562  
~~120.35 of the Revised Code~~ and any funds received by the county 563  
public defender commission pursuant to a contract, except a 564  
contract entered into with a municipal corporation pursuant to 565  
division (E) of section 120.14 of the Revised Code, gift, or 566  
grant. 567

(B) If the county public defender fails to maintain the 568  
standards for the conduct of the office established by rules of 569  
the Ohio public defender commission pursuant to divisions (B) and 570  
(C) of section 120.03 or the standards established by the state 571  
public defender pursuant to division (B)(7) of section 120.04 of 572  
the Revised Code, the Ohio public defender commission shall notify 573  
the county public defender commission and the board of county 574  
commissioners of the county that the county public defender has 575  
failed to comply with its rules or the standards of the state 576  
public defender. Unless the county public defender commission or 577  
the county public defender corrects the conduct of the county 578  
public defender's office to comply with the rules and standards 579  
within ninety days after the date of the notice, the state public 580  
defender may deny payment of all or part of the county's 581  
reimbursement from the state provided for in division (A) of this 582  
section. 583

Sec. 120.24. (A)(1) Except as provided in division (A)(2) of 584  
this section, the joint county public defender commission shall 585  
appoint the joint county public defender and may remove ~~him~~ the 586  
joint county public defender from office only for good cause. 587

(2) If a joint county public defender commission contracts 588  
with the state public defender or with one or more nonprofit 589  
organizations for the state public defender or the organizations 590  
to provide all of the services that the joint county public 591  
defender is required or permitted to provide by this chapter, the 592  
commission shall not appoint a joint county public defender. 593

(B) The commission shall determine the qualifications and 594  
size of the supporting staff and facilities and other requirements 595  
needed to maintain and operate the office. 596

(C) In administering the office of joint county public 597  
defender, the commission shall: 598

(1) Recommend to the boards of county commissioners in the 599  
district an annual operating budget which is subject to the 600  
review, amendment, and approval of the boards of county 601  
commissioners in the district; 602

(2)(a) Make an annual report to the boards of county 603  
commissioners in the district and the Ohio public defender 604  
commission on the operation of the public defender's office, 605  
~~including complete and detailed information on finances and costs~~ 606  
~~that separately states costs and expenses that are reimbursable~~ 607  
~~under section 120.35 of the Revised Code,~~ and such other data and 608  
information requested by the state public defender; 609

(b) Make monthly reports relating to reimbursement and 610  
associated case data pursuant to the rules of the Ohio public 611  
defender commission to the boards of county commissioners in the 612  
district and the Ohio public defender commission on the total 613

costs of the public defender's office. 614

(3) Cooperate with the Ohio public defender commission in 615  
maintaining the standards established by rules of the Ohio public 616  
defender commission pursuant to divisions (B) and (C) of section 617  
120.03 of the Revised Code, and cooperate with the state public 618  
defender in ~~his~~ the state public defender's programs providing 619  
technical aid and assistance to county systems. 620

(D) The commission may accept the services of volunteer 621  
workers and consultants at no compensation except reimbursement 622  
for actual and necessary expenses. 623

(E) The commission may contract with any municipal 624  
corporation, within the counties served by the joint county public 625  
defender, for the joint county public defender to provide legal 626  
representation for indigent persons who are charged with a 627  
violation of the ordinances of the municipal corporation. 628

(F) A joint county public defender commission, with the 629  
approval of each participating board of county commissioners 630  
regarding all provisions that pertain to the financing of defense 631  
counsel for indigent persons, may contract with the state public 632  
defender or with any nonprofit organization, the primary purpose 633  
of which is to provide legal representation to indigent persons, 634  
for the state public defender or the organization to provide all 635  
or any part of the services that a joint county public defender is 636  
required or permitted to provide by this chapter. A contract 637  
entered into pursuant to this division may provide for payment for 638  
the services provided on a per case, hourly, or fixed contract 639  
basis. The state public defender and any nonprofit organization 640  
that contracts with a joint county public defender commission 641  
pursuant to this division shall do all of the following: 642

(1) Comply with all standards established by the rules of the 643  
Ohio public defender commission; 644

(2) Comply with all standards established by the Ohio public defender; 645  
646

(3) Comply with all statutory duties and other laws applicable to joint county public defenders. 647  
648

**Sec. 120.26.** (A)(1) The joint county public defender shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty and in postconviction proceedings as defined in this section. 649  
650  
651  
652  
653  
654

(2) The joint county public defender may provide legal representation to indigent adults and juveniles charged with the violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, if the joint county public defender commission has contracted with the municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of the municipal corporation. 655  
656  
657  
658  
659  
660  
661  
662

(B) The joint county public defender shall provide the legal representation authorized by division (A) of this section at every stage of the proceedings following arrest, detention, service of summons, or indictment. 663  
664  
665  
666

(C) The joint county public defender may request the Ohio public defender to prosecute any appeal or other remedy before or after conviction that the joint county public defender decides is in the interests of justice and may provide legal representation in parole and probation revocation matters and matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction. 667  
668  
669  
670  
671  
672  
673

(D) The joint county public defender shall not be required to 674

prosecute any appeal, postconviction remedy, or other proceeding, 675  
unless the joint county public defender is first satisfied that 676  
there is arguable merit to the proceeding. 677

(E) Nothing in this section shall prevent a court from 678  
appointing counsel other than the joint county public defender or 679  
from allowing an indigent person to select the indigent person's 680  
own personal counsel to represent the indigent person. A court may 681  
also appoint counsel or allow an indigent person to select the 682  
indigent person's own personal counsel to assist the joint county 683  
public defender as co-counsel when the interests of justice so 684  
require. 685

(F) Information as to the right to legal representation by 686  
the joint county public defender or assigned counsel shall be 687  
afforded to an accused person immediately upon arrest, when 688  
brought before a magistrate, or when formally charged, whichever 689  
occurs first. 690

~~(G) If a court appoints the office of the joint county public 691  
defender to represent a petitioner in a postconviction relief 692  
proceeding under section 2953.21 of the Revised Code, the 693  
petitioner has received a sentence of death, and the proceeding 694  
relates to that sentence, all of the attorneys who represent the 695  
petitioner in the proceeding pursuant to the appointment, whether 696  
an assistant joint county defender or the joint county public 697  
defender, shall be certified under Rule 20 of the Rules of 698  
Superintendence for the Courts of Ohio to represent indigent 699  
defendants charged with or convicted of an offense for which the 700  
death penalty can be or has been imposed. 701~~

~~(H) As used in this section: 702~~

(1) "Community control sanction" has the same meaning as in 703  
section 2929.01 of the Revised Code. 704

(2) "Post-release control sanction" has the same meaning as 705

in section 2967.01 of the Revised Code. 706

**Sec. 120.28.** (A) The joint county public defender 707  
commission's report to the joint board of county commissioners 708  
shall be audited by the fiscal officer of the district. The joint 709  
board of county commissioners, after review and approval of the 710  
audited report, may then certify it to the state public defender 711  
for reimbursement. If a request for the reimbursement of any 712  
operating expenditure incurred by a joint county public defender 713  
office is not received by the state public defender within sixty 714  
days after the end of the calendar month in which the expenditure 715  
is incurred, the state public defender shall not pay the requested 716  
reimbursement, unless the joint board of county commissioners has 717  
requested, and the state public defender has granted, an extension 718  
of the sixty-day time limit. Each request for reimbursement shall 719  
include a certification by the joint county public defender that 720  
all persons provided representation by the joint county public 721  
defender's office during the period covered by the request were 722  
indigent and, for each person provided representation during that 723  
period, a financial disclosure form completed by the person on a 724  
form prescribed by the state public defender. The state public 725  
defender shall also review the report and, in accordance with the 726  
standards, guidelines, and maximums established pursuant to 727  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 728  
prepare a voucher for fifty per cent of the total cost of each 729  
joint county public defender's office for the period of time 730  
covered by the certified report ~~and a voucher for fifty per cent~~ 731  
~~of the costs and expenses that are reimbursable under section~~ 732  
~~120.35 of the Revised Code, if any,~~ or, if the amount of money 733  
appropriated by the general assembly to reimburse counties for the 734  
operation of county public defender offices, joint county public 735  
defender offices, and county appointed counsel systems is not 736  
sufficient to pay fifty per cent of the total cost of all of the 737



offices and systems, for the lesser amount required by section 738  
120.34 of the Revised Code. For purposes of this section, "total 739  
cost" means total expenses minus ~~costs and expenses reimbursable~~ 740  
~~under section 120.35 of the Revised Code~~ and any funds received by 741  
the joint county public defender commission pursuant to a 742  
contract, except a contract entered into with a municipal 743  
corporation pursuant to division (E) of section 120.24 of the 744  
Revised Code, gift, or grant. Each county in the district shall be 745  
entitled to a share of such state reimbursement in proportion to 746  
the percentage of the total cost it has agreed to pay. 747

(B) If the joint county public defender fails to maintain the 748  
standards for the conduct of the office established by the rules 749  
of the Ohio public defender commission pursuant to divisions (B) 750  
and (C) of section 120.03 or the standards established by the 751  
state public defender pursuant to division (B)(7) of section 752  
120.04 of the Revised Code, the Ohio public defender commission 753  
shall notify the joint county public defender commission and the 754  
board of county commissioners of each county in the district that 755  
the joint county public defender has failed to comply with its 756  
rules or the standards of the state public defender. Unless the 757  
joint public defender commission or the joint county public 758  
defender corrects the conduct of the joint county public 759  
defender's office to comply with the rules and standards within 760  
ninety days after the date of the notice, the state public 761  
defender may deny all or part of the counties' reimbursement from 762  
the state provided for in division (A) of this section. 763

**Sec. 120.33.** (A) In lieu of using a county public defender or 764  
joint county public defender to represent indigent persons in the 765  
proceedings set forth in division (A) of section 120.16 of the 766  
Revised Code, the board of county commissioners of any county may 767  
adopt a resolution to pay counsel who are either personally 768  
selected by the indigent person or appointed by the court. The 769

resolution shall include those provisions the board of county 770  
commissioners considers necessary to provide effective 771  
representation of indigent persons in any proceeding for which 772  
counsel is provided under this section. The resolution shall 773  
include provisions for contracts with any municipal corporation 774  
under which the municipal corporation shall reimburse the county 775  
for counsel appointed to represent indigent persons charged with 776  
violations of the ordinances of the municipal corporation. 777

(1) In a county that adopts a resolution to pay counsel, an 778  
indigent person shall have the right to do either of the 779  
following: 780

(a) To select the person's own personal counsel to represent 781  
the person in any proceeding included within the provisions of the 782  
resolution; 783

(b) To request the court to appoint counsel to represent the 784  
person in such a proceeding. 785

(2) The court having jurisdiction over the proceeding in a 786  
county that adopts a resolution to pay counsel shall, after 787  
determining that the person is indigent and entitled to legal 788  
representation under this section, do either of the following: 789

(a) By signed journal entry recorded on its docket, enter the 790  
name of the lawyer selected by the indigent person as counsel of 791  
record; 792

(b) Appoint counsel for the indigent person if the person has 793  
requested the court to appoint counsel and, by signed journal 794  
entry recorded on its dockets, enter the name of the lawyer 795  
appointed for the indigent person as counsel of record. 796

(3) The board of county commissioners shall establish a 797  
schedule of fees by case or on an hourly basis to be paid to 798  
counsel for legal services provided pursuant to a resolution 799  
adopted under this section. Prior to establishing the schedule, 800

the board of county commissioners shall request the bar 801  
association or associations of the county to submit a proposed 802  
schedule. The schedule submitted shall be subject to the review, 803  
amendment, and approval of the board of county commissioners. 804

(4) Counsel selected by the indigent person or appointed by 805  
the court at the request of an indigent person in a county that 806  
adopts a resolution to pay counsel, except for counsel appointed 807  
to represent a person charged with any violation of an ordinance 808  
of a municipal corporation that has not contracted with the county 809  
commissioners for the payment of appointed counsel, shall be paid 810  
by the county and shall receive the compensation and expenses the 811  
court approves. Each request for payment shall be accompanied by a 812  
financial disclosure form and an affidavit of indigency that are 813  
completed by the indigent person on forms prescribed by the state 814  
public defender. Compensation and expenses shall not exceed the 815  
amounts fixed by the board of county commissioners in the schedule 816  
adopted pursuant to division (A)(3) of this section. No court 817  
shall approve compensation and expenses that exceed the amount 818  
fixed pursuant to division (A)(3) of this section. 819

The fees and expenses approved by the court shall not be 820  
taxed as part of the costs and shall be paid by the county. 821  
However, if the person represented has, or may reasonably be 822  
expected to have, the means to meet some part of the cost of the 823  
services rendered to the person, the person shall pay the county 824  
an amount that the person reasonably can be expected to pay. 825  
Pursuant to section 120.04 of the Revised Code, the county shall 826  
pay to the state public defender a percentage of the payment 827  
received from the person in an amount proportionate to the 828  
percentage of the costs of the person's case that were paid to the 829  
county by the state public defender pursuant to this section. The 830  
money paid to the state public defender shall be credited to the 831  
client payment fund created pursuant to division (B)(5) of section 832

120.04 of the Revised Code. 833

The county auditor shall draw a warrant on the county 834  
treasurer for the payment of counsel in the amount fixed by the 835  
court, plus the expenses the court fixes and certifies to the 836  
auditor. The county auditor shall report periodically, but not 837  
less than annually, to the board of county commissioners and to 838  
the state public defender the amounts paid out pursuant to the 839  
approval of the court. The board of county commissioners, after 840  
review and approval of the auditor's report, or the county 841  
auditor, with permission from and notice to the board of county 842  
commissioners, may then certify it to the state public defender 843  
for reimbursement. The state public defender may pay a requested 844  
reimbursement only if the request for reimbursement is accompanied 845  
by a financial disclosure form and an affidavit of indigency 846  
completed by the indigent person on forms prescribed by the state 847  
public defender or if the court certifies by electronic signature 848  
as prescribed by the state public defender that a financial 849  
disclosure form and affidavit of indigency have been completed by 850  
the indigent person and are available for inspection. If a request 851  
for the reimbursement of the cost of counsel in any case is not 852  
received by the state public defender within ninety days after the 853  
end of the calendar month in which the case is finally disposed of 854  
by the court, unless the county has requested and the state public 855  
defender has granted an extension of the ninety-day limit, the 856  
state public defender shall not pay the requested reimbursement. 857  
The state public defender shall also review the report and, in 858  
accordance with the standards, guidelines, and maximums 859  
established pursuant to divisions (B)(7) and (8) of section 120.04 860  
of the Revised Code, prepare a voucher for fifty per cent of the 861  
total cost of each county appointed counsel system in the period 862  
of time covered by the certified report ~~and a voucher for fifty~~ 863  
~~per cent of the costs and expenses that are reimbursable under~~ 864  
~~section 120.35 of the Revised Code, if any,~~ or, if the amount of 865

money appropriated by the general assembly to reimburse counties 866  
for the operation of county public defender offices, joint county 867  
public defender offices, and county appointed counsel systems is 868  
not sufficient to pay fifty per cent of the total cost of all of 869  
the offices and systems ~~other than costs and expenses that are~~ 870  
~~reimbursable under section 120.35 of the Revised Code~~, for the 871  
lesser amount required by section 120.34 of the Revised Code. 872

(5) If any county appointed counsel system fails to maintain 873  
the standards for the conduct of the system established by the 874  
rules of the Ohio public defender commission pursuant to divisions 875  
(B) and (C) of section 120.03 or the standards established by the 876  
state public defender pursuant to division (B)(7) of section 877  
120.04 of the Revised Code, the Ohio public defender commission 878  
shall notify the board of county commissioners of the county that 879  
the county appointed counsel system has failed to comply with its 880  
rules or the standards of the state public defender. Unless the 881  
board of county commissioners corrects the conduct of its 882  
appointed counsel system to comply with the rules and standards 883  
within ninety days after the date of the notice, the state public 884  
defender may deny all or part of the county's reimbursement from 885  
the state provided for in division (A)(4) of this section. 886

(B) In lieu of using a county public defender or joint county 887  
public defender to represent indigent persons in the proceedings 888  
set forth in division (A) of section 120.16 of the Revised Code, 889  
and in lieu of adopting the resolution and following the procedure 890  
described in division (A) of this section, the board of county 891  
commissioners of any county may contract with the state public 892  
defender for the state public defender's legal representation of 893  
indigent persons. A contract entered into pursuant to this 894  
division may provide for payment for the services provided on a 895  
per case, hourly, or fixed contract basis. 896

~~(C) If a court appoints an attorney pursuant to this section 897~~

~~to represent a petitioner in a postconviction relief proceeding 898  
under section 2953.21 of the Revised Code, the petitioner has 899  
received a sentence of death, and the proceeding relates to that 900  
sentence, the attorney who represents the petitioner in the 901  
proceeding pursuant to the appointment shall be certified under 902  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 903  
represent indigent defendants charged with or convicted of an 904  
offense for which the death penalty can be or has been imposed. 905~~

**Sec. 120.34.** The total amount of money paid to all counties 906  
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 907  
of the Revised Code for the reimbursement of a percentage of the 908  
counties' cost of operating county public defender offices, joint 909  
county public defender offices, and county appointed counsel 910  
systems shall not exceed the total amount appropriated for that 911  
fiscal year by the general assembly for the reimbursement of the 912  
counties for the operation of the offices and systems. If the 913  
amount appropriated by the general assembly in any fiscal year is 914  
insufficient to pay fifty per cent of the total cost in the fiscal 915  
year of all county public defender offices, all joint county 916  
public defender offices, and all county appointed counsel systems, 917  
the amount of money paid in that fiscal year pursuant to sections 918  
120.18, 120.28, and 120.33 of the Revised Code to each county for 919  
the fiscal year shall be reduced proportionately so that each 920  
county is paid an equal percentage of its total cost in the fiscal 921  
year for operating its county public defender system, its joint 922  
county public defender system, and its county appointed counsel 923  
system. 924

~~The total amount of money paid to all counties in any fiscal 925  
year pursuant to section 120.35 of the Revised Code for the 926  
reimbursement of a percentage of the counties' costs and expenses 927  
of conducting the defense in capital cases shall not exceed the 928  
total amount appropriated for that fiscal year by the general 929~~

~~assembly for the reimbursement of the counties for conducting the 930  
defense in capital cases. If the amount appropriated by the 931  
general assembly in any fiscal year is insufficient to pay fifty 932  
per cent of the counties' total costs and expenses of conducting 933  
the defense in capital cases in the fiscal year, the amount of 934  
money paid in that fiscal year pursuant to section 120.35 of the 935  
Revised Code to each county for the fiscal year shall be reduced 936  
proportionately so that each county is paid an equal percentage of 937  
its costs and expenses of conducting the defense in capital cases 938  
in the fiscal year. 939~~

If any county receives an amount of money pursuant to section 940  
120.18, 120.28, or 120.33, ~~or 120.35~~ of the Revised Code that is 941  
in excess of the amount of reimbursement it is entitled to receive 942  
pursuant to this section, the state public defender shall request 943  
the board of county commissioners to return the excess payment and 944  
the board of county commissioners, upon receipt of the request, 945  
shall direct the appropriate county officer to return the excess 946  
payment to the state. 947

Within thirty days of the end of each fiscal quarter, the 948  
state public defender shall provide to the office of budget and 949  
management and the ~~legislative budget office of the~~ legislative 950  
service commission an estimate of the amount of money that will be 951  
required for the balance of the fiscal year to make the payments 952  
required by sections 120.18, 120.28, and 120.33, ~~and 120.35~~ of the 953  
Revised Code. 954

**Sec. 1901.183.** In addition to jurisdiction otherwise granted 955  
in this chapter, the environmental division of a municipal court 956  
shall have jurisdiction within its territory in all of the 957  
following actions or proceedings and to perform all of the 958  
following functions: 959

(A) Notwithstanding any monetary limitations in section 960

1901.17 of the Revised Code, in all actions and proceedings for 961  
the sale of real or personal property under lien of a judgment of 962  
the environmental division of the municipal court, or a lien for 963  
machinery, material, fuel furnished, or labor performed, 964  
irrespective of amount, and, in those cases, the environmental 965  
division may proceed to foreclose and marshal all liens and all 966  
vested or contingent rights, to appoint a receiver, and to render 967  
personal judgment irrespective of amount in favor of any party; 968

(B) When in aid of execution of a judgment of the 969  
environmental division of the municipal court, in all actions for 970  
the foreclosure of a mortgage on real property given to secure the 971  
payment of money, or the enforcement of a specific lien for money 972  
or other encumbrance or charge on real property, when the real 973  
property is situated within the territory, and, in those cases, 974  
the environmental division may proceed to foreclose all liens and 975  
all vested and contingent rights and proceed to render judgments, 976  
and make findings and orders, between the parties, in the same 977  
manner and to the same extent as in similar cases in the court of 978  
common pleas; 979

(C) When in aid of execution of a judgment of the 980  
environmental division of the municipal court, in all actions for 981  
the recovery of real property situated within the territory to the 982  
same extent as courts of common pleas have jurisdiction; 983

(D) In all actions for injunction to prevent or terminate 984  
violations of the ordinances and regulations of any municipal 985  
corporation within its territory enacted or promulgated under the 986  
police power of that municipal corporation pursuant to Section 3 987  
of Article XVIII, Ohio Constitution, over which the court of 988  
common pleas has or may have jurisdiction, and, in those cases, 989  
the environmental division of the municipal court may proceed to 990  
render judgments, and make findings and orders, in the same manner 991  
and to the same extent as in similar cases in the court of common 992



pleas;	993
(E) In all actions for injunction to prevent or terminate	994
violations of the resolutions and regulations of any political	995
subdivision within its territory enacted or promulgated under the	996
power of that political subdivision pursuant to Article X of the	997
Ohio Constitution, over which the court of common pleas has or may	998
have jurisdiction, and, in those cases, the environmental division	999
of the municipal court may proceed to render judgments, and make	1000
findings and orders, in the same manner and to the same extent as	1001
in similar cases in the court of common pleas;	1002
(F) In any civil action to enforce any provision of Chapter	1003
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code	1004
over which the court of common pleas has or may have jurisdiction,	1005
and, in those actions, the environmental division of the municipal	1006
court may proceed to render judgments, and make findings and	1007
orders, in the same manner and to the same extent as in similar	1008
actions in the court of common pleas;	1009
(G) In all actions and proceedings in the nature of	1010
creditors' bills, and in aid of execution to subject the interests	1011
of a judgment debtor in real or personal property to the payment	1012
of a judgment of the division, and, in those actions and	1013
proceedings, the environmental division may proceed to marshal and	1014
foreclose all liens on the property irrespective of the amount of	1015
the lien, and all vested or contingent rights in the property;	1016
(H) Concurrent jurisdiction with the court of common pleas of	1017
all criminal actions or proceedings related to the pollution of	1018
the air, ground, or water within the territory of the	1019
environmental division of the municipal court, <del>for which a</del>	1020
<del>sentence of death cannot be imposed under Chapter 2903. of the</del>	1021
<del>Revised Code;</del>	1022
(I) In any review or appeal of any final order of any	1023

administrative officer, agency, board, department, tribunal, 1024  
commission, or other instrumentality that relates to a local 1025  
building, housing, air pollution, sanitation, health, fire, 1026  
zoning, or safety code, ordinance, or regulation, in the same 1027  
manner and to the same extent as in similar appeals in the court 1028  
of common pleas. 1029

**Sec. 2152.13.** (A) A juvenile court shall impose a serious 1030  
youthful dispositional sentence on a child when required under 1031  
division (B)(3) of section 2152.121 of the Revised Code. In such a 1032  
case, the remaining provisions of this division and divisions (B) 1033  
and (C) do not apply to the child, and the court shall impose the 1034  
mandatory serious youthful dispositional sentence under division 1035  
(D)(1) of this section. 1036

In all other cases, a juvenile court may impose a serious 1037  
youthful offender dispositional sentence on a child only if the 1038  
prosecuting attorney of the county in which the delinquent act 1039  
allegedly occurred initiates the process against the child in 1040  
accordance with this division, and the child is an alleged 1041  
delinquent child who is eligible for the dispositional sentence. 1042  
The prosecuting attorney may initiate the process in any of the 1043  
following ways: 1044

(1) Obtaining an indictment of the child as a serious 1045  
youthful offender; 1046

(2) The child waives the right to indictment, charging the 1047  
child in a bill of information as a serious youthful offender; 1048

(3) Until an indictment or information is obtained, 1049  
requesting a serious youthful offender dispositional sentence in 1050  
the original complaint alleging that the child is a delinquent 1051  
child; 1052

(4) Until an indictment or information is obtained, if the 1053

original complaint does not request a serious youthful offender 1054  
dispositional sentence, filing with the juvenile court a written 1055  
notice of intent to seek a serious youthful offender dispositional 1056  
sentence within twenty days after the later of the following, 1057  
unless the time is extended by the juvenile court for good cause 1058  
shown: 1059

(a) The date of the child's first juvenile court hearing 1060  
regarding the complaint; 1061

(b) The date the juvenile court determines not to transfer 1062  
the case under section 2152.12 of the Revised Code. 1063

After a written notice is filed under division (A)(4) of this 1064  
section, the juvenile court shall serve a copy of the notice on 1065  
the child and advise the child of the prosecuting attorney's 1066  
intent to seek a serious youthful offender dispositional sentence 1067  
in the case. 1068

(B) If an alleged delinquent child is not indicted or charged 1069  
by information as described in division (A)(1) or (2) of this 1070  
section and if a notice or complaint as described in division 1071  
(A)(3) or (4) of this section indicates that the prosecuting 1072  
attorney intends to pursue a serious youthful offender 1073  
dispositional sentence in the case, the juvenile court shall hold 1074  
a preliminary hearing to determine if there is probable cause that 1075  
the child committed the act charged and is by age eligible for, or 1076  
required to receive, a serious youthful offender dispositional 1077  
sentence. 1078

(C)(1) A child for whom a serious youthful offender 1079  
dispositional sentence is sought by a prosecuting attorney has the 1080  
right to a grand jury determination of probable cause that the 1081  
child committed the act charged and that the child is eligible by 1082  
age for a serious youthful offender dispositional sentence. The 1083  
grand jury may be impaneled by the court of common pleas or the 1084

juvenile court. 1085

Once a child is indicted, or charged by information or the 1086  
juvenile court determines that the child is eligible for a serious 1087  
youthful offender dispositional sentence, the child is entitled to 1088  
an open and speedy trial by jury in juvenile court and to be 1089  
provided with a transcript of the proceedings. The time within 1090  
which the trial is to be held under Title XXIX of the Revised Code 1091  
commences on whichever of the following dates is applicable: 1092

(a) If the child is indicted or charged by information, on 1093  
the date of the filing of the indictment or information. 1094

(b) If the child is charged by an original complaint that 1095  
requests a serious youthful offender dispositional sentence, on 1096  
the date of the filing of the complaint. 1097

(c) If the child is not charged by an original complaint that 1098  
requests a serious youthful offender dispositional sentence, on 1099  
the date that the prosecuting attorney files the written notice of 1100  
intent to seek a serious youthful offender dispositional sentence. 1101

(2) If the child is detained awaiting adjudication, upon 1102  
indictment or being charged by information, the child has the same 1103  
right to bail as an adult charged with the offense the alleged 1104  
delinquent act would be if committed by an adult. Except as 1105  
provided in division (D) of section 2152.14 of the Revised Code, 1106  
all provisions of Title XXIX of the Revised Code and the Criminal 1107  
Rules shall apply in the case and to the child. The juvenile court 1108  
shall afford the child all rights afforded a person who is 1109  
prosecuted for committing a crime including the right to counsel 1110  
and the right to raise the issue of competency. The child may not 1111  
waive the right to counsel. 1112

(D)(1) If a child is adjudicated a delinquent child for 1113  
committing an act under circumstances that require the juvenile 1114  
court to impose upon the child a serious youthful offender 1115

dispositional sentence under section 2152.11 of the Revised Code, 1116  
all of the following apply: 1117

(a) The juvenile court shall impose upon the child a sentence 1118  
available for the violation, as if the child were an adult, under 1119  
Chapter 2929. of the Revised Code, except that the juvenile court 1120  
shall not impose on the child a sentence of ~~death or~~ life 1121  
imprisonment without parole. 1122

(b) The juvenile court also shall impose upon the child one 1123  
or more traditional juvenile dispositions under sections 2152.16, 1124  
2152.19, and 2152.20, and, if applicable, section 2152.17 of the 1125  
Revised Code. 1126

(c) The juvenile court shall stay the adult portion of the 1127  
serious youthful offender dispositional sentence pending the 1128  
successful completion of the traditional juvenile dispositions 1129  
imposed. 1130

(2)(a) If a child is adjudicated a delinquent child for 1131  
committing an act under circumstances that allow, but do not 1132  
require, the juvenile court to impose on the child a serious 1133  
youthful offender dispositional sentence under section 2152.11 of 1134  
the Revised Code, all of the following apply: 1135

(i) If the juvenile court on the record makes a finding that, 1136  
given the nature and circumstances of the violation and the 1137  
history of the child, the length of time, level of security, and 1138  
types of programming and resources available in the juvenile 1139  
system alone are not adequate to provide the juvenile court with a 1140  
reasonable expectation that the purposes set forth in section 1141  
2152.01 of the Revised Code will be met, the juvenile court may 1142  
impose upon the child a sentence available for the violation, as 1143  
if the child were an adult, under Chapter 2929. of the Revised 1144  
Code, except that the juvenile court shall not impose on the child 1145  
a sentence of ~~death or~~ life imprisonment without parole. 1146

(ii) If a sentence is imposed under division (D)(2)(a)(i) of 1147  
this section, the juvenile court also shall impose upon the child 1148  
one or more traditional juvenile dispositions under sections 1149  
2152.16, 2152.19, and 2152.20 and, if applicable, section 2152.17 1150  
of the Revised Code. 1151

(iii) The juvenile court shall stay the adult portion of the 1152  
serious youthful offender dispositional sentence pending the 1153  
successful completion of the traditional juvenile dispositions 1154  
imposed. 1155

(b) If the juvenile court does not find that a sentence 1156  
should be imposed under division (D)(2)(a)(i) of this section, the 1157  
juvenile court may impose one or more traditional juvenile 1158  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1159  
applicable, section 2152.17 of the Revised Code. 1160

(3) A child upon whom a serious youthful offender 1161  
dispositional sentence is imposed under division (D)(1) or (2) of 1162  
this section has a right to appeal under division (A)(1), (3), 1163  
(4), or (5) of section 2953.08 of the Revised Code the adult 1164  
portion of the serious youthful offender dispositional sentence 1165  
when any of those divisions apply. The child may appeal the adult 1166  
portion, and the court shall consider the appeal as if the adult 1167  
portion were not stayed. 1168

**Sec. 2152.67.** Any adult who is arrested or charged under any 1169  
provision in this chapter and who is charged with a crime may 1170  
demand a trial by jury, or the juvenile judge upon the judge's own 1171  
motion may call a jury. A demand for a jury trial shall be made in 1172  
writing in not less than three days before the date set for trial, 1173  
or within three days after counsel has been retained, whichever is 1174  
later. Sections 2945.17 and 2945.23 to 2945.36 of the Revised 1175  
Code, relating to the drawing and impaneling of jurors in criminal 1176  
cases in the court of common pleas, ~~other than in capital cases,~~ 1177

shall apply to a jury trial under this section. The compensation 1178  
of jurors and costs of the clerk and sheriff shall be taxed and 1179  
paid in the same manner as in criminal cases in the court of 1180  
common pleas. 1181

**Sec. 2301.20.** Upon the trial of a civil or criminal action in 1182  
the court of common pleas, if either party to the action or ~~his~~ 1183  
either party's attorney requests the services of a shorthand 1184  
reporter, the trial judge shall grant the request, or may order a 1185  
full report of the testimony or other proceedings. In either case, 1186  
the shorthand reporter shall take accurate shorthand notes of the 1187  
oral testimony or other oral proceedings. The notes shall be filed 1188  
in the office of the official shorthand reporter and carefully 1189  
preserved for ~~either of the following periods of time:~~ 1190

~~(A) If the action is not a capital case, the notes shall be 1191  
preserved for the period of time specified by the court of common 1192  
pleas, which period of time shall not be longer than the period of 1193  
time that the other records of the particular action are required 1194  
to be kept;~~ 1195

~~(B) If the action is a capital case, the notes shall be 1196  
preserved for the longer of ten years or until the final 1197  
disposition of the action. 1198~~

**Sec. 2307.60.** (A)(1) Anyone injured in person or property by 1199  
a criminal act has, and may recover full damages in, a civil 1200  
action unless specifically excepted by law, may recover the costs 1201  
of maintaining the civil action and attorney's fees if authorized 1202  
by any provision of the Rules of Civil Procedure or another 1203  
section of the Revised Code or under the common law of this state, 1204  
and may recover punitive or exemplary damages if authorized by 1205  
section 2315.21 or another section of the Revised Code. 1206

(2) A final judgment of a trial court that has not been 1207

reversed on appeal or otherwise set aside, nullified, or vacated, 1208  
entered after a trial or upon a plea of guilty, but not upon a 1209  
plea of no contest or the equivalent plea from another 1210  
jurisdiction, that adjudges an offender guilty of an offense of 1211  
violence punishable by ~~death~~ or imprisonment in excess of one 1212  
year, when entered as evidence in any subsequent civil proceeding 1213  
based on the criminal act, shall preclude the offender from 1214  
denying in the subsequent civil proceeding any fact essential to 1215  
sustaining that judgment, unless the offender can demonstrate that 1216  
extraordinary circumstances prevented the offender from having a 1217  
full and fair opportunity to litigate the issue in the criminal 1218  
proceeding or other extraordinary circumstances justify affording 1219  
the offender an opportunity to relitigate the issue. The offender 1220  
may introduce evidence of the offender's pending appeal of the 1221  
final judgment of the trial court, if applicable, and the court 1222  
may consider that evidence in determining the liability of the 1223  
offender. 1224

(B)(1) As used in division (B) of this section: 1225

(a) "Tort action" means a civil action for damages for 1226  
injury, death, or loss to person or property other than a civil 1227  
action for damages for a breach of contract or another agreement 1228  
between persons. "Tort action" includes, but is not limited to, a 1229  
product liability claim, as defined in section 2307.71 of the 1230  
Revised Code, and an asbestos claim, as defined in section 2307.91 1231  
of the Revised Code, an action for wrongful death under Chapter 1232  
2125. of the Revised Code, and an action based on derivative 1233  
claims for relief. 1234

(b) "Residence" has the same meaning as in section 2901.05 of 1235  
the Revised Code. 1236

(2) Recovery on a claim for relief in a tort action is barred 1237  
to any person or the person's legal representative if any of the 1238  
following apply: 1239



(a) The person has been convicted of or has pleaded guilty to a felony, or to a misdemeanor that is an offense of violence, arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the tort action.

(b) The person engaged in conduct that, if prosecuted, would constitute a felony, a misdemeanor that is an offense of violence, an attempt to commit a felony, or an attempt to commit a misdemeanor that is an offense of violence and that conduct was a proximate cause of the injury or loss for which relief is claimed in the tort action, regardless of whether the person has been convicted of or pleaded guilty to or has been charged with committing the felony, the misdemeanor, or the attempt to commit the felony or misdemeanor.

(c) The person suffered the injury or loss for which relief is claimed in the tort action as a proximate result of the victim of conduct that, if prosecuted, would constitute a felony, a misdemeanor that is an offense of violence, an attempt to commit a felony, or an attempt to commit a misdemeanor that is an offense of violence acting against the person in self-defense, defense of another, or defense of the victim's residence, regardless of whether the person has been convicted of or pleaded guilty to or has been charged with committing the felony, the misdemeanor, or the attempt to commit the felony or misdemeanor. Division (B)(2)(c) of this section does not apply if the person who suffered the injury or loss, at the time of the victim's act of self-defense, defense of another, or defense of residence, was an innocent bystander who had no connection with the underlying conduct that prompted the victim's exercise of self-defense, defense of another, or defense of residence.

(3) Recovery against a victim of conduct that, if prosecuted, would constitute a felony, a misdemeanor that is an offense of violence, an attempt to commit a felony, or an attempt to commit a

misdemeanor that is an offense of violence, on a claim for relief 1272  
in a tort action is barred to any person or the person's legal 1273  
representative if conduct the person engaged in against that 1274  
victim was a proximate cause of the injury or loss for which 1275  
relief is claimed in the tort action and that conduct, if 1276  
prosecuted, would constitute a felony, a misdemeanor that is an 1277  
offense of violence, an attempt to commit a felony, or an attempt 1278  
to commit a misdemeanor that is an offense of violence, regardless 1279  
of whether the person has been convicted of or pleaded guilty to 1280  
or has been charged with committing the felony, the misdemeanor, 1281  
or the attempt to commit the felony or misdemeanor. 1282

(4) Divisions (B)(1) to (3) of this section do not apply to 1283  
civil claims based upon alleged intentionally tortious conduct, 1284  
alleged violations of the United States Constitution, or alleged 1285  
violations of statutes of the United States pertaining to civil 1286  
rights. For purposes of division (B)(4) of this section, a 1287  
person's act of self-defense, defense of another, or defense of 1288  
the person's residence does not constitute intentionally tortious 1289  
conduct. 1290

**Sec. 2313.37.** (A) In the trial in the court of common pleas 1291  
of any civil case when it appears to the judge presiding that the 1292  
trial is likely to be protracted, upon direction of the judge 1293  
after the jury has been impaneled and sworn, an additional or 1294  
alternate juror shall be selected in the same manner as the 1295  
regular jurors in the case were selected, but each party is 1296  
entitled to two peremptory challenges as to the alternate juror. 1297

(B) In all criminal cases, the selection of alternate jurors 1298  
shall be made pursuant to Criminal Rule 24. 1299

(C) The additional or alternate jurors selected shall be 1300  
sworn and seated near the regular jurors, with equal opportunity 1301  
for seeing and hearing the proceedings and shall attend at all 1302

times upon the trial with regular jurors and shall obey all orders 1303  
and admonitions of the court to the jury, and when the regular 1304  
jurors are ordered kept together in a criminal case, the alternate 1305  
jurors shall be kept with them. The additional or alternate jurors 1306  
shall be liable as regular jurors for failure to attend the trial 1307  
or to obey any order or admonition of the court to the jury, shall 1308  
receive the same compensation as other jurors, and except as 1309  
provided in this section shall be discharged upon the final 1310  
submission of the case to the jury. 1311

(D) If before the final submission of the case to the jury~~7~~ 1312  
~~which in capital cases includes any hearing required under~~ 1313  
~~division (D) of section 2929.03 of the Revised Code,~~ a regular 1314  
juror becomes unable to perform ~~his~~ official duties, 1315  
incapacitated, or disqualified, ~~he~~ the regular juror may be 1316  
discharged by the judge, in which case, or if a regular juror 1317  
dies, upon the order of the judge, an additional or alternate 1318  
juror, in the order in which called, shall become one of the jury 1319  
and serve in all respects as though selected as an original juror. 1320

**Sec. 2701.07.** When, in the opinion of the court, the business 1321  
thereof so requires, each court of common pleas, court of appeals, 1322  
and, in counties having at the last or any future federal census 1323  
more than seventy thousand inhabitants, the probate court, may 1324  
appoint one or more constables to preserve order, attend the 1325  
assignment of cases in counties where more than two judges of the 1326  
court of common pleas regularly hold court at the same time, and 1327  
discharge such other duties as the court requires. When so 1328  
directed by the court, each constable has the same powers as 1329  
sheriffs to call and impanel jurors,~~except in capital cases.~~ 1330

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of the 1331  
Revised Code: 1332

(A) "Claimant" means both of the following categories of persons:	1333 1334
(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	1335 1336
(a) A victim who was one of the following at the time of the criminally injurious conduct:	1337 1338
(i) A resident of the United States;	1339
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	1340 1341 1342
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	1343 1344
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	1345 1346 1347 1348 1349 1350 1351
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	1352 1353 1354
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	1355 1356
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	1357 1358
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	1359 1360 1361 1362

(i) Had a permanent place of employment in this state;	1363
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	1364 1365 1366 1367
(iii) Was retired and receiving social security or any other retirement income;	1368 1369
(iv) Was sixty years of age or older;	1370
(v) Was temporarily in another state for the purpose of receiving medical treatment;	1371 1372
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	1373 1374 1375 1376
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	1377 1378 1379 1380
(viii) Was a full-time student at an academic institution, college, or university located in another state;	1381 1382
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	1383 1384 1385 1386
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	1387 1388
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a	1389 1390 1391 1392

result of the criminally injurious conduct that is the subject of 1393  
the claim and may include, but are not limited to, medical or 1394  
burial expenses; 1395

(d) A person who is authorized to act on behalf of any person 1396  
who is described in division (A)(2)(a), (b), or (c) of this 1397  
section; 1398

(e) The estate of a deceased victim who is described in 1399  
division (A)(2)(a) of this section. 1400

(B) "Collateral source" means a source of benefits or 1401  
advantages for economic loss otherwise reparable that the victim 1402  
or claimant has received, or that is readily available to the 1403  
victim or claimant, from any of the following sources: 1404

(1) The offender; 1405

(2) The government of the United States or any of its 1406  
agencies, a state or any of its political subdivisions, or an 1407  
instrumentality of two or more states, unless the law providing 1408  
for the benefits or advantages makes them excess or secondary to 1409  
benefits under sections 2743.51 to 2743.72 of the Revised Code; 1410

(3) Social security, medicare, and medicaid; 1411

(4) State-required, temporary, nonoccupational disability 1412  
insurance; 1413

(5) Workers' compensation; 1414

(6) Wage continuation programs of any employer; 1415

(7) Proceeds of a contract of insurance payable to the victim 1416  
for loss that the victim sustained because of the criminally 1417  
injurious conduct; 1418

(8) A contract providing prepaid hospital and other health 1419  
care services, or benefits for disability; 1420

(9) That portion of the proceeds of all contracts of 1421

insurance payable to the claimant on account of the death of the 1422  
victim that exceeds fifty thousand dollars; 1423

(10) Any compensation recovered or recoverable under the laws 1424  
of another state, district, territory, or foreign country because 1425  
the victim was the victim of an offense committed in that state, 1426  
district, territory, or country. 1427

"Collateral source" does not include any money, or the 1428  
monetary value of any property, that is subject to sections 1429  
2969.01 to 2969.06 of the Revised Code or that is received as a 1430  
benefit from the Ohio public safety officers death benefit fund 1431  
created by section 742.62 of the Revised Code. 1432

(C) "Criminally injurious conduct" means one of the 1433  
following: 1434

(1) For the purposes of any person described in division 1435  
(A)(1) of this section, any conduct that occurs or is attempted in 1436  
this state; poses a substantial threat of personal injury or 1437  
death; and is punishable by fine, or imprisonment, ~~or death~~, or 1438  
would be so punishable but for the fact that the person engaging 1439  
in the conduct lacked capacity to commit the crime under the laws 1440  
of this state. Criminally injurious conduct does not include 1441  
conduct arising out of the ownership, maintenance, or use of a 1442  
motor vehicle, except when any of the following applies: 1443

(a) The person engaging in the conduct intended to cause 1444  
personal injury or death; 1445

(b) The person engaging in the conduct was using the vehicle 1446  
to flee immediately after committing a felony or an act that would 1447  
constitute a felony but for the fact that the person engaging in 1448  
the conduct lacked the capacity to commit the felony under the 1449  
laws of this state; 1450

(c) The person engaging in the conduct was using the vehicle 1451  
in a manner that constitutes an OVI violation; 1452

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code;

(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of section 4549.02 or 4549.021 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, or imprisonment, ~~or death~~, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;

(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district,



territory, or foreign country in which the conduct occurred, and 1484  
that law is substantially similar to a violation of section 1485  
2903.08 of the Revised Code; 1486

(e) The person engaging in the conduct acted in a manner that 1487  
caused serious physical harm to a person and that constituted a 1488  
violation of any law of the state, district, territory, or foreign 1489  
country in which the conduct occurred, and that law is 1490  
substantially similar to section 4549.02 or 4549.021 of the 1491  
Revised Code. 1492

(3) For the purposes of any person described in division 1493  
(A)(1) or (2) of this section, terrorism that occurs within or 1494  
outside the territorial jurisdiction of the United States. 1495

(D) "Dependent" means an individual wholly or partially 1496  
dependent upon the victim for care and support, and includes a 1497  
child of the victim born after the victim's death. 1498

(E) "Economic loss" means economic detriment consisting only 1499  
of allowable expense, work loss, funeral expense, unemployment 1500  
benefits loss, replacement services loss, cost of crime scene 1501  
cleanup, and cost of evidence replacement. If criminally injurious 1502  
conduct causes death, economic loss includes a dependent's 1503  
economic loss and a dependent's replacement services loss. 1504  
Noneconomic detriment is not economic loss; however, economic loss 1505  
may be caused by pain and suffering or physical impairment. 1506

(F)(1) "Allowable expense" means reasonable charges incurred 1507  
for reasonably needed products, services, and accommodations, 1508  
including those for medical care, rehabilitation, rehabilitative 1509  
occupational training, and other remedial treatment and care and 1510  
including replacement costs for hearing aids; dentures, retainers, 1511  
and other dental appliances; canes, walkers, and other mobility 1512  
tools; and eyeglasses and other corrective lenses. It does not 1513  
include that portion of a charge for a room in a hospital, clinic, 1514

convalescent home, nursing home, or any other institution engaged 1515  
in providing nursing care and related services in excess of a 1516  
reasonable and customary charge for semiprivate accommodations, 1517  
unless accommodations other than semiprivate accommodations are 1518  
medically required. 1519

(2) An immediate family member of a victim of criminally 1520  
injurious conduct that consists of a homicide, a sexual assault, 1521  
domestic violence, or a severe and permanent incapacitating injury 1522  
resulting in paraplegia or a similar life-altering condition, who 1523  
requires psychiatric care or counseling as a result of the 1524  
criminally injurious conduct, may be reimbursed for that care or 1525  
counseling as an allowable expense through the victim's 1526  
application. The cumulative allowable expense for care or 1527  
counseling of that nature shall not exceed two thousand five 1528  
hundred dollars for each immediate family member of a victim of 1529  
that type and seven thousand five hundred dollars in the aggregate 1530  
for all immediate family members of a victim of that type. 1531

(3) A family member of a victim who died as a proximate 1532  
result of criminally injurious conduct may be reimbursed as an 1533  
allowable expense through the victim's application for wages lost 1534  
and travel expenses incurred in order to attend criminal justice 1535  
proceedings arising from the criminally injurious conduct. The 1536  
cumulative allowable expense for wages lost and travel expenses 1537  
incurred by a family member to attend criminal justice proceedings 1538  
shall not exceed five hundred dollars for each family member of 1539  
the victim and two thousand dollars in the aggregate for all 1540  
family members of the victim. 1541

(4)(a) "Allowable expense" includes reasonable expenses and 1542  
fees necessary to obtain a guardian's bond pursuant to section 1543  
2109.04 of the Revised Code when the bond is required to pay an 1544  
award to a fiduciary on behalf of a minor or other incompetent. 1545

(b) "Allowable expense" includes attorney's fees not 1546

exceeding one thousand dollars, at a rate not exceeding one 1547  
hundred dollars per hour, incurred to successfully obtain a 1548  
restraining order, custody order, or other order to physically 1549  
separate a victim from an offender. Attorney's fees for the 1550  
services described in this division may include an amount for 1551  
reasonable travel time incurred to attend court hearings, not 1552  
exceeding three hours' round-trip for each court hearing, assessed 1553  
at a rate not exceeding thirty dollars per hour. 1554

(G) "Work loss" means loss of income from work that the 1555  
injured person would have performed if the person had not been 1556  
injured and expenses reasonably incurred by the person to obtain 1557  
services in lieu of those the person would have performed for 1558  
income, reduced by any income from substitute work actually 1559  
performed by the person, or by income the person would have earned 1560  
in available appropriate substitute work that the person was 1561  
capable of performing but unreasonably failed to undertake. 1562

(H) "Replacement services loss" means expenses reasonably 1563  
incurred in obtaining ordinary and necessary services in lieu of 1564  
those the injured person would have performed, not for income, but 1565  
for the benefit of the person's self or family, if the person had 1566  
not been injured. 1567

(I) "Dependent's economic loss" means loss after a victim's 1568  
death of contributions of things of economic value to the victim's 1569  
dependents, not including services they would have received from 1570  
the victim if the victim had not suffered the fatal injury, less 1571  
expenses of the dependents avoided by reason of the victim's 1572  
death. If a minor child of a victim is adopted after the victim's 1573  
death, the minor child continues after the adoption to incur a 1574  
dependent's economic loss as a result of the victim's death. If 1575  
the surviving spouse of a victim remarries, the surviving spouse 1576  
continues after the remarriage to incur a dependent's economic 1577  
loss as a result of the victim's death. 1578

(J) "Dependent's replacement services loss" means loss 1579  
reasonably incurred by dependents after a victim's death in 1580  
obtaining ordinary and necessary services in lieu of those the 1581  
victim would have performed for their benefit if the victim had 1582  
not suffered the fatal injury, less expenses of the dependents 1583  
avoided by reason of the victim's death and not subtracted in 1584  
calculating the dependent's economic loss. If a minor child of a 1585  
victim is adopted after the victim's death, the minor child 1586  
continues after the adoption to incur a dependent's replacement 1587  
services loss as a result of the victim's death. If the surviving 1588  
spouse of a victim remarries, the surviving spouse continues after 1589  
the remarriage to incur a dependent's replacement services loss as 1590  
a result of the victim's death. 1591

(K) "Noneconomic detriment" means pain, suffering, 1592  
inconvenience, physical impairment, or other nonpecuniary damage. 1593

(L) "Victim" means a person who suffers personal injury or 1594  
death as a result of any of the following: 1595

(1) Criminally injurious conduct; 1596

(2) The good faith effort of any person to prevent criminally 1597  
injurious conduct; 1598

(3) The good faith effort of any person to apprehend a person 1599  
suspected of engaging in criminally injurious conduct. 1600

(M) "Contributory misconduct" means any conduct of the 1601  
claimant or of the victim through whom the claimant claims an 1602  
award of reparations that is unlawful or intentionally tortious 1603  
and that, without regard to the conduct's proximity in time or 1604  
space to the criminally injurious conduct, has a causal 1605  
relationship to the criminally injurious conduct that is the basis 1606  
of the claim. 1607

(N)(1) "Funeral expense" means any reasonable charges that 1608  
are not in excess of seven thousand five hundred dollars per 1609

funeral and that are incurred for expenses directly related to a 1610  
victim's funeral, cremation, or burial and any wages lost or 1611  
travel expenses incurred by a family member of a victim in order 1612  
to attend the victim's funeral, cremation, or burial. 1613

(2) An award for funeral expenses shall be applied first to 1614  
expenses directly related to the victim's funeral, cremation, or 1615  
burial. An award for wages lost or travel expenses incurred by a 1616  
family member of the victim shall not exceed five hundred dollars 1617  
for each family member and shall not exceed in the aggregate the 1618  
difference between seven thousand five hundred dollars and 1619  
expenses that are reimbursed by the program and that are directly 1620  
related to the victim's funeral, cremation, or burial. 1621

(O) "Unemployment benefits loss" means a loss of unemployment 1622  
benefits pursuant to Chapter 4141. of the Revised Code when the 1623  
loss arises solely from the inability of a victim to meet the able 1624  
to work, available for suitable work, or the actively seeking 1625  
suitable work requirements of division (A)(4)(a) of section 1626  
4141.29 of the Revised Code. 1627

(P) "OVI violation" means any of the following: 1628

(1) A violation of section 4511.19 of the Revised Code, of 1629  
any municipal ordinance prohibiting the operation of a vehicle 1630  
while under the influence of alcohol, a drug of abuse, or a 1631  
combination of them, or of any municipal ordinance prohibiting the 1632  
operation of a vehicle with a prohibited concentration of alcohol, 1633  
a controlled substance, or a metabolite of a controlled substance 1634  
in the whole blood, blood serum or plasma, breath, or urine; 1635

(2) A violation of division (A)(1) of section 2903.06 of the 1636  
Revised Code; 1637

(3) A violation of division (A)(2), (3), or (4) of section 1638  
2903.06 of the Revised Code or of a municipal ordinance 1639  
substantially similar to any of those divisions, if the offender 1640

was under the influence of alcohol, a drug of abuse, or a 1641  
combination of them, at the time of the commission of the offense; 1642

(4) For purposes of any person described in division (A)(2) 1643  
of this section, a violation of any law of the state, district, 1644  
territory, or foreign country in which the criminally injurious 1645  
conduct occurred, if that law is substantially similar to a 1646  
violation described in division (P)(1) or (2) of this section or 1647  
if that law is substantially similar to a violation described in 1648  
division (P)(3) of this section and the offender was under the 1649  
influence of alcohol, a drug of abuse, or a combination of them, 1650  
at the time of the commission of the offense. 1651

(Q) "Pendency of the claim" for an original reparations 1652  
application or supplemental reparations application means the 1653  
period of time from the date the criminally injurious conduct upon 1654  
which the application is based occurred until the date a final 1655  
decision, order, or judgment concerning that original reparations 1656  
application or supplemental reparations application is issued. 1657

(R) "Terrorism" means any activity to which all of the 1658  
following apply: 1659

(1) The activity involves a violent act or an act that is 1660  
dangerous to human life. 1661

(2) The act described in division (R)(1) of this section is 1662  
committed within the territorial jurisdiction of the United States 1663  
and is a violation of the criminal laws of the United States, this 1664  
state, or any other state or the act described in division (R)(1) 1665  
of this section is committed outside the territorial jurisdiction 1666  
of the United States and would be a violation of the criminal laws 1667  
of the United States, this state, or any other state if committed 1668  
within the territorial jurisdiction of the United States. 1669

(3) The activity appears to be intended to do any of the 1670  
following: 1671

(a) Intimidate or coerce a civilian population;	1672
(b) Influence the policy of any government by intimidation or coercion;	1673 1674
(c) Affect the conduct of any government by assassination or kidnapping.	1675 1676
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	1677 1678 1679 1680 1681 1682 1683
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	1684 1685 1686 1687
(T) "Cost of crime scene cleanup" means any of the following:	1688
(1) The replacement cost for items of clothing removed from a victim in order to make an assessment of possible physical harm or to treat physical harm;	1689 1690 1691
(2) Reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	1692 1693 1694 1695
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	1696 1697 1698 1699
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an	1700 1701

allowable expense or a funeral expense. 1702

(W) "Immediate family member" means an individual who resided 1703  
in the same permanent household as a victim at the time of the 1704  
criminally injurious conduct and who is related to the victim by 1705  
affinity or consanguinity. 1706

(X) "Family member" means an individual who is related to a 1707  
victim by affinity or consanguinity. 1708

**Sec. 2901.02.** As used in the Revised Code: 1709

(A) Offenses include aggravated murder, murder, felonies of 1710  
the first, second, third, fourth, and fifth degree, misdemeanors 1711  
of the first, second, third, and fourth degree, minor 1712  
misdemeanors, and offenses not specifically classified. 1713

~~(B) Aggravated murder when the indictment or the count in the 1714  
indictment charging aggravated murder contains one or more 1715  
specifications of aggravating circumstances listed in division (A) 1716  
of section 2929.04 of Revised Code, and any other offense for 1717  
which death may be imposed as a penalty, is a capital offense. 1718~~

~~(C)~~ Aggravated murder and murder are felonies. 1719

~~(D)~~(C) Regardless of the penalty that may be imposed, any 1720  
offense specifically classified as a felony is a felony, and any 1721  
offense specifically classified as a misdemeanor is a misdemeanor. 1722

~~(E)~~(D) Any offense not specifically classified is a felony if 1723  
imprisonment for more than one year may be imposed as a penalty. 1724

~~(F)~~(E) Any offense not specifically classified is a 1725  
misdemeanor if imprisonment for not more than one year may be 1726  
imposed as a penalty. 1727

~~(G)~~(F) Any offense not specifically classified is a minor 1728  
misdemeanor if the only penalty that may be imposed is one of the 1729  
following: 1730



(1) For an offense committed prior to January 1, 2004, a fine not exceeding one hundred dollars; 1731  
1732

(2) For an offense committed on or after January 1, 2004, a fine not exceeding one hundred fifty dollars, community service under division (D) of section 2929.27 of the Revised Code, or a financial sanction other than a fine under section 2929.28 of the Revised Code. 1733  
1734  
1735  
1736  
1737

**Sec. 2909.24.** (A) No person shall commit a specified offense with purpose to do any of the following: 1738  
1739

(1) Intimidate or coerce a civilian population; 1740

(2) Influence the policy of any government by intimidation or coercion; 1741  
1742

(3) Affect the conduct of any government by the specified offense. 1743  
1744

(B)(1) Whoever violates this section is guilty of terrorism. 1745

(2) Except as otherwise provided in divisions (B)(3) and (4) of this section, terrorism is an offense one degree higher than the most serious underlying specified offense the defendant committed. 1746  
1747  
1748  
1749

(3) If the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole. 1750  
1751  
1752

(4) If the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be sentenced to life imprisonment without parole ~~or death pursuant to sections 2929.02 to 2929.06 of the Revised Code.~~ 1753  
1754  
1755  
1756

(5) Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section. 1757  
1758  
1759

~~Sec. 2929.02. (A) Whoever~~ Except as otherwise provided in 1760  
division (C) of this section, whoever is convicted of or pleads 1761  
guilty to aggravated murder in violation of section 2903.01 of the 1762  
Revised Code shall ~~suffer death or be imprisoned for life, as~~ 1763  
~~determined pursuant to sections 2929.022, 2929.03, and 2929.04 of~~ 1764  
~~the Revised Code, except that no person who raises the matter of~~ 1765  
~~age pursuant to section 2929.023 of the Revised Code and who is~~ 1766  
~~not found to have been eighteen years of age or older at the time~~ 1767  
~~of the commission of the offense shall suffer death. In addition,~~ 1768  
~~the offender may be fined an amount fixed by the court, but not~~ 1769  
~~more than twenty five thousand dollars~~ sentenced to life 1770  
imprisonment with parole eligibility after serving twenty full 1771  
years of imprisonment, life imprisonment with parole eligibility 1772  
after serving thirty full years of imprisonment, or life 1773  
imprisonment without parole. 1774

~~(B)(1)~~ Except as otherwise provided in division ~~(B)(2) or~~ 1775  
~~(3)(C)~~ of this section, whoever is convicted of or pleads guilty 1776  
to murder in violation of section 2903.02 of the Revised Code 1777  
shall be imprisoned for an indefinite term of fifteen years to 1778  
life. 1779

~~(2)(C)(1)~~ Except as otherwise provided in division 1780  
~~(B)(3)(C)(2)~~ of this section, if a person is convicted of or 1781  
pleads guilty to aggravated murder in violation of section 2903.01 1782  
of the Revised Code or to murder in violation of section 2903.02 1783  
of the Revised Code, the victim of the offense was less than 1784  
thirteen years of age, and the offender also is convicted of or 1785  
pleads guilty to a sexual motivation specification that was 1786  
included in the indictment, count in the indictment, or 1787  
information charging the offense, the court shall impose an 1788  
indefinite prison term of thirty years to life pursuant to 1789  
division (B)(3) of section 2971.03 of the Revised Code. 1790

~~(3)~~(2) If a person is convicted of or pleads guilty to 1791  
aggravated murder in violation of section 2903.01 of the Revised 1792  
Code or to murder in violation of section 2903.02 of the Revised 1793  
Code and also is convicted of or pleads guilty to a sexual 1794  
motivation specification and a sexually violent predator 1795  
specification that were included in the indictment, count in the 1796  
indictment, or information that charged the murder, the court 1797  
shall impose upon the offender a term of life imprisonment without 1798  
parole that shall be served pursuant to section 2971.03 of the 1799  
Revised Code. 1800

~~(4)~~(D) In addition to the prison term imposed under this 1801  
section, the offender may be fined an amount fixed by the court, 1802  
but not more than twenty-five thousand dollars for aggravated 1803  
murder or fifteen thousand dollars for murder. 1804

~~(C)~~(E) The court shall not impose a fine or fines for 1805  
aggravated murder or murder ~~which~~ that, in the aggregate and to 1806  
the extent not suspended by the court, exceeds the amount ~~which~~ 1807  
that the offender is or will be able to pay by the method and 1808  
within the time allowed without undue hardship to the offender or 1809  
to the dependents of the offender, or will prevent the offender 1810  
from making reparation for the victim's wrongful death. 1811

~~(D)~~(F)(1) In addition to any other sanctions imposed for a 1812  
violation of section 2903.01 or 2903.02 of the Revised Code, if 1813  
the offender used a motor vehicle as the means to commit the 1814  
violation, the court shall impose upon the offender a class two 1815  
suspension of the offender's driver's license, commercial driver's 1816  
license, temporary instruction permit, probationary license, or 1817  
nonresident operating privilege as specified in division (A)(2) of 1818  
section 4510.02 of the Revised Code. 1819

(2) As used in division ~~(D)~~(F) of this section, "motor 1820  
vehicle" has the same meaning as in section 4501.01 of the Revised 1821  
Code. 1822

(G) Capital punishment is hereby abolished. A trial court 1823  
that sentenced an offender to death prior to the effective date of 1824  
this amendment shall conduct a hearing to resentence the offender. 1825  
At the resentencing hearing, the court shall impose upon the 1826  
offender a sentence of life imprisonment without parole. 1827

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 1828  
(G) of this section and unless a specific sanction is required to 1829  
be imposed or is precluded from being imposed pursuant to law, a 1830  
court that imposes a sentence upon an offender for a felony may 1831  
impose any sanction or combination of sanctions on the offender 1832  
that are provided in sections 2929.14 to 2929.18 of the Revised 1833  
Code. 1834

If the offender is eligible to be sentenced to community 1835  
control sanctions, the court shall consider the appropriateness of 1836  
imposing a financial sanction pursuant to section 2929.18 of the 1837  
Revised Code or a sanction of community service pursuant to 1838  
section 2929.17 of the Revised Code as the sole sanction for the 1839  
offense. Except as otherwise provided in this division, if the 1840  
court is required to impose a mandatory prison term for the 1841  
offense for which sentence is being imposed, the court also shall 1842  
impose any financial sanction pursuant to section 2929.18 of the 1843  
Revised Code that is required for the offense and may impose any 1844  
other financial sanction pursuant to that section but may not 1845  
impose any additional sanction or combination of sanctions under 1846  
section 2929.16 or 2929.17 of the Revised Code. 1847

If the offender is being sentenced for a fourth degree felony 1848  
OVI offense or for a third degree felony OVI offense, in addition 1849  
to the mandatory term of local incarceration or the mandatory 1850  
prison term required for the offense by division (G)(1) or (2) of 1851  
this section, the court shall impose upon the offender a mandatory 1852  
fine in accordance with division (B)(3) of section 2929.18 of the 1853

Revised Code and may impose whichever of the following is applicable: 1854  
1855

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division. 1856  
1857  
1858  
1859  
1860  
1861  
1862  
1863  
1864  
1865

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section. 1866  
1867  
1868  
1869  
1870

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence, the court shall sentence the offender to a community control sanction of at least one year's duration if all of the following apply: 1871  
1872  
1873  
1874  
1875  
1876

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense or to an offense of violence that is a misdemeanor and that the offender committed within two years prior to the offense for which sentence is being imposed. 1877  
1878  
1879  
1880

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree. 1881  
1882

(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of 1883  
1884

this section, the department, within the forty-five-day period 1885  
specified in that division, provided the court with the names of, 1886  
contact information for, and program details of one or more 1887  
community control sanctions of at least one year's duration that 1888  
are available for persons sentenced by the court. 1889

(b) The court has discretion to impose a prison term upon an 1890  
offender who is convicted of or pleads guilty to a felony of the 1891  
fourth or fifth degree that is not an offense of violence if any 1892  
of the following apply: 1893

(i) The offender committed the offense while having a firearm 1894  
on or about the offender's person or under the offender's control. 1895

(ii) The offender caused physical harm to another person 1896  
while committing the offense. 1897

(iii) The offender violated a term of the conditions of bond 1898  
as set by the court. 1899

(iv) The court made a request of the department of 1900  
rehabilitation and correction pursuant to division (B)(1)(c) of 1901  
this section, and the department, within the forty-five-day period 1902  
specified in that division, did not provide the court with the 1903  
name of, contact information for, and program details of any 1904  
community control sanction of at least one year's duration that is 1905  
available for persons sentenced by the court. 1906

(c) If a court that is sentencing an offender who is 1907  
convicted of or pleads guilty to a felony of the fourth or fifth 1908  
degree that is not an offense of violence believes that no 1909  
community control sanctions are available for its use that, if 1910  
imposed on the offender, will adequately fulfill the overriding 1911  
principles and purposes of sentencing, the court shall contact the 1912  
department of rehabilitation and correction and ask the department 1913  
to provide the court with the names of, contact information for, 1914  
and program details of one or more community control sanctions of 1915

at least one year's duration that are available for persons 1916  
sentenced by the court. Not later than forty-five days after 1917  
receipt of a request from a court under this division, the 1918  
department shall provide the court with the names of, contact 1919  
information for, and program details of one or more community 1920  
control sanctions of at least one year's duration that are 1921  
available for persons sentenced by the court, if any. Upon making 1922  
a request under this division that relates to a particular 1923  
offender, a court shall defer sentencing of that offender until it 1924  
receives from the department the names of, contact information 1925  
for, and program details of one or more community control 1926  
sanctions of at least one year's duration that are available for 1927  
persons sentenced by the court or for forty-five days, whichever 1928  
is the earlier. 1929

If the department provides the court with the names of, 1930  
contact information for, and program details of one or more 1931  
community control sanctions of at least one year's duration that 1932  
are available for persons sentenced by the court within the 1933  
forty-five-day period specified in this division, the court shall 1934  
impose upon the offender a community control sanction under 1935  
division (B)(1)(a) of this section, ~~subject to divisions~~ except 1936  
that the court may impose a prison term under division (B)(1)(b) 1937  
of this section if a factor described in division (B)(1)(b)(i) and 1938  
or (ii) of this section applies. If the department does not 1939  
provide the court with the names of, contact information for, and 1940  
program details of one or more community control sanctions of at 1941  
least one year's duration that are available for persons sentenced 1942  
by the court within the forty-five-day period specified in this 1943  
division, the court may impose upon the offender a prison term 1944  
under division (B)(1)(b)~~(iii)~~(iv) of this section. 1945

(d) A sentencing court may impose an additional penalty under 1946  
division (B) of section 2929.15 of the Revised Code upon an 1947

offender sentenced to a community control sanction under division 1948  
(B)(1)(a) of this section if the offender violates the conditions 1949  
of the community control sanction, violates a law, or leaves the 1950  
state without the permission of the court or the offender's 1951  
probation officer. 1952

(2) If division (B)(1) of this section does not apply, except 1953  
as provided in division (B)(3), (E), (F), or (G) of this section, 1954  
in sentencing an offender for a felony of the fourth or fifth 1955  
degree, the sentencing court shall determine whether any of the 1956  
following apply: 1957

(a) In committing the offense, the offender caused physical 1958  
harm to a person. 1959

(b) In committing the offense, the offender attempted to 1960  
cause or made an actual threat of physical harm to a person with a 1961  
deadly weapon. 1962

(c) In committing the offense, the offender attempted to 1963  
cause or made an actual threat of physical harm to a person, and 1964  
the offender previously was convicted of an offense that caused 1965  
physical harm to a person. 1966

(d) The offender held a public office or position of trust 1967  
and the offense related to that office or position; the offender's 1968  
position obliged the offender to prevent the offense or to bring 1969  
those committing it to justice; or the offender's professional 1970  
reputation or position facilitated the offense or was likely to 1971  
influence the future conduct of others. 1972

(e) The offender committed the offense for hire or as part of 1973  
an organized criminal activity. 1974

(f) The offense is a sex offense that is a fourth or fifth 1975  
degree felony violation of section 2907.03, 2907.04, 2907.05, 1976  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1977  
Revised Code. 1978



(g) The offender at the time of the offense was serving, or  
the offender previously had served, a prison term. 1979  
1980

(h) The offender committed the offense while under a 1981  
community control sanction, while on probation, or while released 1982  
from custody on a bond or personal recognizance. 1983

(i) The offender committed the offense while in possession of 1984  
a firearm. 1985

(3)(a) If the court makes a finding described in division 1986  
(B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1987  
section and if the court, after considering the factors set forth 1988  
in section 2929.12 of the Revised Code, finds that a prison term 1989  
is consistent with the purposes and principles of sentencing set 1990  
forth in section 2929.11 of the Revised Code and finds that the 1991  
offender is not amenable to an available community control 1992  
sanction, the court shall impose a prison term upon the offender. 1993

(b) Except as provided in division (E), (F), or (G) of this 1994  
section, if the court does not make a finding described in 1995  
division (B)(2)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1996  
this section and if the court, after considering the factors set 1997  
forth in section 2929.12 of the Revised Code, finds that a 1998  
community control sanction or combination of community control 1999  
sanctions is consistent with the purposes and principles of 2000  
sentencing set forth in section 2929.11 of the Revised Code, the 2001  
court shall impose a community control sanction or combination of 2002  
community control sanctions upon the offender. 2003

(C) Except as provided in division (D), (E), (F), or (G) of 2004  
this section, in determining whether to impose a prison term as a 2005  
sanction for a felony of the third degree or a felony drug offense 2006  
that is a violation of a provision of Chapter 2925. of the Revised 2007  
Code and that is specified as being subject to this division for 2008  
purposes of sentencing, the sentencing court shall comply with the 2009

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

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

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

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

(b) A community control sanction or a combination of 2042  
community control sanctions would not demean the seriousness of 2043  
the offense, because one or more factors under section 2929.12 of 2044  
the Revised Code that indicate that the offender's conduct was 2045  
less serious than conduct normally constituting the offense are 2046  
applicable, and they outweigh the applicable factors under that 2047  
section that indicate that the offender's conduct was more serious 2048  
than conduct normally constituting the offense. 2049

(E)(1) Except as provided in division (F) of this section, 2050  
for any drug offense that is a violation of any provision of 2051  
Chapter 2925. of the Revised Code and that is a felony of the 2052  
third, fourth, or fifth degree, the applicability of a presumption 2053  
under division (D) of this section in favor of a prison term or of 2054  
division (B) or (C) of this section in determining whether to 2055  
impose a prison term for the offense shall be determined as 2056  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2057  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2058  
Revised Code, whichever is applicable regarding the violation. 2059

(2) If an offender who was convicted of or pleaded guilty to 2060  
a felony violates the conditions of a community control sanction 2061  
imposed for the offense solely by reason of producing positive 2062  
results on a drug test, the court, as punishment for the violation 2063  
of the sanction, shall not order that the offender be imprisoned 2064  
unless the court determines on the record either of the following: 2065

(a) The offender had been ordered as a sanction for the 2066  
felony to participate in a drug treatment program, in a drug 2067  
education program, or in narcotics anonymous or a similar program, 2068  
and the offender continued to use illegal drugs after a reasonable 2069  
period of participation in the program. 2070

(b) The imprisonment of the offender for the violation is 2071  
consistent with the purposes and principles of sentencing set 2072  
forth in section 2929.11 of the Revised Code. 2073

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

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

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

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

sentenced under section 2971.03 of the Revised Code; 2106

(3) Gross sexual imposition or sexual battery, if the victim 2107  
is less than thirteen years of age and if any of the following 2108  
applies: 2109

(a) Regarding gross sexual imposition, the offender 2110  
previously was convicted of or pleaded guilty to rape, the former 2111  
offense of felonious sexual penetration, gross sexual imposition, 2112  
or sexual battery, and the victim of the previous offense was less 2113  
than thirteen years of age; 2114

(b) Regarding gross sexual imposition, the offense was 2115  
committed on or after August 3, 2006, and evidence other than the 2116  
testimony of the victim was admitted in the case corroborating the 2117  
violation. 2118

(c) Regarding sexual battery, either of the following 2119  
applies: 2120

(i) The offense was committed prior to August 3, 2006, the 2121  
offender previously was convicted of or pleaded guilty to rape, 2122  
the former offense of felonious sexual penetration, or sexual 2123  
battery, and the victim of the previous offense was less than 2124  
thirteen years of age. 2125

(ii) The offense was committed on or after August 3, 2006. 2126

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2127  
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the 2128  
section requires the imposition of a prison term; 2129

(5) A first, second, or third degree felony drug offense for 2130  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2131  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2132  
4729.99 of the Revised Code, whichever is applicable regarding the 2133  
violation, requires the imposition of a mandatory prison term; 2134

(6) Any offense that is a first or second degree felony and 2135

that is not set forth in division (F)(1), (2), (3), or (4) of this 2136  
section, if the offender previously was convicted of or pleaded 2137  
guilty to aggravated murder, murder, any first or second degree 2138  
felony, or an offense under an existing or former law of this 2139  
state, another state, or the United States that is or was 2140  
substantially equivalent to one of those offenses; 2141

(7) Any offense that is a third degree felony and either is a 2142  
violation of section 2903.04 of the Revised Code or an attempt to 2143  
commit a felony of the second degree that is an offense of 2144  
violence and involved an attempt to cause serious physical harm to 2145  
a person or that resulted in serious physical harm to a person if 2146  
the offender previously was convicted of or pleaded guilty to any 2147  
of the following offenses: 2148

(a) Aggravated murder, murder, involuntary manslaughter, 2149  
rape, felonious sexual penetration as it existed under section 2150  
2907.12 of the Revised Code prior to September 3, 1996, a felony 2151  
of the first or second degree that resulted in the death of a 2152  
person or in physical harm to a person, or complicity in or an 2153  
attempt to commit any of those offenses; 2154

(b) An offense under an existing or former law of this state, 2155  
another state, or the United States that is or was substantially 2156  
equivalent to an offense listed in division (F)(7)(a) of this 2157  
section that resulted in the death of a person or in physical harm 2158  
to a person. 2159

(8) Any offense, other than a violation of section 2923.12 of 2160  
the Revised Code, that is a felony, if the offender had a firearm 2161  
on or about the offender's person or under the offender's control 2162  
while committing the felony, with respect to a portion of the 2163  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 2164  
of the Revised Code for having the firearm; 2165

(9) Any offense of violence that is a felony, if the offender 2166

wore or carried body armor while committing the felony offense of 2167  
violence, with respect to the portion of the sentence imposed 2168  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 2169  
Code for wearing or carrying the body armor; 2170

(10) Corrupt activity in violation of section 2923.32 of the 2171  
Revised Code when the most serious offense in the pattern of 2172  
corrupt activity that is the basis of the offense is a felony of 2173  
the first degree; 2174

(11) Any violent sex offense or designated homicide, assault, 2175  
or kidnapping offense if, in relation to that offense, the 2176  
offender is adjudicated a sexually violent predator; 2177

(12) A violation of division (A)(1) or (2) of section 2921.36 2178  
of the Revised Code, or a violation of division (C) of that 2179  
section involving an item listed in division (A)(1) or (2) of that 2180  
section, if the offender is an officer or employee of the 2181  
department of rehabilitation and correction; 2182

(13) A violation of division (A)(1) or (2) of section 2903.06 2183  
of the Revised Code if the victim of the offense is a peace 2184  
officer, as defined in section 2935.01 of the Revised Code, or an 2185  
investigator of the bureau of criminal identification and 2186  
investigation, as defined in section 2903.11 of the Revised Code, 2187  
with respect to the portion of the sentence imposed pursuant to 2188  
division (B)(5) of section 2929.14 of the Revised Code; 2189

(14) A violation of division (A)(1) or (2) of section 2903.06 2190  
of the Revised Code if the offender has been convicted of or 2191  
pleaded guilty to three or more violations of division (A) or (B) 2192  
of section 4511.19 of the Revised Code or an equivalent offense, 2193  
as defined in section 2941.1415 of the Revised Code, or three or 2194  
more violations of any combination of those divisions and 2195  
offenses, with respect to the portion of the sentence imposed 2196  
pursuant to division (B)(6) of section 2929.14 of the Revised 2197

Code;	2198
(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;	2199 2200 2201
(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance in violation of division (A)(1) or (2) of section 2907.323 of the Revised Code, or endangering children in violation of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;	2202 2203 2204 2205 2206 2207 2208 2209 2210 2211
(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;	2212 2213 2214 2215
(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code.	2216 2217 2218 2219 2220 2221
(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:	2222 2223 2224 2225 2226
(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of	2227 2228



and has not pleaded guilty to a specification of the type 2229  
described in section 2941.1413 of the Revised Code, the court may 2230  
impose upon the offender a mandatory term of local incarceration 2231  
of sixty days or one hundred twenty days as specified in division 2232  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2233  
not reduce the term pursuant to section 2929.20, 2967.193, or any 2234  
other provision of the Revised Code. The court that imposes a 2235  
mandatory term of local incarceration under this division shall 2236  
specify whether the term is to be served in a jail, a 2237  
community-based correctional facility, a halfway house, or an 2238  
alternative residential facility, and the offender shall serve the 2239  
term in the type of facility specified by the court. A mandatory 2240  
term of local incarceration imposed under division (G)(1) of this 2241  
section is not subject to any other Revised Code provision that 2242  
pertains to a prison term except as provided in division (A)(1) of 2243  
this section. 2244

(2) If the offender is being sentenced for a third degree 2245  
felony OVI offense, or if the offender is being sentenced for a 2246  
fourth degree felony OVI offense and the court does not impose a 2247  
mandatory term of local incarceration under division (G)(1) of 2248  
this section, the court shall impose upon the offender a mandatory 2249  
prison term of one, two, three, four, or five years if the 2250  
offender also is convicted of or also pleads guilty to a 2251  
specification of the type described in section 2941.1413 of the 2252  
Revised Code or shall impose upon the offender a mandatory prison 2253  
term of sixty days or one hundred twenty days as specified in 2254  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2255  
if the offender has not been convicted of and has not pleaded 2256  
guilty to a specification of that type. Subject to divisions (C) 2257  
to (I) of section 2967.19 of the Revised Code, the court shall not 2258  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 2259  
any other provision of the Revised Code. The offender shall serve 2260  
the one-, two-, three-, four-, or five-year mandatory prison term 2261

consecutively to and prior to the prison term imposed for the 2262  
underlying offense and consecutively to any other mandatory prison 2263  
term imposed in relation to the offense. In no case shall an 2264  
offender who once has been sentenced to a mandatory term of local 2265  
incarceration pursuant to division (G)(1) of this section for a 2266  
fourth degree felony OVI offense be sentenced to another mandatory 2267  
term of local incarceration under that division for any violation 2268  
of division (A) of section 4511.19 of the Revised Code. In 2269  
addition to the mandatory prison term described in division (G)(2) 2270  
of this section, the court may sentence the offender to a 2271  
community control sanction under section 2929.16 or 2929.17 of the 2272  
Revised Code, but the offender shall serve the prison term prior 2273  
to serving the community control sanction. The department of 2274  
rehabilitation and correction may place an offender sentenced to a 2275  
mandatory prison term under this division in an intensive program 2276  
prison established pursuant to section 5120.033 of the Revised 2277  
Code if the department gave the sentencing judge prior notice of 2278  
its intent to place the offender in an intensive program prison 2279  
established under that section and if the judge did not notify the 2280  
department that the judge disapproved the placement. Upon the 2281  
establishment of the initial intensive program prison pursuant to 2282  
section 5120.033 of the Revised Code that is privately operated 2283  
and managed by a contractor pursuant to a contract entered into 2284  
under section 9.06 of the Revised Code, both of the following 2285  
apply: 2286

(a) The department of rehabilitation and correction shall 2287  
make a reasonable effort to ensure that a sufficient number of 2288  
offenders sentenced to a mandatory prison term under this division 2289  
are placed in the privately operated and managed prison so that 2290  
the privately operated and managed prison has full occupancy. 2291

(b) Unless the privately operated and managed prison has full 2292  
occupancy, the department of rehabilitation and correction shall 2293

not place any offender sentenced to a mandatory prison term under 2294  
this division in any intensive program prison established pursuant 2295  
to section 5120.033 of the Revised Code other than the privately 2296  
operated and managed prison. 2297

(H) If an offender is being sentenced for a sexually oriented 2298  
offense or child-victim oriented offense that is a felony 2299  
committed on or after January 1, 1997, the judge shall require the 2300  
offender to submit to a DNA specimen collection procedure pursuant 2301  
to section 2901.07 of the Revised Code. 2302

(I) If an offender is being sentenced for a sexually oriented 2303  
offense or a child-victim oriented offense committed on or after 2304  
January 1, 1997, the judge shall include in the sentence a summary 2305  
of the offender's duties imposed under sections 2950.04, 2950.041, 2306  
2950.05, and 2950.06 of the Revised Code and the duration of the 2307  
duties. The judge shall inform the offender, at the time of 2308  
sentencing, of those duties and of their duration. If required 2309  
under division (A)(2) of section 2950.03 of the Revised Code, the 2310  
judge shall perform the duties specified in that section, or, if 2311  
required under division (A)(6) of section 2950.03 of the Revised 2312  
Code, the judge shall perform the duties specified in that 2313  
division. 2314

(J)(1) Except as provided in division (J)(2) of this section, 2315  
when considering sentencing factors under this section in relation 2316  
to an offender who is convicted of or pleads guilty to an attempt 2317  
to commit an offense in violation of section 2923.02 of the 2318  
Revised Code, the sentencing court shall consider the factors 2319  
applicable to the felony category of the violation of section 2320  
2923.02 of the Revised Code instead of the factors applicable to 2321  
the felony category of the offense attempted. 2322

(2) When considering sentencing factors under this section in 2323  
relation to an offender who is convicted of or pleads guilty to an 2324  
attempt to commit a drug abuse offense for which the penalty is 2325

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

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

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

**Sec. 2929.14.** (A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), (H), or (J) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of ~~death or~~ life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, ten, or eleven years.

(2) For a felony of the second degree, the prison term shall 2357  
be two, three, four, five, six, seven, or eight years. 2358

(3)(a) For a felony of the third degree that is a violation 2359  
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the 2360  
Revised Code or that is a violation of section 2911.02 or 2911.12 2361  
of the Revised Code if the offender previously has been convicted 2362  
of or pleaded guilty in two or more separate proceedings to two or 2363  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 2364  
of the Revised Code, the prison term shall be twelve, eighteen, 2365  
twenty-four, thirty, thirty-six, forty-two, forty-eight, 2366  
fifty-four, or sixty months. 2367

(b) For a felony of the third degree that is not an offense 2368  
for which division (A)(3)(a) of this section applies, the prison 2369  
term shall be nine, twelve, eighteen, twenty-four, thirty, or 2370  
thirty-six months. 2371

(4) For a felony of the fourth degree, the prison term shall 2372  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2373  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2374

(5) For a felony of the fifth degree, the prison term shall 2375  
be six, seven, eight, nine, ten, eleven, or twelve months. 2376

(B)(1)(a) Except as provided in division (B)(1)(e) of this 2377  
section, if an offender who is convicted of or pleads guilty to a 2378  
felony also is convicted of or pleads guilty to a specification of 2379  
the type described in section 2941.141, 2941.144, or 2941.145 of 2380  
the Revised Code, the court shall impose on the offender one of 2381  
the following prison terms: 2382

(i) A prison term of six years if the specification is of the 2383  
type described in section 2941.144 of the Revised Code that 2384  
charges the offender with having a firearm that is an automatic 2385  
firearm or that was equipped with a firearm muffler or silencer on 2386  
or about the offender's person or under the offender's control 2387

while committing the felony; 2388

(ii) A prison term of three years if the specification is of 2389  
the type described in section 2941.145 of the Revised Code that 2390  
charges the offender with having a firearm on or about the 2391  
offender's person or under the offender's control while committing 2392  
the offense and displaying the firearm, brandishing the firearm, 2393  
indicating that the offender possessed the firearm, or using it to 2394  
facilitate the offense; 2395

(iii) A prison term of one year if the specification is of 2396  
the type described in section 2941.141 of the Revised Code that 2397  
charges the offender with having a firearm on or about the 2398  
offender's person or under the offender's control while committing 2399  
the felony. 2400

(b) If a court imposes a prison term on an offender under 2401  
division (B)(1)(a) of this section, the prison term shall not be 2402  
reduced pursuant to section 2967.19, section 2929.20, section 2403  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2404  
of the Revised Code. Except as provided in division (B)(1)(g) of 2405  
this section, a court shall not impose more than one prison term 2406  
on an offender under division (B)(1)(a) of this section for 2407  
felonies committed as part of the same act or transaction. 2408

(c) Except as provided in division (B)(1)(e) of this section, 2409  
if an offender who is convicted of or pleads guilty to a violation 2410  
of section 2923.161 of the Revised Code or to a felony that 2411  
includes, as an essential element, purposely or knowingly causing 2412  
or attempting to cause the death of or physical harm to another, 2413  
also is convicted of or pleads guilty to a specification of the 2414  
type described in section 2941.146 of the Revised Code that 2415  
charges the offender with committing the offense by discharging a 2416  
firearm from a motor vehicle other than a manufactured home, the 2417  
court, after imposing a prison term on the offender for the 2418  
violation of section 2923.161 of the Revised Code or for the other 2419

felony offense under division (A), (B)(2), or (B)(3) of this 2420  
section, shall impose an additional prison term of five years upon 2421  
the offender that shall not be reduced pursuant to section 2422  
2929.20, section 2967.19, section 2967.193, or any other provision 2423  
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 2424  
shall not impose more than one additional prison term on an 2425  
offender under division (B)(1)(c) of this section for felonies 2426  
committed as part of the same act or transaction. If a court 2427  
imposes an additional prison term on an offender under division 2428  
(B)(1)(c) of this section relative to an offense, the court also 2429  
shall impose a prison term under division (B)(1)(a) of this 2430  
section relative to the same offense, provided the criteria 2431  
specified in that division for imposing an additional prison term 2432  
are satisfied relative to the offender and the offense. 2433

(d) If an offender who is convicted of or pleads guilty to an 2434  
offense of violence that is a felony also is convicted of or 2435  
pleads guilty to a specification of the type described in section 2436  
2941.1411 of the Revised Code that charges the offender with 2437  
wearing or carrying body armor while committing the felony offense 2438  
of violence, the court shall impose on the offender a prison term 2439  
of two years. The prison term so imposed, subject to divisions (C) 2440  
to (I) of section 2967.19 of the Revised Code, shall not be 2441  
reduced pursuant to section 2929.20, section 2967.19, section 2442  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2443  
of the Revised Code. A court shall not impose more than one prison 2444  
term on an offender under division (B)(1)(d) of this section for 2445  
felonies committed as part of the same act or transaction. If a 2446  
court imposes an additional prison term under division (B)(1)(a) 2447  
or (c) of this section, the court is not precluded from imposing 2448  
an additional prison term under division (B)(1)(d) of this 2449  
section. 2450

(e) The court shall not impose any of the prison terms 2451

described in division (B)(1)(a) of this section or any of the 2452  
additional prison terms described in division (B)(1)(c) of this 2453  
section upon an offender for a violation of section 2923.12 or 2454  
2923.123 of the Revised Code. The court shall not impose any of 2455  
the prison terms described in division (B)(1)(a) or (b) of this 2456  
section upon an offender for a violation of section 2923.122 that 2457  
involves a deadly weapon that is a firearm other than a dangerous 2458  
ordnance, section 2923.16, or section 2923.121 of the Revised 2459  
Code. The court shall not impose any of the prison terms described 2460  
in division (B)(1)(a) of this section or any of the additional 2461  
prison terms described in division (B)(1)(c) of this section upon 2462  
an offender for a violation of section 2923.13 of the Revised Code 2463  
unless all of the following apply: 2464

(i) The offender previously has been convicted of aggravated 2465  
murder, murder, or any felony of the first or second degree. 2466

(ii) Less than five years have passed since the offender was 2467  
released from prison or post-release control, whichever is later, 2468  
for the prior offense. 2469

(f) If an offender is convicted of or pleads guilty to a 2470  
felony that includes, as an essential element, causing or 2471  
attempting to cause the death of or physical harm to another and 2472  
also is convicted of or pleads guilty to a specification of the 2473  
type described in section 2941.1412 of the Revised Code that 2474  
charges the offender with committing the offense by discharging a 2475  
firearm at a peace officer as defined in section 2935.01 of the 2476  
Revised Code or a corrections officer, as defined in section 2477  
2941.1412 of the Revised Code, the court, after imposing a prison 2478  
term on the offender for the felony offense under division (A), 2479  
(B)(2), or (B)(3) of this section, shall impose an additional 2480  
prison term of seven years upon the offender that shall not be 2481  
reduced pursuant to section 2929.20, section 2967.19, section 2482  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2483



of the Revised Code. If an offender is convicted of or pleads 2484  
guilty to two or more felonies that include, as an essential 2485  
element, causing or attempting to cause the death or physical harm 2486  
to another and also is convicted of or pleads guilty to a 2487  
specification of the type described under division (B)(1)(f) of 2488  
this section in connection with two or more of the felonies of 2489  
which the offender is convicted or to which the offender pleads 2490  
guilty, the sentencing court shall impose on the offender the 2491  
prison term specified under division (B)(1)(f) of this section for 2492  
each of two of the specifications of which the offender is 2493  
convicted or to which the offender pleads guilty and, in its 2494  
discretion, also may impose on the offender the prison term 2495  
specified under that division for any or all of the remaining 2496  
specifications. If a court imposes an additional prison term on an 2497  
offender under division (B)(1)(f) of this section relative to an 2498  
offense, the court shall not impose a prison term under division 2499  
(B)(1)(a) or (c) of this section relative to the same offense. 2500

(g) If an offender is convicted of or pleads guilty to two or 2501  
more felonies, if one or more of those felonies are aggravated 2502  
murder, murder, attempted aggravated murder, attempted murder, 2503  
aggravated robbery, felonious assault, or rape, and if the 2504  
offender is convicted of or pleads guilty to a specification of 2505  
the type described under division (B)(1)(a) of this section in 2506  
connection with two or more of the felonies, the sentencing court 2507  
shall impose on the offender the prison term specified under 2508  
division (B)(1)(a) of this section for each of the two most 2509  
serious specifications of which the offender is convicted or to 2510  
which the offender pleads guilty and, in its discretion, also may 2511  
impose on the offender the prison term specified under that 2512  
division for any or all of the remaining specifications. 2513

(2)(a) If division (B)(2)(b) of this section does not apply, 2514  
the court may impose on an offender, in addition to the longest 2515

prison term authorized or required for the offense, an additional 2516  
definite prison term of one, two, three, four, five, six, seven, 2517  
eight, nine, or ten years if all of the following criteria are 2518  
met: 2519

(i) The offender is convicted of or pleads guilty to a 2520  
specification of the type described in section 2941.149 of the 2521  
Revised Code that the offender is a repeat violent offender. 2522

(ii) The offense of which the offender currently is convicted 2523  
or to which the offender currently pleads guilty is aggravated 2524  
murder and the court does not impose a sentence of ~~death or~~ life 2525  
imprisonment without parole, murder, terrorism and the court does 2526  
not impose a sentence of life imprisonment without parole, any 2527  
felony of the first degree that is an offense of violence and the 2528  
court does not impose a sentence of life imprisonment without 2529  
parole, or any felony of the second degree that is an offense of 2530  
violence and the trier of fact finds that the offense involved an 2531  
attempt to cause or a threat to cause serious physical harm to a 2532  
person or resulted in serious physical harm to a person. 2533

(iii) The court imposes the longest prison term for the 2534  
offense that is not life imprisonment without parole. 2535

(iv) The court finds that the prison terms imposed pursuant 2536  
to division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 2537  
division ~~(D)~~(B)(1) or (3) of this section are inadequate to punish 2538  
the offender and protect the public from future crime, because the 2539  
applicable factors under section 2929.12 of the Revised Code 2540  
indicating a greater likelihood of recidivism outweigh the 2541  
applicable factors under that section indicating a lesser 2542  
likelihood of recidivism. 2543

(v) The court finds that the prison terms imposed pursuant to 2544  
division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 2545  
division ~~(D)~~(B)(1) or (3) of this section are demeaning to the 2546

seriousness of the offense, because one or more of the factors 2547  
under section 2929.12 of the Revised Code indicating that the 2548  
offender's conduct is more serious than conduct normally 2549  
constituting the offense are present, and they outweigh the 2550  
applicable factors under that section indicating that the 2551  
offender's conduct is less serious than conduct normally 2552  
constituting the offense. 2553

(b) The court shall impose on an offender the longest prison 2554  
term authorized or required for the offense and shall impose on 2555  
the offender an additional definite prison term of one, two, 2556  
three, four, five, six, seven, eight, nine, or ten years if all of 2557  
the following criteria are met: 2558

(i) The offender is convicted of or pleads guilty to a 2559  
specification of the type described in section 2941.149 of the 2560  
Revised Code that the offender is a repeat violent offender. 2561

(ii) The offender within the preceding twenty years has been 2562  
convicted of or pleaded guilty to three or more offenses described 2563  
in division (CC)(1) of section 2929.01 of the Revised Code, 2564  
including all offenses described in that division of which the 2565  
offender is convicted or to which the offender pleads guilty in 2566  
the current prosecution and all offenses described in that 2567  
division of which the offender previously has been convicted or to 2568  
which the offender previously pleaded guilty, whether prosecuted 2569  
together or separately. 2570

(iii) The offense or offenses of which the offender currently 2571  
is convicted or to which the offender currently pleads guilty is 2572  
aggravated murder and the court does not impose a sentence of 2573  
~~death or~~ life imprisonment without parole, murder, terrorism and 2574  
the court does not impose a sentence of life imprisonment without 2575  
parole, any felony of the first degree that is an offense of 2576  
violence and the court does not impose a sentence of life 2577  
imprisonment without parole, or any felony of the second degree 2578

that is an offense of violence and the trier of fact finds that 2579  
the offense involved an attempt to cause or a threat to cause 2580  
serious physical harm to a person or resulted in serious physical 2581  
harm to a person. 2582

(c) For purposes of division (B)(2)(b) of this section, two 2583  
or more offenses committed at the same time or as part of the same 2584  
act or event shall be considered one offense, and that one offense 2585  
shall be the offense with the greatest penalty. 2586

(d) A sentence imposed under division (B)(2)(a) or (b) of 2587  
this section shall not be reduced pursuant to section 2929.20, 2588  
section 2967.19, or section 2967.193, or any other provision of 2589  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2590  
shall serve an additional prison term imposed under this section 2591  
consecutively to and prior to the prison term imposed for the 2592  
underlying offense. 2593

(e) When imposing a sentence pursuant to division (B)(2)(a) 2594  
or (b) of this section, the court shall state its findings 2595  
explaining the imposed sentence. 2596

(3) Except when an offender commits a violation of section 2597  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2598  
the violation is life imprisonment or commits a violation of 2599  
section 2903.02 of the Revised Code, if the offender commits a 2600  
violation of section 2925.03 or 2925.11 of the Revised Code and 2601  
that section classifies the offender as a major drug offender and 2602  
requires the imposition of a ten-year prison term on the offender, 2603  
if the offender commits a felony violation of section 2925.02, 2604  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2605  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2606  
division (C) of section 4729.51, or division (J) of section 2607  
4729.54 of the Revised Code that includes the sale, offer to sell, 2608  
or possession of a schedule I or II controlled substance, with the 2609  
exception of marihuana, and the court imposing sentence upon the 2610

offender finds that the offender is guilty of a specification of 2611  
the type described in section 2941.1410 of the Revised Code 2612  
charging that the offender is a major drug offender, if the court 2613  
imposing sentence upon an offender for a felony finds that the 2614  
offender is guilty of corrupt activity with the most serious 2615  
offense in the pattern of corrupt activity being a felony of the 2616  
first degree, or if the offender is guilty of an attempted 2617  
violation of section 2907.02 of the Revised Code and, had the 2618  
offender completed the violation of section 2907.02 of the Revised 2619  
Code that was attempted, the offender would have been subject to a 2620  
sentence of life imprisonment or life imprisonment without parole 2621  
for the violation of section 2907.02 of the Revised Code, the 2622  
court shall impose upon the offender for the felony violation a 2623  
ten-year prison term that, subject to divisions (C) to (I) of 2624  
section 2967.19 of the Revised Code, cannot be reduced pursuant to 2625  
section 2929.20, section 2967.19, or any other provision of 2626  
Chapter 2967. or 5120. of the Revised Code. 2627

(4) If the offender is being sentenced for a third or fourth 2628  
degree felony OVI offense under division (G)(2) of section 2929.13 2629  
of the Revised Code, the sentencing court shall impose upon the 2630  
offender a mandatory prison term in accordance with that division. 2631  
In addition to the mandatory prison term, if the offender is being 2632  
sentenced for a fourth degree felony OVI offense, the court, 2633  
notwithstanding division (A)(4) of this section, may sentence the 2634  
offender to a definite prison term of not less than six months and 2635  
not more than thirty months, and if the offender is being 2636  
sentenced for a third degree felony OVI offense, the sentencing 2637  
court may sentence the offender to an additional prison term of 2638  
any duration specified in division (A)(3) of this section. In 2639  
either case, the additional prison term imposed shall be reduced 2640  
by the sixty or one hundred twenty days imposed upon the offender 2641  
as the mandatory prison term. The total of the additional prison 2642  
term imposed under division ~~(D)~~(B)(4) of this section plus the 2643

sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local incarceration, the court may impose a prison term as described in division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B)(5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall

not be reduced pursuant to section 2929.20, section 2967.19, 2676  
section 2967.193, or any other provision of Chapter 2967. or 2677  
Chapter 5120. of the Revised Code. A court shall not impose more 2678  
than one prison term on an offender under division (B)(5) of this 2679  
section for felonies committed as part of the same act. 2680

(6) If an offender is convicted of or pleads guilty to a 2681  
violation of division (A)(1) or (2) of section 2903.06 of the 2682  
Revised Code and also is convicted of or pleads guilty to a 2683  
specification of the type described in section 2941.1415 of the 2684  
Revised Code that charges that the offender previously has been 2685  
convicted of or pleaded guilty to three or more violations of 2686  
division (A) or (B) of section 4511.19 of the Revised Code or an 2687  
equivalent offense, as defined in section 2941.1415 of the Revised 2688  
Code, or three or more violations of any combination of those 2689  
divisions and offenses, the court shall impose on the offender a 2690  
prison term of three years. If a court imposes a prison term on an 2691  
offender under division (B)(6) of this section, the prison term, 2692  
subject to divisions (C) to (I) of section 2967.19 of the Revised 2693  
Code, shall not be reduced pursuant to section 2929.20, section 2694  
2967.19, section 2967.193, or any other provision of Chapter 2967. 2695  
or Chapter 5120. of the Revised Code. A court shall not impose 2696  
more than one prison term on an offender under division (B)(6) of 2697  
this section for felonies committed as part of the same act. 2698

(7)(a) If an offender is convicted of or pleads guilty to a 2699  
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2700  
2923.32, division (A)(1) or (2) of section 2907.323, or division 2701  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 2702  
Code and also is convicted of or pleads guilty to a specification 2703  
of the type described in section 2941.1422 of the Revised Code 2704  
that charges that the offender knowingly committed the offense in 2705  
furtherance of human trafficking, the court shall impose on the 2706  
offender a mandatory prison term that is one of the following: 2707

(i) If the offense is a felony of the first degree, a 2708  
definite prison term of not less than five years and not greater 2709  
than ten years; 2710

(ii) If the offense is a felony of the second or third 2711  
degree, a definite prison term of not less than three years and 2712  
not greater than the maximum prison term allowed for the offense 2713  
by division (A) of section 2929.14 of the Revised Code; 2714

(iii) If the offense is a felony of the fourth or fifth 2715  
degree, a definite prison term that is the maximum prison term 2716  
allowed for the offense by division (A) of section 2929.14 of the 2717  
Revised Code. 2718

(b) Subject to divisions (C) to (I) of section 2967.19 of the 2719  
Revised Code, the prison term imposed under division (B)(7)(a) of 2720  
this section shall not be reduced pursuant to section 2929.20, 2721  
section 2967.19, section 2967.193, or any other provision of 2722  
Chapter 2967. of the Revised Code. A court shall not impose more 2723  
than one prison term on an offender under division (B)(7)(a) of 2724  
this section for felonies committed as part of the same act, 2725  
scheme, or plan. 2726

(8) If an offender is convicted of or pleads guilty to a 2727  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2728  
Revised Code and also is convicted of or pleads guilty to a 2729  
specification of the type described in section 2941.1423 of the 2730  
Revised Code that charges that the victim of the violation was a 2731  
woman whom the offender knew was pregnant at the time of the 2732  
violation, notwithstanding the range of prison terms prescribed in 2733  
division (A) of this section for felonies of the same degree as 2734  
the violation, the court shall impose on the offender a mandatory 2735  
prison term that is either a definite prison term of six months or 2736  
one of the prison terms prescribed in section 2929.14 of the 2737  
Revised Code for felonies of the same degree as the violation. 2738



(C)(1)(a) Subject to division (C)(1)(b) of this section, if a  
mandatory prison term is imposed upon an offender pursuant to  
division (B)(1)(a) of this section for having a firearm on or  
about the offender's person or under the offender's control while  
committing a felony, if a mandatory prison term is imposed upon an  
offender pursuant to division (B)(1)(c) of this section for  
committing a felony specified in that division by discharging a  
firearm from a motor vehicle, or if both types of mandatory prison  
terms are imposed, the offender shall serve any mandatory prison  
term imposed under either division consecutively to any other  
mandatory prison term imposed under either division or under  
division (B)(1)(d) of this section, consecutively to and prior to  
any prison term imposed for the underlying felony pursuant to  
division (A), (B)(2), or (B)(3) of this section or any other  
section of the Revised Code, and consecutively to any other prison  
term or mandatory prison term previously or subsequently imposed  
upon the offender.

(b) If a mandatory prison term is imposed upon an offender  
pursuant to division (B)(1)(d) of this section for wearing or  
carrying body armor while committing an offense of violence that  
is a felony, the offender shall serve the mandatory term so  
imposed consecutively to any other mandatory prison term imposed  
under that division or under division (B)(1)(a) or (c) of this  
section, consecutively to and prior to any prison term imposed for  
the underlying felony under division (A), (B)(2), or (B)(3) of  
this section or any other section of the Revised Code, and  
consecutively to any other prison term or mandatory prison term  
previously or subsequently imposed upon the offender.

(c) If a mandatory prison term is imposed upon an offender  
pursuant to division (B)(1)(f) of this section, the offender shall  
serve the mandatory prison term so imposed consecutively to and  
prior to any prison term imposed for the underlying felony under

division (A), (B)(2), or (B)(3) of this section or any other 2771  
section of the Revised Code, and consecutively to any other prison 2772  
term or mandatory prison term previously or subsequently imposed 2773  
upon the offender. 2774

(d) If a mandatory prison term is imposed upon an offender 2775  
pursuant to division (B)(7) or (8) of this section, the offender 2776  
shall serve the mandatory prison term so imposed consecutively to 2777  
any other mandatory prison term imposed under that division or 2778  
under any other provision of law and consecutively to any other 2779  
prison term or mandatory prison term previously or subsequently 2780  
imposed upon the offender. 2781

(2) If an offender who is an inmate in a jail, prison, or 2782  
other residential detention facility violates section 2917.02, 2783  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 2784  
of section 2921.34 of the Revised Code, if an offender who is 2785  
under detention at a detention facility commits a felony violation 2786  
of section 2923.131 of the Revised Code, or if an offender who is 2787  
an inmate in a jail, prison, or other residential detention 2788  
facility or is under detention at a detention facility commits 2789  
another felony while the offender is an escapee in violation of 2790  
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 2791  
prison term imposed upon the offender for one of those violations 2792  
shall be served by the offender consecutively to the prison term 2793  
or term of imprisonment the offender was serving when the offender 2794  
committed that offense and to any other prison term previously or 2795  
subsequently imposed upon the offender. 2796

(3) If a prison term is imposed for a violation of division 2797  
(B) of section 2911.01 of the Revised Code, a violation of 2798  
division (A) of section 2913.02 of the Revised Code in which the 2799  
stolen property is a firearm or dangerous ordnance, or a felony 2800  
violation of division (B) of section 2921.331 of the Revised Code, 2801  
the offender shall serve that prison term consecutively to any 2802

other prison term or mandatory prison term previously or 2803  
subsequently imposed upon the offender. 2804

(4) If multiple prison terms are imposed on an offender for 2805  
convictions of multiple offenses, the court may require the 2806  
offender to serve the prison terms consecutively if the court 2807  
finds that the consecutive service is necessary to protect the 2808  
public from future crime or to punish the offender and that 2809  
consecutive sentences are not disproportionate to the seriousness 2810  
of the offender's conduct and to the danger the offender poses to 2811  
the public, and if the court also finds any of the following: 2812

(a) The offender committed one or more of the multiple 2813  
offenses while the offender was awaiting trial or sentencing, was 2814  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2815  
2929.18 of the Revised Code, or was under post-release control for 2816  
a prior offense. 2817

(b) At least two of the multiple offenses were committed as 2818  
part of one or more courses of conduct, and the harm caused by two 2819  
or more of the multiple offenses so committed was so great or 2820  
unusual that no single prison term for any of the offenses 2821  
committed as part of any of the courses of conduct adequately 2822  
reflects the seriousness of the offender's conduct. 2823

(c) The offender's history of criminal conduct demonstrates 2824  
that consecutive sentences are necessary to protect the public 2825  
from future crime by the offender. 2826

(5) If a mandatory prison term is imposed upon an offender 2827  
pursuant to division (B)(5) or (6) of this section, the offender 2828  
shall serve the mandatory prison term consecutively to and prior 2829  
to any prison term imposed for the underlying violation of 2830  
division (A)(1) or (2) of section 2903.06 of the Revised Code 2831  
pursuant to division (A) of this section or section 2929.142 of 2832  
the Revised Code. If a mandatory prison term is imposed upon an 2833

offender pursuant to division (B)(5) of this section, and if a  
mandatory prison term also is imposed upon the offender pursuant  
to division (B)(6) of this section in relation to the same  
violation, the offender shall serve the mandatory prison term  
imposed pursuant to division (B)(5) of this section consecutively  
to and prior to the mandatory prison term imposed pursuant to  
division (B)(6) of this section and consecutively to and prior to  
any prison term imposed for the underlying violation of division  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to  
division (A) of this section or section 2929.142 of the Revised  
Code.

(6) When consecutive prison terms are imposed pursuant to  
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2)  
of this section, the term to be served is the aggregate of all of  
the terms so imposed.

(D)(1) If a court imposes a prison term for a felony of the  
first degree, for a felony of the second degree, for a felony sex  
offense, or for a felony of the third degree that is not a felony  
sex offense and in the commission of which the offender caused or  
threatened to cause physical harm to a person, it shall include in  
the sentence a requirement that the offender be subject to a  
period of post-release control after the offender's release from  
imprisonment, in accordance with that division. If a court imposes  
a sentence including a prison term of a type described in this  
division on or after July 11, 2006, the failure of a court to  
include a post-release control requirement in the sentence  
pursuant to this division does not negate, limit, or otherwise  
affect the mandatory period of post-release control that is  
required for the offender under division (B) of section 2967.28 of  
the Revised Code. Section 2929.191 of the Revised Code applies if,  
prior to July 11, 2006, a court imposed a sentence including a  
prison term of a type described in this division and failed to

include in the sentence pursuant to this division a statement 2866  
regarding post-release control. 2867

(2) If a court imposes a prison term for a felony of the 2868  
third, fourth, or fifth degree that is not subject to division 2869  
(D)(1) of this section, it shall include in the sentence a 2870  
requirement that the offender be subject to a period of 2871  
post-release control after the offender's release from 2872  
imprisonment, in accordance with that division, if the parole 2873  
board determines that a period of post-release control is 2874  
necessary. Section 2929.191 of the Revised Code applies if, prior 2875  
to July 11, 2006, a court imposed a sentence including a prison 2876  
term of a type described in this division and failed to include in 2877  
the sentence pursuant to this division a statement regarding 2878  
post-release control. 2879

(3) If a court imposes a prison term on or after ~~the~~ 2880  
~~effective date of this amendment~~ September 30, 2011, for a felony, 2881  
it shall include in the sentence a statement notifying the 2882  
offender that the offender may be eligible to earn days of credit 2883  
under the circumstances specified in section 2967.193 of the 2884  
Revised Code. The statement also shall notify the offender that 2885  
days of credit are not automatically awarded under that section, 2886  
but that they must be earned in the manner specified in that 2887  
section. If a court fails to include the statement in the 2888  
sentence, the failure does not affect the eligibility of the 2889  
offender under section 2967.193 of the Revised Code to earn any 2890  
days of credit as a deduction from the offender's stated prison 2891  
term or otherwise render any part of that section or any action 2892  
taken under that section void or voidable. The failure of a court 2893  
to include in a sentence the statement described in this division 2894  
does not constitute grounds for setting aside the offender's 2895  
conviction or sentence or for granting postconviction relief to 2896  
the offender. 2897

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division ~~(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or (B)(C) of section~~

~~2929.06~~ 2929.02 of the Revised Code requires the court to sentence 2929  
the offender pursuant to division (B)(3) of section 2971.03 of the 2930  
Revised Code. 2931

(6) A person is convicted of or pleads guilty to murder 2932  
committed on or after January 1, 2008, and division ~~(B)(2)(C)(1)~~ 2933  
of section 2929.02 of the Revised Code requires the court to 2934  
sentence the offender pursuant to section 2971.03 of the Revised 2935  
Code. 2936

(F) If a person who has been convicted of or pleaded guilty 2937  
to a felony is sentenced to a prison term or term of imprisonment 2938  
under this section, ~~sections section~~ section 2929.02 ~~to 2929.06 of the~~ 2939  
~~Revised Code, section 2929.142 of the Revised Code, section or~~ 2940  
2971.03 of the Revised Code, or any other provision of law, 2941  
section 5120.163 of the Revised Code applies regarding the person 2942  
while the person is confined in a state correctional institution. 2943

(G) If an offender who is convicted of or pleads guilty to a 2944  
felony that is an offense of violence also is convicted of or 2945  
pleads guilty to a specification of the type described in section 2946  
2941.142 of the Revised Code that charges the offender with having 2947  
committed the felony while participating in a criminal gang, the 2948  
court shall impose upon the offender an additional prison term of 2949  
one, two, or three years. 2950

(H)(1) If an offender who is convicted of or pleads guilty to 2951  
aggravated murder, murder, or a felony of the first, second, or 2952  
third degree that is an offense of violence also is convicted of 2953  
or pleads guilty to a specification of the type described in 2954  
section 2941.143 of the Revised Code that charges the offender 2955  
with having committed the offense in a school safety zone or 2956  
towards a person in a school safety zone, the court shall impose 2957  
upon the offender an additional prison term of two years. The 2958  
offender shall serve the additional two years consecutively to and 2959  
prior to the prison term imposed for the underlying offense. 2960

(2)(a) If an offender is convicted of or pleads guilty to a  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25  
of the Revised Code and to a specification of the type described  
in section 2941.1421 of the Revised Code and if the court imposes  
a prison term on the offender for the felony violation, the court  
may impose upon the offender an additional prison term as follows:

(i) Subject to division (H)(2)(a)(ii) of this section, an  
additional prison term of one, two, three, four, five, or six  
months;

(ii) If the offender previously has been convicted of or  
pleaded guilty to one or more felony or misdemeanor violations of  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the  
Revised Code and also was convicted of or pleaded guilty to a  
specification of the type described in section 2941.1421 of the  
Revised Code regarding one or more of those violations, an  
additional prison term of one, two, three, four, five, six, seven,  
eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under  
division (H)(2)(a) of this section, the court may directly impose  
on the offender a sanction that requires the offender to wear a  
real-time processing, continual tracking electronic monitoring  
device during the period of time specified by the court. The  
period of time specified by the court shall equal the duration of  
an additional prison term that the court could have imposed upon  
the offender under division (H)(2)(a) of this section. A sanction  
imposed under this division shall commence on the date specified  
by the court, provided that the sanction shall not commence until  
after the offender has served the prison term imposed for the  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25  
of the Revised Code and any residential sanction imposed for the  
violation under section 2929.16 of the Revised Code. A sanction  
imposed under this division shall be considered to be a community



control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(I)~~(1)~~ At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the

recommended program or prison, the department shall send a notice 3025  
to the court indicating why the offender was not placed in the 3026  
recommended program or prison. 3027

If the court does not make a recommendation under this 3028  
division with respect to an offender and if the department 3029  
determines as specified in section 5120.031 or 5120.032 of the 3030  
Revised Code, whichever is applicable, that the offender is 3031  
eligible for placement in a program or prison of that nature, the 3032  
department shall screen the offender and determine if there is an 3033  
available program of shock incarceration or an intensive program 3034  
prison for which the offender is suited. If there is an available 3035  
program of shock incarceration or an intensive program prison for 3036  
which the offender is suited, the department shall notify the 3037  
court of the proposed placement of the offender as specified in 3038  
section 5120.031 or 5120.032 of the Revised Code and shall include 3039  
with the notice a brief description of the placement. The court 3040  
shall have ten days from receipt of the notice to disapprove the 3041  
placement. 3042

~~(L)~~(J) If a person is convicted of or pleads guilty to 3043  
aggravated vehicular homicide in violation of division (A)(1) of 3044  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 3045  
section applies, the person shall be sentenced pursuant to section 3046  
2929.142 of the Revised Code. 3047

**Sec. 2941.021.** Any criminal offense ~~which~~ that is not 3048  
punishable by ~~death or~~ life imprisonment may be prosecuted by 3049  
information filed in the common pleas court by the prosecuting 3050  
attorney if the defendant, after ~~he has~~ having been advised by the 3051  
court of the nature of the charge against ~~him~~ the defendant and of 3052  
~~his~~ the defendant's rights under the constitution, is represented 3053  
by counsel or has affirmatively waived counsel by waiver in 3054  
writing and in open court, waives in writing and in open court 3055

prosecution by indictment. 3056

**Sec. 2941.14.** ~~(A)~~ In an indictment for aggravated murder, 3057  
murder, or voluntary or involuntary manslaughter, the manner in 3058  
which, or the means by which the death was caused need not be set 3059  
forth. 3060

~~(B) Imposition of the death penalty for aggravated murder is 3061  
precluded unless the indictment or count in the indictment 3062  
charging the offense specifies one or more of the aggravating 3063  
circumstances listed in division (A) of section 2929.04 of the 3064  
Revised Code. If more than one aggravating circumstance is 3065  
specified to an indictment or count, each shall be in a separately 3066  
numbered specification, and if an aggravating circumstance is 3067  
specified to a count in an indictment containing more than one 3068  
count, such specification shall be identified as to the count to 3069  
which it applies. 3070~~

~~(C) A specification to an indictment or count in an 3071  
indictment charging aggravated murder shall be stated at the end 3072  
of the body of the indictment or count, and may be in 3073  
substantially the following form: 3074~~

~~"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE 3075  
FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand 3076  
Jurors further find and specify that (set forth the applicable 3077  
aggravating circumstance listed in divisions (A)(1) to (10) of 3078  
section 2929.04 of the Revised Code. The aggravating circumstance 3079  
may be stated in the words of the subdivision in which it appears, 3080  
or in words sufficient to give the accused notice of the same)." 3081~~

**Sec. 2941.148.** (A)(1) The application of Chapter 2971. of the 3082  
Revised Code to an offender is precluded unless one of the 3083  
following applies: 3084

(a) The offender is charged with a violent sex offense, and 3085

the indictment, count in the indictment, or information charging 3086  
the violent sex offense also includes a specification that the 3087  
offender is a sexually violent predator, or the offender is 3088  
charged with a designated homicide, assault, or kidnapping 3089  
offense, and the indictment, count in the indictment, or 3090  
information charging the designated homicide, assault, or 3091  
kidnapping offense also includes both a specification of the type 3092  
described in section 2941.147 of the Revised Code and a 3093  
specification that the offender is a sexually violent predator. 3094

(b) The offender is convicted of or pleads guilty to a 3095  
violation of division (A)(1)(b) of section 2907.02 of the Revised 3096  
Code committed on or after January 2, 2007, and division (B) of 3097  
section 2907.02 of the Revised Code does not prohibit the court 3098  
from sentencing the offender pursuant to section 2971.03 of the 3099  
Revised Code. 3100

(c) The offender is convicted of or pleads guilty to 3101  
attempted rape committed on or after January 2, 2007, and to a 3102  
specification of the type described in section 2941.1418, 3103  
2941.1419, or 2941.1420 of the Revised Code. 3104

(d) The offender is convicted of or pleads guilty to a 3105  
violation of section 2905.01 of the Revised Code and to a 3106  
specification of the type described in section 2941.147 of the 3107  
Revised Code, and section 2905.01 of the Revised Code requires a 3108  
court to sentence the offender pursuant to section 2971.03 of the 3109  
Revised Code. 3110

(e) The offender is convicted of or pleads guilty to 3111  
aggravated murder and to a specification of the type described in 3112  
section 2941.147 of the Revised Code, and division ~~(A)(2)(b)(ii)~~ 3113  
~~of section 2929.022, division (A)(1)(e), (C)(1)(a)(v),~~ 3114  
~~(C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section~~ 3115  
~~2929.03, or division (A) or (B)(C)(1) of section 2929.06 2929.02~~ 3116  
of the Revised Code requires a court to sentence the offender 3117

pursuant to division (B)(3) of section 2971.03 of the Revised Code. 3118  
3119

(f) The offender is convicted of or pleads guilty to murder 3120  
and to a specification of the type described in section 2941.147 3121  
of the Revised Code, and division ~~(B)(2)~~(C)(1) of section 2929.02 3122  
of the Revised Code requires a court to sentence the offender 3123  
pursuant to section 2971.03 of the Revised Code. 3124

(2) A specification required under division (A)(1)(a) of this 3125  
section that an offender is a sexually violent predator shall be 3126  
stated at the end of the body of the indictment, count, or 3127  
information and shall be stated in substantially the following 3128  
form: 3129

"Specification (or, specification to the first count). The 3130  
grand jury (or insert the person's or prosecuting attorney's name 3131  
when appropriate) further find and specify that the offender is a 3132  
sexually violent predator." 3133

(B) In determining for purposes of this section whether a 3134  
person is a sexually violent predator, all of the factors set 3135  
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 3136  
Code that apply regarding the person may be considered as evidence 3137  
tending to indicate that it is likely that the person will engage 3138  
in the future in one or more sexually violent offenses. 3139

(C) As used in this section, "designated homicide, assault, 3140  
or kidnapping offense," "violent sex offense," and "sexually 3141  
violent predator" have the same meanings as in section 2971.01 of 3142  
the Revised Code. 3143

**Sec. 2941.401.** When a person has entered upon a term of 3144  
imprisonment in a correctional institution of this state, and when 3145  
during the continuance of the term of imprisonment there is 3146  
pending in this state any untried indictment, information, or 3147

complaint against the prisoner, ~~he~~ the prisoner shall be brought 3148  
to trial within one hundred eighty days after ~~he~~ the prisoner 3149  
causes to be delivered to the prosecuting attorney and the 3150  
appropriate court in which the matter is pending, written notice 3151  
of the place of ~~his~~ the prisoner's imprisonment and a request for 3152  
a final disposition to be made of the matter, except that for good 3153  
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 3154  
counsel present, the court may grant any necessary or reasonable 3155  
continuance. The request of the prisoner shall be accompanied by a 3156  
certificate of the warden or superintendent having custody of the 3157  
prisoner, stating the term of commitment under which the prisoner 3158  
is being held, the time served and remaining to be served on the 3159  
sentence, the amount of good time earned, the time of parole 3160  
eligibility of the prisoner, and any decisions of the adult parole 3161  
authority relating to the prisoner. 3162

The written notice and request for final disposition shall be 3163  
given or sent by the prisoner to the warden or superintendent 3164  
having custody of ~~him~~ the prisoner, who shall promptly forward it 3165  
with the certificate to the appropriate prosecuting attorney and 3166  
court by registered or certified mail, return receipt requested. 3167

The warden or superintendent having custody of the prisoner 3168  
shall promptly inform ~~him~~ the prisoner in writing of the source 3169  
and contents of any untried indictment, information, or complaint 3170  
against ~~him~~ the prisoner, concerning which the warden or 3171  
superintendent has knowledge, and of ~~his~~ the prisoner's right to 3172  
make a request for final disposition thereof. 3173

Escape from custody by the prisoner, subsequent to ~~his~~ the 3174  
prisoner's execution of the request for final disposition, voids 3175  
the request. 3176

If the action is not brought to trial within the time 3177  
provided, subject to continuance allowed pursuant to this section, 3178  
no court any longer has jurisdiction thereof, the indictment, 3179

information, or complaint is void, and the court shall enter an 3180  
order dismissing the action with prejudice. 3181

This section does not apply to any person adjudged to be 3182  
mentally ill or who is under sentence of life imprisonment ~~or~~ 3183  
~~death, or to any prisoner under sentence of death.~~ 3184

**Sec. 2941.43.** If the convict referred to in section 2941.40 3185  
of the Revised Code is acquitted, ~~he~~ the convict shall be 3186  
forthwith returned by the sheriff to the state correctional 3187  
institution to serve out the remainder of ~~his~~ the convict's 3188  
sentence. If ~~he~~ the convict is sentenced to imprisonment in a 3189  
state correctional institution, ~~he~~ the convict shall be returned 3190  
to the state correctional institution by the sheriff to serve ~~his~~ 3191  
~~new~~ the convict's term. ~~If he is sentenced to death, the death~~ 3192  
~~sentence shall be executed as if he were not under sentence of~~ 3193  
~~imprisonment in a state correctional institution.~~ 3194

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 3195  
an indigent person under division (E) of section 120.16 or 3196  
division (E) of section 120.26 of the Revised Code, or otherwise 3197  
appointed by the court, except for counsel appointed by the court 3198  
to provide legal representation for a person charged with a 3199  
violation of an ordinance of a municipal corporation, shall be 3200  
paid for their services by the county the compensation and 3201  
expenses that the trial court approves. Each request for payment 3202  
shall be accompanied by a financial disclosure form and an 3203  
affidavit of indigency that are completed by the indigent person 3204  
on forms prescribed by the state public defender. Compensation and 3205  
expenses shall not exceed the amounts fixed by the board of county 3206  
commissioners pursuant to division (B) of this section. 3207

(B) The board of county commissioners shall establish a 3208  
schedule of fees by case or on an hourly basis to be paid by the 3209

county for legal services provided by appointed counsel. Prior to 3210  
establishing such schedule, the board shall request the bar 3211  
association or associations of the county to submit a proposed 3212  
schedule. The schedule submitted shall be subject to the review, 3213  
amendment, and approval of the board of county commissioners. 3214

(C) In a case where counsel have been appointed to conduct an 3215  
appeal under Chapter 120. of the Revised Code, such compensation 3216  
shall be fixed by the court of appeals or the supreme court, as 3217  
provided in divisions (A) and (B) of this section. 3218

(D) The fees and expenses approved by the court under this 3219  
section shall not be taxed as part of the costs and shall be paid 3220  
by the county. However, if the person represented has, or 3221  
reasonably may be expected to have, the means to meet some part of 3222  
the cost of the services rendered to the person, the person shall 3223  
pay the county an amount that the person reasonably can be 3224  
expected to pay. Pursuant to section 120.04 of the Revised Code, 3225  
the county shall pay to the state public defender a percentage of 3226  
the payment received from the person in an amount proportionate to 3227  
the percentage of the costs of the person's case that were paid to 3228  
the county by the state public defender pursuant to this section. 3229  
The money paid to the state public defender shall be credited to 3230  
the client payment fund created pursuant to division (B)(5) of 3231  
section 120.04 of the Revised Code. 3232

(E) The county auditor shall draw a warrant on the county 3233  
treasurer for the payment of such counsel in the amount fixed by 3234  
the court, plus the expenses that the court fixes and certifies to 3235  
the auditor. The county auditor shall report periodically, but not 3236  
less than annually, to the board of county commissioners and to 3237  
the Ohio public defender commission the amounts paid out pursuant 3238  
to the approval of the court under this section, separately 3239  
stating costs and expenses that are reimbursable under section 3240  
120.35 of the Revised Code. The board, after review and approval 3241



of the auditor's report, may then certify it to the state public 3242  
defender for reimbursement. The request for reimbursement shall be 3243  
accompanied by a financial disclosure form completed by each 3244  
indigent person for whom counsel was provided on a form prescribed 3245  
by the state public defender. The state public defender shall 3246  
review the report and, in accordance with the standards, 3247  
guidelines, and maximums established pursuant to divisions (B)(7) 3248  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 3249  
of the total cost, ~~other than costs and expenses that are~~ 3250  
~~reimbursable under section 120.35 of the Revised Code, if any,~~ 3251  
paying appointed counsel in each county ~~and pay fifty per cent of~~ 3252  
~~costs and expenses that are reimbursable under section 120.35 of~~ 3253  
~~the Revised Code, if any,~~ to the board. 3254

(F) If any county system for paying appointed counsel fails 3255  
to maintain the standards for the conduct of the system 3256  
established by the rules of the Ohio public defender commission 3257  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 3258  
Code or the standards established by the state public defender 3259  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 3260  
the commission shall notify the board of county commissioners of 3261  
the county that the county system for paying appointed counsel has 3262  
failed to comply with its rules. Unless the board corrects the 3263  
conduct of its appointed counsel system to comply with the rules 3264  
within ninety days after the date of the notice, the state public 3265  
defender may deny all or part of the county's reimbursement from 3266  
the state provided for in this section. 3267

**Sec. 2945.06.** In any case in which a defendant waives his 3268  
right to trial by jury and elects to be tried by the court under 3269  
section 2945.05 of the Revised Code, any judge of the court in 3270  
which the cause is pending shall proceed to hear, try, and 3271  
determine the cause in accordance with the rules and in like 3272  
manner as if the cause were being tried before a jury. ~~If the~~ 3273

~~accused is charged with an offense punishable with death, he shall 3274  
be tried by a court to be composed of three judges, consisting of 3275  
the judge presiding at the time in the trial of criminal cases and 3276  
two other judges to be designated by the presiding judge or chief 3277  
justice of that court, and in case there is neither a presiding 3278  
judge nor a chief justice, by the chief justice of the supreme 3279  
court. The judges or a majority of them may decide all questions 3280  
of fact and law arising upon the trial; however the accused shall 3281  
not be found guilty or not guilty of any offense unless the judges 3282  
unanimously find the accused guilty or not guilty. If the accused 3283  
pleads guilty of aggravated murder, a court composed of three 3284  
judges shall examine the witnesses, determine whether the accused 3285  
is guilty of aggravated murder or any other offense, and pronounce 3286  
sentence accordingly. The court shall follow the procedures 3287  
contained in sections 2929.03 and 2929.04 of the Revised Code in 3288  
all cases in which the accused is charged with an offense 3289  
punishable by death. If in the composition of the court it is 3290  
necessary that a judge from another county be assigned by the 3291  
chief justice, the judge from another county shall be compensated 3292  
for his services as provided by section 141.07 of the Revised 3293  
Code. 3294~~

**Sec. 2945.21.** (A)(1) In criminal cases in which there is only 3295  
one defendant, each party, in addition to the challenges for cause 3296  
authorized by law, may peremptorily challenge three of the jurors 3297  
in misdemeanor cases and four of the jurors in felony cases other 3298  
than capital cases. If there is more than one defendant, each 3299  
defendant may peremptorily challenge the same number of jurors as 3300  
if ~~he~~ the defendant were the sole defendant. 3301

~~(2) Notwithstanding Criminal Rule 24, in capital cases in 3302  
which there is only one defendant, each party, in addition to the 3303  
challenges for cause authorized by law, may peremptorily challenge 3304  
twelve of the jurors. If there is more than one defendant, each 3305~~

~~defendant may peremptorily challenge the same number of jurors as  
if he were the sole defendant.~~ 3306  
3307

(3) In any case in which there are multiple defendants, the 3308  
prosecuting attorney may peremptorily challenge a number of jurors 3309  
equal to the total number of peremptory challenges allowed to all 3310  
of the defendants. 3311

(B) If any indictments, informations, or complaints are 3312  
consolidated for trial, the consolidated cases shall be 3313  
considered, for purposes of exercising peremptory challenges, as 3314  
though the defendants or offenses had been joined in the same 3315  
indictment, information, or complaint. 3316

(C) The exercise of peremptory challenges authorized by this 3317  
section shall be in accordance with the procedures of Criminal 3318  
Rule 24. 3319

**Sec. 2945.25.** A person called as a juror in a criminal case 3320  
may be challenged for the following causes: 3321

(A) That ~~he~~ the person was a member of the grand jury that 3322  
found the indictment in the case; 3323

(B) That ~~he~~ the person is possessed of a state of mind 3324  
evinced enmity or bias toward the defendant or the state; but no 3325  
person summoned as a juror shall be disqualified by reason of a 3326  
previously formed or expressed opinion with reference to the guilt 3327  
or innocence of the accused, if the court is satisfied, from 3328  
examination of the juror or from other evidence, that ~~he~~ the juror 3329  
will render an impartial verdict according to the law and the 3330  
evidence submitted to the jury at the trial; 3331

(C) ~~In the trial of a capital offense, that he unequivocally  
states that under no circumstances will he follow the instructions  
of a trial judge and consider fairly the imposition of a sentence  
of death in a particular case. A prospective juror's conscientious~~ 3332  
3333  
3334  
3335

~~or religious opposition to the death penalty in and of itself is~~ 3336  
~~not grounds for a challenge for cause. All parties shall be given~~ 3337  
~~wide latitude in voir dire questioning in this regard.~~ 3338

~~(D)~~ That ~~he~~ the person is related by consanguinity or 3339  
affinity within the fifth degree to the person alleged to be 3340  
injured or attempted to be injured by the offense charged, or to 3341  
the person on whose complaint the prosecution was instituted, or 3342  
to the defendant; 3343

~~(E)~~~~(D)~~ That ~~he~~ the person served on a petit jury drawn in the 3344  
same cause against the same defendant, and that jury was 3345  
discharged after hearing the evidence or rendering a verdict on 3346  
the evidence that was set aside; 3347

~~(F)~~~~(E)~~ That ~~he~~ the person served as a juror in a civil case 3348  
brought against the defendant for the same act; 3349

~~(G)~~~~(F)~~ That ~~he~~ the person has been subpoenaed in good faith 3350  
as a witness in the case; 3351

~~(H)~~~~(G)~~ That ~~he~~ the person is a chronic alcoholic, or drug 3352  
dependent person; 3353

~~(I)~~~~(H)~~ That ~~he~~ the person has been convicted of a crime that 3354  
by law disqualifies ~~him~~ the person from serving on a jury; 3355

~~(J)~~~~(I)~~ That ~~he~~ the person has an action pending between ~~him~~ 3356  
the person and the state or the defendant; 3357

~~(K)~~~~(J)~~ That ~~he~~ the person or ~~his~~ the person's spouse is a 3358  
party to another action then pending in any court in which an 3359  
attorney in the cause then on trial is an attorney, either for or 3360  
against ~~him~~ the person; 3361

~~(L)~~~~(K)~~ That ~~he~~ the person is the person alleged to be injured 3362  
or attempted to be injured by the offense charged, or is the 3363  
person on whose complaint the prosecution was instituted, or the 3364  
defendant; 3365

~~(M)~~(L) That ~~he~~ the person is the employer or employee, or the spouse, parent, son, or daughter of the employer or employee, or the counselor, agent, or attorney of any person included in division ~~(L)~~(K) of this section;

~~(N)~~(M) That English is not ~~his~~ the person's native language, and ~~his~~ the person's knowledge of English is insufficient to permit ~~him~~ the person to understand the facts and law in the case;

~~(O)~~(N) That ~~he~~ the person otherwise is unsuitable for any other cause to serve as a juror.

The validity of each challenge listed in this section shall be determined by the court.

**Sec. 2945.33.** When a cause is finally submitted the jurors must be kept together in a convenient place under the charge of an officer until they agree upon a verdict, or are discharged by the court. The court, ~~except in cases where the offense charged may be punishable by death,~~ may permit the jurors to separate during the adjournment of court overnight, under proper cautions, or under supervision of an officer. Such officer shall not permit a communication to be made to them, nor make any ~~himself~~ communication to them except to ask if they have agreed upon a verdict, unless ~~he~~ the officer does so by order of the court. Such officer shall not communicate to any person, before the verdict is delivered, any matter in relation to their deliberation. Upon the trial of any prosecution for misdemeanor, the court may permit the jury to separate during their deliberation, or upon adjournment of the court overnight.

~~In cases where the offense charged may be punished by death, after the case is finally submitted to the jury, the jurors shall be kept in charge of the proper officer and proper arrangements for their care and maintenance shall be made as under section 2945.31 of the Revised Code.~~

**Sec. 2945.38.** (A) If the issue of a defendant's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 2945.37 of the Revised Code, finds that the defendant is competent to stand trial, the defendant shall be proceeded against as provided by law. If the court finds the defendant competent to stand trial and the defendant is receiving psychotropic drugs or other medication, the court may authorize the continued administration of the drugs or medication or other appropriate treatment in order to maintain the defendant's competence to stand trial, unless the defendant's attending physician advises the court against continuation of the drugs, other medication, or treatment.

(B)(1)(a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial and that there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order the defendant to undergo treatment. If the defendant has been charged with a felony offense and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order continuing evaluation and treatment of the defendant for a period not to exceed four months to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment.

(b) The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of

this section shall specify that the defendant, if determined to  
require mental health treatment or continuing evaluation and  
treatment, shall be committed to the department of mental health  
for treatment or continuing evaluation and treatment at a  
hospital, facility, or agency, as determined to be clinically  
appropriate by the department of mental health and, if determined  
to require treatment or continuing evaluation and treatment for a  
developmental disability, shall receive treatment or continuing  
evaluation and treatment at an institution or facility operated by  
the department of developmental disabilities, at a facility  
certified by the department of developmental disabilities as being  
qualified to treat mental retardation, at a public or private  
community mental retardation facility, or by a mental retardation  
professional. The order may restrict the defendant's freedom of  
movement as the court considers necessary. The prosecutor in the  
defendant's case shall send to the chief clinical officer of the  
hospital, facility, or agency where the defendant is placed by the  
department of mental health, or to the managing officer of the  
institution, the director of the facility, or the person to which  
the defendant is committed, copies of relevant police reports and  
other background information that pertains to the defendant and is  
available to the prosecutor unless the prosecutor determines that  
the release of any of the information in the police reports or any  
of the other background information to unauthorized persons would  
interfere with the effective prosecution of any person or would  
create a substantial risk of harm to any person.

In committing the defendant to the department of mental  
health, the court shall consider the extent to which the person is  
a danger to the person and to others, the need for security, and  
the type of crime involved and, if the court finds that  
restrictions on the defendant's freedom of movement are necessary,  
shall specify the least restrictive limitations on the person's  
freedom of movement determined to be necessary to protect public

safety. In determining commitment alternatives for defendants 3462  
determined to require treatment or continuing evaluation and 3463  
treatment for developmental disabilities, the court shall consider 3464  
the extent to which the person is a danger to the person and to 3465  
others, the need for security, and the type of crime involved and 3466  
shall order the least restrictive alternative available that is 3467  
consistent with public safety and treatment goals. In weighing 3468  
these factors, the court shall give preference to protecting 3469  
public safety. 3470

(c) If the defendant is found incompetent to stand trial, if 3471  
the chief clinical officer of the hospital, facility, or agency 3472  
where the defendant is placed, or the managing officer of the 3473  
institution, the director of the facility, or the person to which 3474  
the defendant is committed for treatment or continuing evaluation 3475  
and treatment under division (B)(1)(b) of this section determines 3476  
that medication is necessary to restore the defendant's competency 3477  
to stand trial, and if the defendant lacks the capacity to give 3478  
informed consent or refuses medication, the chief clinical officer 3479  
of the hospital, facility, or agency where the defendant is 3480  
placed, or the managing officer of the institution, the director 3481  
of the facility, or the person to which the defendant is committed 3482  
for treatment or continuing evaluation and treatment may petition 3483  
the court for authorization for the involuntary administration of 3484  
medication. The court shall hold a hearing on the petition within 3485  
five days of the filing of the petition if the petition was filed 3486  
in a municipal court or a county court regarding an incompetent 3487  
defendant charged with a misdemeanor or within ten days of the 3488  
filing of the petition if the petition was filed in a court of 3489  
common pleas regarding an incompetent defendant charged with a 3490  
felony offense. Following the hearing, the court may authorize the 3491  
involuntary administration of medication or may dismiss the 3492  
petition. 3493



(d) If the defendant is charged with a misdemeanor offense 3494  
that is not an offense of violence, the prosecutor may hold the 3495  
charges in abeyance while the defendant engages in mental health 3496  
treatment or developmental disability services. 3497

(2) If the court finds that the defendant is incompetent to 3498  
stand trial and that, even if the defendant is provided with a 3499  
course of treatment, there is not a substantial probability that 3500  
the defendant will become competent to stand trial within one 3501  
year, the court shall order the discharge of the defendant, unless 3502  
upon motion of the prosecutor or on its own motion, the court 3503  
either seeks to retain jurisdiction over the defendant pursuant to 3504  
section 2945.39 of the Revised Code or files an affidavit in the 3505  
probate court for the civil commitment of the defendant pursuant 3506  
to Chapter 5122. or 5123. of the Revised Code alleging that the 3507  
defendant is a mentally ill person subject to hospitalization by 3508  
court order or a mentally retarded person subject to 3509  
institutionalization by court order. If an affidavit is filed in 3510  
the probate court, the trial court shall send to the probate court 3511  
copies of all written reports of the defendant's mental condition 3512  
that were prepared pursuant to section 2945.371 of the Revised 3513  
Code. 3514

The trial court may issue the temporary order of detention 3515  
that a probate court may issue under section 5122.11 or 5123.71 of 3516  
the Revised Code, to remain in effect until the probable cause or 3517  
initial hearing in the probate court. Further proceedings in the 3518  
probate court are civil proceedings governed by Chapter 5122. or 3519  
5123. of the Revised Code. 3520

(C) No defendant shall be required to undergo treatment, 3521  
including any continuing evaluation and treatment, under division 3522  
(B)(1) of this section for longer than whichever of the following 3523  
periods is applicable: 3524

(1) One year, if the most serious offense with which the 3525

defendant is charged is one of the following offenses: 3526

(a) Aggravated murder, murder, or an offense of violence for 3527  
which a sentence of ~~death~~ or life imprisonment may be imposed; 3528

(b) An offense of violence that is a felony of the first or 3529  
second degree; 3530

(c) A conspiracy to commit, an attempt to commit, or 3531  
complicity in the commission of an offense described in division 3532  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 3533  
complicity is a felony of the first or second degree. 3534

(2) Six months, if the most serious offense with which the 3535  
defendant is charged is a felony other than a felony described in 3536  
division (C)(1) of this section; 3537

(3) Sixty days, if the most serious offense with which the 3538  
defendant is charged is a misdemeanor of the first or second 3539  
degree; 3540

(4) Thirty days, if the most serious offense with which the 3541  
defendant is charged is a misdemeanor of the third or fourth 3542  
degree, a minor misdemeanor, or an unclassified misdemeanor. 3543

(D) Any defendant who is committed pursuant to this section 3544  
shall not voluntarily admit the defendant or be voluntarily 3545  
admitted to a hospital or institution pursuant to section 5122.02, 3546  
5122.15, 5123.69, or 5123.76 of the Revised Code. 3547

(E) Except as otherwise provided in this division, a 3548  
defendant who is charged with an offense and is committed by the 3549  
court under this section to the department of mental health with 3550  
restrictions on the defendant's freedom of movement or is 3551  
committed to an institution or facility for the treatment of 3552  
developmental disabilities shall not be granted unsupervised 3553  
on-grounds movement, supervised off-grounds movement, or 3554  
nonsecured status except in accordance with the court order. The 3555

court may grant a defendant supervised off-grounds movement to 3556  
obtain medical treatment or specialized habilitation treatment 3557  
services if the person who supervises the treatment or the 3558  
continuing evaluation and treatment of the defendant ordered under 3559  
division (B)(1)(a) of this section informs the court that the 3560  
treatment or continuing evaluation and treatment cannot be 3561  
provided at the hospital or facility where the defendant is placed 3562  
by the department of mental health or the institution or facility 3563  
to which the defendant is committed. The chief clinical officer of 3564  
the hospital or facility where the defendant is placed by the 3565  
department of mental health or the managing officer of the 3566  
institution or director of the facility to which the defendant is 3567  
committed, or a designee of any of those persons, may grant a 3568  
defendant movement to a medical facility for an emergency medical 3569  
situation with appropriate supervision to ensure the safety of the 3570  
defendant, staff, and community during that emergency medical 3571  
situation. The chief clinical officer of the hospital or facility 3572  
where the defendant is placed by the department of mental health 3573  
or the managing officer of the institution or director of the 3574  
facility to which the defendant is committed shall notify the 3575  
court within twenty-four hours of the defendant's movement to the 3576  
medical facility for an emergency medical situation under this 3577  
division. 3578

(F) The person who supervises the treatment or continuing 3579  
evaluation and treatment of a defendant ordered to undergo 3580  
treatment or continuing evaluation and treatment under division 3581  
(B)(1)(a) of this section shall file a written report with the 3582  
court at the following times: 3583

(1) Whenever the person believes the defendant is capable of 3584  
understanding the nature and objective of the proceedings against 3585  
the defendant and of assisting in the defendant's defense; 3586

(2) For a felony offense, fourteen days before expiration of 3587

the maximum time for treatment as specified in division (C) of 3588  
this section and fourteen days before the expiration of the 3589  
maximum time for continuing evaluation and treatment as specified 3590  
in division (B)(1)(a) of this section, and, for a misdemeanor 3591  
offense, ten days before the expiration of the maximum time for 3592  
treatment, as specified in division (C) of this section; 3593

(3) At a minimum, after each six months of treatment; 3594

(4) Whenever the person who supervises the treatment or 3595  
continuing evaluation and treatment of a defendant ordered under 3596  
division (B)(1)(a) of this section believes that there is not a 3597  
substantial probability that the defendant will become capable of 3598  
understanding the nature and objective of the proceedings against 3599  
the defendant or of assisting in the defendant's defense even if 3600  
the defendant is provided with a course of treatment. 3601

(G) A report under division (F) of this section shall contain 3602  
the examiner's findings, the facts in reasonable detail on which 3603  
the findings are based, and the examiner's opinion as to the 3604  
defendant's capability of understanding the nature and objective 3605  
of the proceedings against the defendant and of assisting in the 3606  
defendant's defense. If, in the examiner's opinion, the defendant 3607  
remains incapable of understanding the nature and objective of the 3608  
proceedings against the defendant and of assisting in the 3609  
defendant's defense and there is a substantial probability that 3610  
the defendant will become capable of understanding the nature and 3611  
objective of the proceedings against the defendant and of 3612  
assisting in the defendant's defense if the defendant is provided 3613  
with a course of treatment, if in the examiner's opinion the 3614  
defendant remains mentally ill or mentally retarded, and if the 3615  
maximum time for treatment as specified in division (C) of this 3616  
section has not expired, the report also shall contain the 3617  
examiner's recommendation as to the least restrictive placement or 3618  
commitment alternative that is consistent with the defendant's 3619

treatment needs for restoration to competency and with the safety 3620  
of the community. The court shall provide copies of the report to 3621  
the prosecutor and defense counsel. 3622

(H) If a defendant is committed pursuant to division (B)(1) 3623  
of this section, within ten days after the treating physician of 3624  
the defendant or the examiner of the defendant who is employed or 3625  
retained by the treating facility advises that there is not a 3626  
substantial probability that the defendant will become capable of 3627  
understanding the nature and objective of the proceedings against 3628  
the defendant or of assisting in the defendant's defense even if 3629  
the defendant is provided with a course of treatment, within ten 3630  
days after the expiration of the maximum time for treatment as 3631  
specified in division (C) of this section, within ten days after 3632  
the expiration of the maximum time for continuing evaluation and 3633  
treatment as specified in division (B)(1)(a) of this section, 3634  
within thirty days after a defendant's request for a hearing that 3635  
is made after six months of treatment, or within thirty days after 3636  
being advised by the treating physician or examiner that the 3637  
defendant is competent to stand trial, whichever is the earliest, 3638  
the court shall conduct another hearing to determine if the 3639  
defendant is competent to stand trial and shall do whichever of 3640  
the following is applicable: 3641

(1) If the court finds that the defendant is competent to 3642  
stand trial, the defendant shall be proceeded against as provided 3643  
by law. 3644

(2) If the court finds that the defendant is incompetent to 3645  
stand trial, but that there is a substantial probability that the 3646  
defendant will become competent to stand trial if the defendant is 3647  
provided with a course of treatment, and the maximum time for 3648  
treatment as specified in division (C) of this section has not 3649  
expired, the court, after consideration of the examiner's 3650  
recommendation, shall order that treatment be continued, may 3651

change the least restrictive limitations on the defendant's 3652  
freedom of movement, and, if applicable, shall specify whether the 3653  
treatment for developmental disabilities is to be continued at the 3654  
same or a different facility or institution. 3655

(3) If the court finds that the defendant is incompetent to 3656  
stand trial, if the defendant is charged with an offense listed in 3657  
division (C)(1) of this section, and if the court finds that there 3658  
is not a substantial probability that the defendant will become 3659  
competent to stand trial even if the defendant is provided with a 3660  
course of treatment, or if the maximum time for treatment relative 3661  
to that offense as specified in division (C) of this section has 3662  
expired, further proceedings shall be as provided in sections 3663  
2945.39, 2945.401, and 2945.402 of the Revised Code. 3664

(4) If the court finds that the defendant is incompetent to 3665  
stand trial, if the most serious offense with which the defendant 3666  
is charged is a misdemeanor or a felony other than a felony listed 3667  
in division (C)(1) of this section, and if the court finds that 3668  
there is not a substantial probability that the defendant will 3669  
become competent to stand trial even if the defendant is provided 3670  
with a course of treatment, or if the maximum time for treatment 3671  
relative to that offense as specified in division (C) of this 3672  
section has expired, the court shall dismiss the indictment, 3673  
information, or complaint against the defendant. A dismissal under 3674  
this division is not a bar to further prosecution based on the 3675  
same conduct. The court shall discharge the defendant unless the 3676  
court or prosecutor files an affidavit in probate court for civil 3677  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 3678  
If an affidavit for civil commitment is filed, the court may 3679  
detain the defendant for ten days pending civil commitment. All of 3680  
the following provisions apply to persons charged with a 3681  
misdemeanor or a felony other than a felony listed in division 3682  
(C)(1) of this section who are committed by the probate court 3683

subsequent to the court's or prosecutor's filing of an affidavit 3684  
for civil commitment under authority of this division: 3685

(a) The chief clinical officer of the entity, hospital, or 3686  
facility, the managing officer of the institution, or the person 3687  
to which the defendant is committed or admitted shall do all of 3688  
the following: 3689

(i) Notify the prosecutor, in writing, of the discharge of 3690  
the defendant, send the notice at least ten days prior to the 3691  
discharge unless the discharge is by the probate court, and state 3692  
in the notice the date on which the defendant will be discharged; 3693

(ii) Notify the prosecutor, in writing, when the defendant is 3694  
absent without leave or is granted unsupervised, off-grounds 3695  
movement, and send this notice promptly after the discovery of the 3696  
absence without leave or prior to the granting of the 3697  
unsupervised, off-grounds movement, whichever is applicable; 3698

(iii) Notify the prosecutor, in writing, of the change of the 3699  
defendant's commitment or admission to voluntary status, send the 3700  
notice promptly upon learning of the change to voluntary status, 3701  
and state in the notice the date on which the defendant was 3702  
committed or admitted on a voluntary status. 3703

(b) Upon receiving notice that the defendant will be granted 3704  
unsupervised, off-grounds movement, the prosecutor either shall 3705  
re-indict the defendant or promptly notify the court that the 3706  
prosecutor does not intend to prosecute the charges against the 3707  
defendant. 3708

(I) If a defendant is convicted of a crime and sentenced to a 3709  
jail or workhouse, the defendant's sentence shall be reduced by 3710  
the total number of days the defendant is confined for evaluation 3711  
to determine the defendant's competence to stand trial or 3712  
treatment under this section and sections 2945.37 and 2945.371 of 3713  
the Revised Code or by the total number of days the defendant is 3714

confined for evaluation to determine the defendant's mental 3715  
condition at the time of the offense charged. 3716

**Sec. 2949.02.** (A) If a person is convicted of any bailable 3717  
offense, including, but not limited to, a violation of an 3718  
ordinance of a municipal corporation, in a municipal or county 3719  
court or in a court of common pleas and if the person gives to the 3720  
trial judge or magistrate a written notice of the person's 3721  
intention to file or apply for leave to file an appeal to the 3722  
court of appeals, the trial judge or magistrate may suspend, 3723  
~~subject to division (A)(2)(b) of section 2953.09 of the Revised~~ 3724  
~~Code,~~ execution of the sentence or judgment imposed for any fixed 3725  
time that will give the person time either to prepare and file, or 3726  
to apply for leave to file, the appeal. In all bailable cases, 3727  
except as provided in division (B) of this section, the trial 3728  
judge or magistrate may release the person on bail in accordance 3729  
with Criminal Rule 46, and the bail shall at least be conditioned 3730  
that the person will appeal without delay and abide by the 3731  
judgment and sentence of the court. 3732

(B) Notwithstanding any provision of Criminal Rule 46 to the 3733  
contrary, a trial judge of a court of common pleas shall not 3734  
release on bail pursuant to division (A) of this section a person 3735  
who is convicted of a bailable offense if the person is sentenced 3736  
to imprisonment for life or if that offense is a violation of 3737  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 3738  
2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 3739  
of the Revised Code or is felonious sexual penetration in 3740  
violation of former section 2907.12 of the Revised Code. 3741

(C) If a trial judge of a court of common pleas is prohibited 3742  
by division (B) of this section from releasing on bail pursuant to 3743  
division (A) of this section a person who is convicted of a 3744  
bailable offense and not sentenced to imprisonment for life, the 3745



appropriate court of appeals or two judges of it, upon motion of 3746  
such a person and for good cause shown, may release the person on 3747  
bail in accordance with Appellate Rule 8 and Criminal Rule 46, and 3748  
the bail shall at least be conditioned as described in division 3749  
(A) of this section. 3750

**Sec. 2949.03.** If a judgment of conviction by a court of 3751  
common pleas, municipal court, or county court is affirmed by a 3752  
court of appeals and remanded to the trial court for execution of 3753  
the sentence or judgment imposed, and the person so convicted 3754  
gives notice of ~~his~~ the person's intention to file a notice of 3755  
appeal to the supreme court, the trial court, on the filing of a 3756  
motion by such person within three days after the rendition by the 3757  
court of appeals of the judgment of affirmation, may further 3758  
~~suspend, subject to division (A)(2)(b) of section 2953.09 of the~~ 3759  
~~Revised Code,~~ the execution of the sentence or judgment imposed 3760  
for a time sufficient to give such person an opportunity to file a 3761  
notice of appeal to the supreme court, but the sentence or 3762  
judgment imposed shall not be suspended more than thirty days for 3763  
that purpose. 3764

**Sec. 2953.02.** In a ~~capital case in which a sentence of death~~ 3765  
~~is imposed for an offense committed before January 1, 1995, and in~~ 3766  
any ~~other~~ criminal case, including a conviction for the violation 3767  
of an ordinance of a municipal corporation, the judgment or final 3768  
order of a court of record inferior to the court of appeals may be 3769  
reviewed in the court of appeals. A final order of an 3770  
administrative officer or agency may be reviewed in the court of 3771  
common pleas. A judgment or final order of the court of appeals 3772  
involving a question arising under the Constitution of the United 3773  
States or of this state may be appealed to the supreme court as a 3774  
matter of right. This right of appeal from judgments and final 3775  
orders of the court of appeals shall extend to ~~eases in which a~~ 3776

~~sentence of death is imposed for an offense committed before~~ 3777  
~~January 1, 1995, and in which the death penalty has been affirmed,~~ 3778  
~~felony cases in which the supreme court has directed the court of~~ 3779  
~~appeals to certify its record, and in all other criminal cases of~~ 3780  
~~public or general interest wherein the supreme court has granted a~~ 3781  
~~motion to certify the record of the court of appeals. In a capital~~ 3782  
~~case in which a sentence of death is imposed for an offense~~ 3783  
~~committed on or after January 1, 1995, the judgment or final order~~ 3784  
~~may be appealed from the trial court directly to the supreme court~~ 3785  
~~as a matter of right.~~ The supreme court in criminal cases shall 3786  
not be required to determine as to the weight of the evidence, 3787  
except that, in cases in which a sentence of death is imposed for 3788  
an offense committed on or after January 1, 1995, and in which the 3789  
question of the weight of the evidence to support the judgment has 3790  
been raised on appeal, the supreme court shall determine as to the 3791  
weight of the evidence to support the judgment and shall determine 3792  
as to the weight of the evidence to support the sentence of death 3793  
as provided in section 2929.05 of the Revised Code. 3794

**Sec. 2953.07.** ~~(A)~~ Upon the hearing of an appeal other than an 3795  
appeal from a mayor's court, the appellate court may affirm the 3796  
judgment or reverse it, in whole or in part, or modify it, and 3797  
order the accused to be discharged or grant a new trial. The 3798  
appellate court may remand the accused for the sole purpose of 3799  
correcting a sentence imposed contrary to law, provided that, on 3800  
an appeal of a sentence imposed upon a person who is convicted of 3801  
or pleads guilty to a felony that is brought under section 2953.08 3802  
of the Revised Code, division (G) of that section applies to the 3803  
court. If the judgment is reversed, the appellant shall recover 3804  
from the appellee all court costs incurred to secure the reversal, 3805  
including the cost of transcripts. ~~In capital cases, when the~~ 3806  
~~judgment is affirmed and the day fixed for the execution is~~ 3807  
~~passed, the appellate court shall appoint a day for it, and the~~ 3808

~~clerk of the appellate court shall issue a warrant under the seal  
of the appellate court, to the sheriff of the proper county, or  
the warden of the appropriate state correctional institution,  
commanding the sheriff or warden to carry the sentence into  
execution on the day so appointed. The sheriff or warden shall  
execute and return the warrant as in other cases, and the clerk  
shall record the warrant and return.~~

~~(B) As used in this section, "appellate court" means, for a  
case in which a sentence of death is imposed for an offense  
committed before January 1, 1995, both the court of appeals and  
the supreme court, and for a case in which a sentence of death is  
imposed for an offense committed on or after January 1, 1995, the  
supreme court.~~

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

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

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

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

(2) The sentence consisted of or included a prison term, the  
offense for which it was imposed is a felony of the fourth or

fifth degree or is a felony drug offense that is a violation of a 3839  
provision of Chapter 2925. of the Revised Code and that is 3840  
specified as being subject to division (B) of section 2929.13 of 3841  
the Revised Code for purposes of sentencing, and the court did not 3842  
specify at sentencing that it found one or more factors specified 3843  
in divisions (B)~~(1)~~(2)(a) to (i) of section 2929.13 of the Revised 3844  
Code to apply relative to the defendant. If the court specifies 3845  
that it found one or more of those factors to apply relative to 3846  
the defendant, the defendant is not entitled under this division 3847  
to appeal as a matter of right the sentence imposed upon the 3848  
offender. 3849

(3) The person was convicted of or pleaded guilty to a 3850  
violent sex offense or a designated homicide, assault, or 3851  
kidnapping offense, was adjudicated a sexually violent predator in 3852  
relation to that offense, and was sentenced pursuant to division 3853  
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 3854  
of the indefinite term imposed pursuant to division (A)(3) of 3855  
section 2971.03 of the Revised Code is the longest term available 3856  
for the offense from among the range of terms listed in section 3857  
2929.14 of the Revised Code. As used in this division, "designated 3858  
homicide, assault, or kidnapping offense" and "violent sex 3859  
offense" have the same meanings as in section 2971.01 of the 3860  
Revised Code. As used in this division, "adjudicated a sexually 3861  
violent predator" has the same meaning as in section 2929.01 of 3862  
the Revised Code, and a person is "adjudicated a sexually violent 3863  
predator" in the same manner and the same circumstances as are 3864  
described in that section. 3865

(4) The sentence is contrary to law. 3866

(5) The sentence consisted of an additional prison term of 3867  
ten years imposed pursuant to division (B)(2)(a) of section 3868  
2929.14 of the Revised Code. 3869

(B) In addition to any other right to appeal and except as 3870

provided in division (D) of this section, a prosecuting attorney, 3871  
a city director of law, village solicitor, or similar chief legal 3872  
officer of a municipal corporation, or the attorney general, if 3873  
one of those persons prosecuted the case, may appeal as a matter 3874  
of right a sentence imposed upon a defendant who is convicted of 3875  
or pleads guilty to a felony or, in the circumstances described in 3876  
division (B)(3) of this section the modification of a sentence 3877  
imposed upon such a defendant, on any of the following grounds: 3878

(1) The sentence did not include a prison term despite a 3879  
presumption favoring a prison term for the offense for which it 3880  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3881  
the Revised Code. 3882

(2) The sentence is contrary to law. 3883

(3) The sentence is a modification under section 2929.20 of 3884  
the Revised Code of a sentence that was imposed for a felony of 3885  
the first or second degree. 3886

(C)(1) In addition to the right to appeal a sentence granted 3887  
under division (A) or (B) of this section, a defendant who is 3888  
convicted of or pleads guilty to a felony may seek leave to appeal 3889  
a sentence imposed upon the defendant on the basis that the 3890  
sentencing judge has imposed consecutive sentences under division 3891  
(C)(3) of section 2929.14 of the Revised Code and that the 3892  
consecutive sentences exceed the maximum prison term allowed by 3893  
division (A) of that section for the most serious offense of which 3894  
the defendant was convicted. Upon the filing of a motion under 3895  
this division, the court of appeals may grant leave to appeal the 3896  
sentence if the court determines that the allegation included as 3897  
the basis of the motion is true. 3898

(2) A defendant may seek leave to appeal an additional 3899  
sentence imposed upon the defendant pursuant to division (B)(2)(a) 3900  
or (b) of section 2929.14 of the Revised Code if the additional 3901

sentence is for a definite prison term that is longer than five 3902  
years. 3903

(D)(1) A sentence imposed upon a defendant is not subject to 3904  
review under this section if the sentence is authorized by law, 3905  
has been recommended jointly by the defendant and the prosecution 3906  
in the case, and is imposed by a sentencing judge. 3907

(2) Except as provided in division (C)(2) of this section, a 3908  
sentence imposed upon a defendant is not subject to review under 3909  
this section if the sentence is imposed pursuant to division 3910  
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 3911  
otherwise provided in this division, a defendant retains all 3912  
rights to appeal as provided under this chapter or any other 3913  
provision of the Revised Code. A defendant has the right to appeal 3914  
under this chapter or any other provision of the Revised Code the 3915  
court's application of division (B)(2)(c) of section 2929.14 of 3916  
the Revised Code. 3917

(3) A sentence imposed for aggravated murder or murder 3918  
pursuant to ~~sections~~ section 2929.02 ~~to 2929.06~~ of the Revised 3919  
Code is not subject to review under this section. 3920

(E) A defendant, prosecuting attorney, city director of law, 3921  
village solicitor, or chief municipal legal officer shall file an 3922  
appeal of a sentence under this section to a court of appeals 3923  
within the time limits specified in Rule 4(B) of the Rules of 3924  
Appellate Procedure, provided that if the appeal is pursuant to 3925  
division (B)(3) of this section, the time limits specified in that 3926  
rule shall not commence running until the court grants the motion 3927  
that makes the sentence modification in question. A sentence 3928  
appeal under this section shall be consolidated with any other 3929  
appeal in the case. If no other appeal is filed, the court of 3930  
appeals may review only the portions of the trial record that 3931  
pertain to sentencing. 3932

(F) On the appeal of a sentence under this section, the 3933  
record to be reviewed shall include all of the following, as 3934  
applicable: 3935

(1) Any presentence, psychiatric, or other investigative 3936  
report that was submitted to the court in writing before the 3937  
sentence was imposed. An appellate court that reviews a 3938  
presentence investigation report prepared pursuant to section 3939  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3940  
connection with the appeal of a sentence under this section shall 3941  
comply with division (D)(3) of section 2951.03 of the Revised Code 3942  
when the appellate court is not using the presentence 3943  
investigation report, and the appellate court's use of a 3944  
presentence investigation report of that nature in connection with 3945  
the appeal of a sentence under this section does not affect the 3946  
otherwise confidential character of the contents of that report as 3947  
described in division (D)(1) of section 2951.03 of the Revised 3948  
Code and does not cause that report to become a public record, as 3949  
defined in section 149.43 of the Revised Code, following the 3950  
appellate court's use of the report. 3951

(2) The trial record in the case in which the sentence was 3952  
imposed; 3953

(3) Any oral or written statements made to or by the court at 3954  
the sentencing hearing at which the sentence was imposed; 3955

(4) Any written findings that the court was required to make 3956  
in connection with the modification of the sentence pursuant to a 3957  
judicial release under division (I) of section 2929.20 of the 3958  
Revised Code. 3959

(G)(1) If the sentencing court was required to make the 3960  
findings required by division (B) or (D) of section 2929.13 or 3961  
division (I) of section 2929.20 of the Revised Code, or to state 3962  
the findings of the trier of fact required by division (B)(2)(e) 3963

of section 2929.14 of the Revised Code, relative to the imposition 3964  
or modification of the sentence, and if the sentencing court 3965  
failed to state the required findings on the record, the court 3966  
hearing an appeal under division (A), (B), or (C) of this section 3967  
shall remand the case to the sentencing court and instruct the 3968  
sentencing court to state, on the record, the required findings. 3969

(2) The court hearing an appeal under division (A), (B), or 3970  
(C) of this section shall review the record, including the 3971  
findings underlying the sentence or modification given by the 3972  
sentencing court. 3973

The appellate court may increase, reduce, or otherwise modify 3974  
a sentence that is appealed under this section or may vacate the 3975  
sentence and remand the matter to the sentencing court for 3976  
resentencing. The appellate court's standard for review is not 3977  
whether the sentencing court abused its discretion. The appellate 3978  
court may take any action authorized by this division if it 3979  
clearly and convincingly finds either of the following: 3980

(a) That the record does not support the sentencing court's 3981  
findings under division (B) or (D) of section 2929.13, division 3982  
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 3983  
2929.20 of the Revised Code, whichever, if any, is relevant; 3984

(b) That the sentence is otherwise contrary to law. 3985

(H) A judgment or final order of a court of appeals under 3986  
this section may be appealed, by leave of court, to the supreme 3987  
court. 3988

(I)(1) There is hereby established the felony sentence appeal 3989  
cost oversight committee, consisting of eight members. One member 3990  
shall be the chief justice of the supreme court or a 3991  
representative of the court designated by the chief justice, one 3992  
member shall be a member of the senate appointed by the president 3993  
of the senate, one member shall be a member of the house of 3994



representatives appointed by the speaker of the house of 3995  
representatives, one member shall be the director of budget and 3996  
management or a representative of the office of budget and 3997  
management designated by the director, one member shall be a judge 3998  
of a court of appeals, court of common pleas, municipal court, or 3999  
county court appointed by the chief justice of the supreme court, 4000  
one member shall be the state public defender or a representative 4001  
of the office of the state public defender designated by the state 4002  
public defender, one member shall be a prosecuting attorney 4003  
appointed by the Ohio prosecuting attorneys association, and one 4004  
member shall be a county commissioner appointed by the county 4005  
commissioners association of Ohio. No more than three of the 4006  
appointed members of the committee may be members of the same 4007  
political party. 4008

The president of the senate, the speaker of the house of 4009  
representatives, the chief justice of the supreme court, the Ohio 4010  
prosecuting attorneys association, and the county commissioners 4011  
association of Ohio shall make the initial appointments to the 4012  
committee of the appointed members no later than ninety days after 4013  
July 1, 1996. Of those initial appointments to the committee, the 4014  
members appointed by the speaker of the house of representatives 4015  
and the Ohio prosecuting attorneys association shall serve a term 4016  
ending two years after July 1, 1996, the member appointed by the 4017  
chief justice of the supreme court shall serve a term ending three 4018  
years after July 1, 1996, and the members appointed by the 4019  
president of the senate and the county commissioners association 4020  
of Ohio shall serve terms ending four years after July 1, 1996. 4021  
Thereafter, terms of office of the appointed members shall be for 4022  
four years, with each term ending on the same day of the same 4023  
month as did the term that it succeeds. Members may be 4024  
reappointed. Vacancies shall be filled in the same manner provided 4025  
for original appointments. A member appointed to fill a vacancy 4026  
occurring prior to the expiration of the term for which that 4027

member's predecessor was appointed shall hold office as a member 4028  
for the remainder of the predecessor's term. An appointed member 4029  
shall continue in office subsequent to the expiration date of that 4030  
member's term until that member's successor takes office or until 4031  
a period of sixty days has elapsed, whichever occurs first. 4032

If the chief justice of the supreme court, the director of 4033  
the office of budget and management, or the state public defender 4034  
serves as a member of the committee, that person's term of office 4035  
as a member shall continue for as long as that person holds office 4036  
as chief justice, director of the office of budget and management, 4037  
or state public defender. If the chief justice of the supreme 4038  
court designates a representative of the court to serve as a 4039  
member, the director of budget and management designates a 4040  
representative of the office of budget and management to serve as 4041  
a member, or the state public defender designates a representative 4042  
of the office of the state public defender to serve as a member, 4043  
the person so designated shall serve as a member of the commission 4044  
for as long as the official who made the designation holds office 4045  
as chief justice, director of the office of budget and management, 4046  
or state public defender or until that official revokes the 4047  
designation. 4048

The chief justice of the supreme court or the representative 4049  
of the supreme court appointed by the chief justice shall serve as 4050  
chairperson of the committee. The committee shall meet within two 4051  
weeks after all appointed members have been appointed and shall 4052  
organize as necessary. Thereafter, the committee shall meet at 4053  
least once every six months or more often upon the call of the 4054  
chairperson or the written request of three or more members, 4055  
provided that the committee shall not meet unless moneys have been 4056  
appropriated to the judiciary budget administered by the supreme 4057  
court specifically for the purpose of providing financial 4058  
assistance to counties under division (I)(2) of this section and 4059

the moneys so appropriated then are available for that purpose. 4060

The members of the committee shall serve without 4061  
compensation, but, if moneys have been appropriated to the 4062  
judiciary budget administered by the supreme court specifically 4063  
for the purpose of providing financial assistance to counties 4064  
under division (I)(2) of this section, each member shall be 4065  
reimbursed out of the moneys so appropriated that then are 4066  
available for actual and necessary expenses incurred in the 4067  
performance of official duties as a committee member. 4068

(2) The state criminal sentencing commission periodically 4069  
shall provide to the felony sentence appeal cost oversight 4070  
committee all data the commission collects pursuant to division 4071  
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 4072  
data from the state criminal sentencing commission, the felony 4073  
sentence appeal cost oversight committee periodically shall review 4074  
the data; determine whether any money has been appropriated to the 4075  
judiciary budget administered by the supreme court specifically 4076  
for the purpose of providing state financial assistance to 4077  
counties in accordance with this division for the increase in 4078  
expenses the counties experience as a result of the felony 4079  
sentence appeal provisions set forth in this section or as a 4080  
result of a postconviction relief proceeding brought under 4081  
division (A)(2) of section 2953.21 of the Revised Code or an 4082  
appeal of a judgment in that proceeding; if it determines that any 4083  
money has been so appropriated, determine the total amount of 4084  
moneys that have been so appropriated specifically for that 4085  
purpose and that then are available for that purpose; and develop 4086  
a recommended method of distributing those moneys to the counties. 4087  
The committee shall send a copy of its recommendation to the 4088  
supreme court. Upon receipt of the committee's recommendation, the 4089  
supreme court shall distribute to the counties, based upon that 4090  
recommendation, the moneys that have been so appropriated 4091

specifically for the purpose of providing state financial 4092  
assistance to counties under this division and that then are 4093  
available for that purpose. 4094

**Sec. 2953.09.** (A)(1) Upon filing an appeal in the supreme 4095  
court, the execution of the sentence or judgment imposed in cases 4096  
of felony is suspended. 4097

(2)~~(a)~~ If a notice of appeal is filed pursuant to the Rules 4098  
of Appellate Procedure by a defendant who is convicted in a 4099  
municipal or county court or a court of common pleas of a felony 4100  
or misdemeanor under the Revised Code or an ordinance of a 4101  
municipal corporation, the filing of the notice of appeal does not 4102  
suspend execution of the sentence or judgment imposed. However, 4103  
consistent with divisions (A)(2)(b), (B), and (C) of this section, 4104  
Appellate Rule 8, and Criminal Rule 46, the municipal or county 4105  
court, court of common pleas, or court of appeals may suspend 4106  
execution of the sentence or judgment imposed during the pendency 4107  
of the appeal and shall determine whether that defendant is 4108  
entitled to bail and the amount and nature of any bail that is 4109  
required. The bail shall at least be conditioned that the 4110  
defendant will prosecute the appeal without delay and abide by the 4111  
judgment and sentence of the court. 4112

~~(b)(i) A court of common pleas or court of appeals may 4113  
suspend the execution of a sentence of death imposed for an 4114  
offense committed before January 1, 1995, only if no date for 4115  
execution has been set by the supreme court, good cause is shown 4116  
for the suspension, the defendant files a motion requesting the 4117  
suspension, and notice has been given to the prosecuting attorney 4118  
of the appropriate county. 4119~~

~~(ii) A court of common pleas may suspend the execution of a 4120  
sentence of death imposed for an offense committed on or after 4121  
January 1, 1995, only if no date for execution has been set by the 4122~~

~~supreme court, good cause is shown, the defendant files a motion 4123  
requesting the suspension, and notice has been given to the 4124  
prosecuting attorney of the appropriate county. 4125~~

~~(iii) A court of common pleas or court of appeals may suspend 4126  
the execution of the sentence or judgment imposed for a felony in 4127  
a capital case in which a sentence of death is not imposed only if 4128  
no date for execution of the sentence has been set by the supreme 4129  
court, good cause is shown for the suspension, the defendant files 4130  
a motion requesting the suspension, and only after notice has been 4131  
given to the prosecuting attorney of the appropriate county. 4132~~

(B) Notwithstanding any provision of Criminal Rule 46 to the 4133  
contrary, a trial judge of a court of common pleas shall not 4134  
release on bail pursuant to division (A)(2)(a) of this section a 4135  
defendant who is convicted of a bailable offense if the defendant 4136  
is sentenced to imprisonment for life or if that offense is a 4137  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 4138  
2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 2911.02, or 4139  
2911.11 of the Revised Code or is felonious sexual penetration in 4140  
violation of former section 2907.12 of the Revised Code. 4141

(C) If a trial judge of a court of common pleas is prohibited 4142  
by division (B) of this section from releasing on bail pursuant to 4143  
division (A)(2)(a) of this section a defendant who is convicted of 4144  
a bailable offense and not sentenced to imprisonment for life, the 4145  
appropriate court of appeals or two judges of it, upon motion of 4146  
the defendant and for good cause shown, may release the defendant 4147  
on bail in accordance with division (A)(2) of this section. 4148

**Sec. 2953.10.** When an appeal is taken from a court of appeals 4149  
to the supreme court, the supreme court has the same power and 4150  
authority to suspend the execution of sentence during the pendency 4151  
of the appeal and admit the defendant to bail as does the court of 4152  
appeals unless another section of the Revised Code or the Rules of 4153

Practice of the Supreme Court specify a distinct bail or 4154  
suspension of sentence authority. 4155

~~When an appeal in a case in which a sentence of death is 4156  
imposed for an offense committed on or after January 1, 1995, is 4157  
taken directly from the trial court to the supreme court, the 4158  
supreme court has the same power and authority to suspend the 4159  
execution of the sentence during the pendency of the appeal and 4160  
admit the defendant to bail as does the court of appeals for cases 4161  
in which a sentence of death is imposed for an offense committed 4162  
before January 1, 1995, unless another section of the Revised Code 4163  
or the Rules of Practice of the Supreme Court specify a distinct 4164  
bail or suspension of sentence authority. 4165~~

**Sec. 2953.21.** (A)(1)(a) Any person who has been convicted of 4166  
a criminal offense or adjudicated a delinquent child and who 4167  
claims that there was such a denial or infringement of the 4168  
person's rights as to render the judgment void or voidable under 4169  
the Ohio Constitution or the Constitution of the United States, 4170  
and any person who has been convicted of a criminal offense that 4171  
is a felony and who is an offender for whom DNA testing that was 4172  
performed under sections 2953.71 to 2953.81 of the Revised Code or 4173  
under former section 2953.82 of the Revised Code and analyzed in 4174  
the context of and upon consideration of all available admissible 4175  
evidence related to the person's case as described in division (D) 4176  
of section 2953.74 of the Revised Code provided results that 4177  
establish, by clear and convincing evidence, actual innocence of 4178  
that felony offense ~~or, if the person was sentenced to death,~~ 4179  
~~establish, by clear and convincing evidence, actual innocence of~~ 4180  
~~the aggravating circumstance or circumstances the person was found~~ 4181  
~~guilty of committing and that is or are the basis of that sentence~~ 4182  
~~of death,~~ may file a petition in the court that imposed sentence, 4183  
stating the grounds for relief relied upon, and asking the court 4184  
to vacate or set aside the judgment or sentence or to grant other 4185

appropriate relief. The petitioner may file a supporting affidavit 4186  
and other documentary evidence in support of the claim for relief. 4187

(b) As used in division (A)(1)(a) of this section, "actual 4188  
innocence" means that, had the results of the DNA testing 4189  
conducted under sections 2953.71 to 2953.81 of the Revised Code or 4190  
under former section 2953.82 of the Revised Code been presented at 4191  
trial, and had those results been analyzed in the context of and 4192  
upon consideration of all available admissible evidence related to 4193  
the person's case as described in division (D) of section 2953.74 4194  
of the Revised Code, no reasonable factfinder would have found the 4195  
petitioner guilty of the offense of which the petitioner was 4196  
convicted, ~~or, if the person was sentenced to death, no reasonable~~ 4197  
~~factfinder would have found the petitioner guilty of the~~ 4198  
~~aggravating circumstance or circumstances the petitioner was found~~ 4199  
~~guilty of committing and that is or are the basis of that sentence~~ 4200  
~~of death.~~ 4201

(c) As used in divisions (A)(1)(a) and (b) of this section, 4202  
"former section 2953.82 of the Revised Code" means section 2953.82 4203  
of the Revised Code as it existed prior to ~~the effective date of~~ 4204  
~~this amendment~~ July 6, 2010. 4205

(2) Except as otherwise provided in section 2953.23 of the 4206  
Revised Code, a petition under division (A)(1) of this section 4207  
shall be filed no later than one hundred eighty days after the 4208  
date on which the trial transcript is filed in the court of 4209  
appeals in the direct appeal of the judgment of conviction or 4210  
adjudication ~~or, if the direct appeal involves a sentence of~~ 4211  
~~death, the date on which the trial transcript is filed in the~~ 4212  
~~supreme court~~. If no appeal is taken, except as otherwise provided 4213  
in section 2953.23 of the Revised Code, the petition shall be 4214  
filed no later than one hundred eighty days after the expiration 4215  
of the time for filing the appeal. 4216

(3) ~~In a petition filed under division (A) of this section, a~~ 4217

~~person who has been sentenced to death may ask the court to render 4218  
void or voidable the judgment with respect to the conviction of 4219  
aggravated murder or the specification of an aggravating 4220  
circumstance or the sentence of death. 4221~~

~~(4)~~ A petitioner shall state in the original or amended 4222  
petition filed under division (A) of this section all grounds for 4223  
relief claimed by the petitioner. Except as provided in section 4224  
2953.23 of the Revised Code, any ground for relief that is not so 4225  
stated in the petition is waived. 4226

~~(5)~~(4) If the petitioner in a petition filed under division 4227  
(A) of this section was convicted of or pleaded guilty to a 4228  
felony, the petition may include a claim that the petitioner was 4229  
denied the equal protection of the laws in violation of the Ohio 4230  
Constitution or the United States Constitution because the 4231  
sentence imposed upon the petitioner for the felony was part of a 4232  
consistent pattern of disparity in sentencing by the judge who 4233  
imposed the sentence, with regard to the petitioner's race, 4234  
gender, ethnic background, or religion. If the supreme court 4235  
adopts a rule requiring a court of common pleas to maintain 4236  
information with regard to an offender's race, gender, ethnic 4237  
background, or religion, the supporting evidence for the petition 4238  
shall include, but shall not be limited to, a copy of that type of 4239  
information relative to the petitioner's sentence and copies of 4240  
that type of information relative to sentences that the same judge 4241  
imposed upon other persons. 4242

(B) The clerk of the court in which the petition is filed 4243  
shall docket the petition and bring it promptly to the attention 4244  
of the court. The clerk of the court in which the petition is 4245  
filed immediately shall forward a copy of the petition to the 4246  
prosecuting attorney of that county. 4247

(C) The court shall consider a petition that is timely filed 4248  
under division (A)(2) of this section even if a direct appeal of 4249



the judgment is pending. Before granting a hearing on a petition 4250  
filed under division (A) of this section, the court shall 4251  
determine whether there are substantive grounds for relief. In 4252  
making such a determination, the court shall consider, in addition 4253  
to the petition, the supporting affidavits, and the documentary 4254  
evidence, all the files and records pertaining to the proceedings 4255  
against the petitioner, including, but not limited to, the 4256  
indictment, the court's journal entries, the journalized records 4257  
of the clerk of the court, and the court reporter's transcript. 4258  
The court reporter's transcript, if ordered and certified by the 4259  
court, shall be taxed as court costs. If the court dismisses the 4260  
petition, it shall make and file findings of fact and conclusions 4261  
of law with respect to such dismissal. 4262

(D) Within ten days after the docketing of the petition, or 4263  
within any further time that the court may fix for good cause 4264  
shown, the prosecuting attorney shall respond by answer or motion. 4265  
Within twenty days from the date the issues are raised, either 4266  
party may move for summary judgment. The right to summary judgment 4267  
shall appear on the face of the record. 4268

(E) Unless the petition and the files and records of the case 4269  
show the petitioner is not entitled to relief, the court shall 4270  
proceed to a prompt hearing on the issues even if a direct appeal 4271  
of the case is pending. If the court notifies the parties that it 4272  
has found grounds for granting relief, either party may request an 4273  
appellate court in which a direct appeal of the judgment is 4274  
pending to remand the pending case to the court. 4275

(F) At any time before the answer or motion is filed, the 4276  
petitioner may amend the petition with or without leave or 4277  
prejudice to the proceedings. The petitioner may amend the 4278  
petition with leave of court at any time thereafter. 4279

(G) If the court does not find grounds for granting relief, 4280  
it shall make and file findings of fact and conclusions of law and 4281

shall enter judgment denying relief on the petition. If no direct 4282  
appeal of the case is pending and the court finds grounds for 4283  
relief or if a pending direct appeal of the case has been remanded 4284  
to the court pursuant to a request made pursuant to division (E) 4285  
of this section and the court finds grounds for granting relief, 4286  
it shall make and file findings of fact and conclusions of law and 4287  
shall enter a judgment that vacates and sets aside the judgment in 4288  
question, and, in the case of a petitioner who is a prisoner in 4289  
custody, shall discharge or resentence the petitioner or grant a 4290  
new trial as the court determines appropriate. The court also may 4291  
make supplementary orders to the relief granted, concerning such 4292  
matters as rearraignment, retrial, custody, and bail. If the trial 4293  
court's order granting the petition is reversed on appeal and if 4294  
the direct appeal of the case has been remanded from an appellate 4295  
court pursuant to a request under division (E) of this section, 4296  
the appellate court reversing the order granting the petition 4297  
shall notify the appellate court in which the direct appeal of the 4298  
case was pending at the time of the remand of the reversal and 4299  
remand of the trial court's order. Upon the reversal and remand of 4300  
the trial court's order granting the petition, regardless of 4301  
whether notice is sent or received, the direct appeal of the case 4302  
that was remanded is reinstated. 4303

~~(H) Upon the filing of a petition pursuant to division (A) of 4304  
this section by a person sentenced to death, only the supreme 4305  
court may stay execution of the sentence of death. 4306~~

~~(I)(1) If a person sentenced to death intends to file a 4307  
petition under this section, the court shall appoint counsel to 4308  
represent the person upon a finding that the person is indigent 4309  
and that the person either accepts the appointment of counsel or 4310  
is unable to make a competent decision whether to accept or reject 4311  
the appointment of counsel. The court may decline to appoint 4312  
counsel for the person only upon a finding, after a hearing if 4313~~

~~necessary, that the person rejects the appointment of counsel and 4314  
understands the legal consequences of that decision or upon a 4315  
finding that the person is not indigent. 4316~~

~~(2) The court shall not appoint as counsel under division 4317  
(I)(1) of this section an attorney who represented the petitioner 4318  
at trial in the case to which the petition relates unless the 4319  
person and the attorney expressly request the appointment. The 4320  
court shall appoint as counsel under division (I)(1) of this 4321  
section only an attorney who is certified under Rule 20 of the 4322  
Rules of Superintendence for the Courts of Ohio to represent 4323  
indigent defendants charged with or convicted of an offense for 4324  
which the death penalty can be or has been imposed. The 4325  
ineffectiveness or incompetence of counsel during proceedings 4326  
under this section does not constitute grounds for relief in a 4327  
proceeding under this section, in an appeal of any action under 4328  
this section, or in an application to reopen a direct appeal. 4329~~

~~(3) Division (I) of this section does not preclude attorneys 4330  
who represent the state of Ohio from invoking the provisions of 28 4331  
U.S.C. 154 with respect to capital cases that were pending in 4332  
federal habeas corpus proceedings prior to July 1, 1996, insofar 4333  
as the petitioners in those cases were represented in proceedings 4334  
under this section by one or more counsel appointed by the court 4335  
under this section or section 120.06, 120.16, 120.26, or 120.33 of 4336  
the Revised Code and those appointed counsel meet the requirements 4337  
of division (I)(2) of this section. 4338~~

~~(J) Subject to the appeal of a sentence for a felony that is 4339  
authorized by section 2953.08 of the Revised Code, the remedy set 4340  
forth in this section is the exclusive remedy by which a person 4341  
may bring a collateral challenge to the validity of a conviction 4342  
or sentence in a criminal case or to the validity of an 4343  
adjudication of a child as a delinquent child for the commission 4344  
of an act that would be a criminal offense if committed by an 4345~~

adult or the validity of a related order of disposition. 4346

**Sec. 2953.23.** (A) Whether a hearing is or is not held on a 4347  
petition filed pursuant to section 2953.21 of the Revised Code, a 4348  
court may not entertain a petition filed after the expiration of 4349  
the period prescribed in division (A) of that section or a second 4350  
petition or successive petitions for similar relief on behalf of a 4351  
petitioner unless division (A)(1) or (2) of this section applies: 4352

(1) Both of the following apply: 4353

(a) Either the petitioner shows that the petitioner was 4354  
unavoidably prevented from discovery of the facts upon which the 4355  
petitioner must rely to present the claim for relief, or, 4356  
subsequent to the period prescribed in division (A)(2) of section 4357  
2953.21 of the Revised Code or to the filing of an earlier 4358  
petition, the United States Supreme Court recognized a new federal 4359  
or state right that applies retroactively to persons in the 4360  
petitioner's situation, and the petition asserts a claim based on 4361  
that right. 4362

(b) The petitioner shows by clear and convincing evidence 4363  
that, but for constitutional error at trial, no reasonable 4364  
factfinder would have found the petitioner guilty of the offense 4365  
of which the petitioner was convicted ~~or, if the claim challenges~~ 4366  
~~a sentence of death that, but for constitutional error at the~~ 4367  
~~sentencing hearing, no reasonable factfinder would have found the~~ 4368  
~~petitioner eligible for the death sentence.~~ 4369

(2) The petitioner was convicted of a felony, the petitioner 4370  
is an offender for whom DNA testing was performed under sections 4371  
2953.71 to 2953.81 of the Revised Code or under former section 4372  
2953.82 of the Revised Code and analyzed in the context of and 4373  
upon consideration of all available admissible evidence related to 4374  
the inmate's case as described in division (D) of section 2953.74 4375  
of the Revised Code, and the results of the DNA testing establish, 4376

by clear and convincing evidence, actual innocence of that felony 4377  
offense ~~or, if the person was sentenced to death, establish, by~~ 4378  
~~clear and convincing evidence, actual innocence of the aggravating~~ 4379  
~~circumstance or circumstances the person was found guilty of~~ 4380  
~~committing and that is or are the basis of that sentence of death.~~ 4381

As used in this division, "actual innocence" has the same 4382  
meaning as in division (A)(1)(b) of section 2953.21 of the Revised 4383  
Code, and "former section 2953.82 of the Revised Code" has the 4384  
same meaning as in division (A)(1)(c) of section 2953.21 of the 4385  
Revised Code. 4386

(B) An order awarding or denying relief sought in a petition 4387  
filed pursuant to section 2953.21 of the Revised Code is a final 4388  
judgment and may be appealed pursuant to Chapter 2953. of the 4389  
Revised Code. 4390

**Sec. 2953.71.** As used in sections 2953.71 to 2953.83 of the 4391  
Revised Code: 4392

(A) "Application" or "application for DNA testing" means a 4393  
request through postconviction relief for the state to do DNA 4394  
testing on biological material from the case in which the offender 4395  
was convicted of the offense for which the offender is an eligible 4396  
offender and is requesting the DNA testing under sections 2953.71 4397  
to 2953.81 of the Revised Code. 4398

(B) "Biological material" means any product of a human body 4399  
containing DNA. 4400

(C) "Chain of custody" means a record or other evidence that 4401  
tracks a subject sample of biological material from the time the 4402  
biological material was first obtained until the time it currently 4403  
exists in its place of storage and, in relation to a DNA sample, a 4404  
record or other evidence that tracks the DNA sample from the time 4405  
it was first obtained until it currently exists in its place of 4406

storage. For purposes of this division, examples of when 4407  
biological material or a DNA sample is first obtained include, but 4408  
are not limited to, obtaining the material or sample at the scene 4409  
of a crime, from a victim, from an offender, or in any other 4410  
manner or time as is appropriate in the facts and circumstances 4411  
present. 4412

(D) "Custodial agency" means the group or entity that has the 4413  
responsibility to maintain biological material in question. 4414

(E) "Custodian" means the person who is the primary 4415  
representative of a custodial agency. 4416

(F) "Eligible offender" means an offender who is eligible 4417  
under division (C) of section 2953.72 of the Revised Code to 4418  
request DNA testing to be conducted under sections 2953.71 to 4419  
2953.81 of the Revised Code. 4420

(G) "Exclusion" or "exclusion result" means a result of DNA 4421  
testing that scientifically precludes or forecloses the subject 4422  
offender as a contributor of biological material recovered from 4423  
the crime scene or victim in question, in relation to the offense 4424  
for which the offender is an eligible offender and for which the 4425  
sentence of death or prison term was imposed upon the offender. 4426

(H) "Extracting personnel" means medically approved personnel 4427  
who are employed to physically obtain an offender's DNA specimen 4428  
for purposes of DNA testing under sections 2953.71 to 2953.81 of 4429  
the Revised Code. 4430

(I) "Inclusion" or "inclusion result" means a result of DNA 4431  
testing that scientifically cannot exclude, or that holds 4432  
accountable, the subject offender as a contributor of biological 4433  
material recovered from the crime scene or victim in question, in 4434  
relation to the offense for which the offender is an eligible 4435  
offender and for which the ~~sentence of death or~~ prison term was 4436  
imposed upon the offender. 4437

(J) "Inconclusive" or "inconclusive result" means a result of DNA testing that is rendered when a scientifically appropriate and definitive DNA analysis or result, or both, cannot be determined.

(K) "Offender" means a criminal offender who was sentenced by a court, or by a jury and a court, of this state.

(L) "Outcome determinative" means that had the results of DNA testing of the subject offender been presented at the trial of the subject offender requesting DNA testing and been found relevant and admissible with respect to the felony offense for which the offender is an eligible offender and is requesting the DNA testing, and had those results been analyzed in the context of and upon consideration of all available admissible evidence related to the offender's case as described in division (D) of section 2953.74 of the Revised Code, there is a strong probability that no reasonable factfinder would have found the offender guilty of that offense ~~or, if the offender was sentenced to death relative to that offense, would have found the offender guilty of the aggravating circumstance or circumstances the offender was found guilty of committing and that is or are the basis of that sentence of death.~~

(M) "Parent sample" means the biological material first obtained from a crime scene or a victim of an offense for which an offender is an eligible offender, and from which a sample will be presently taken to do a DNA comparison to the DNA of the subject offender under sections 2953.71 to 2953.81 of the Revised Code.

(N) "Prison" and "community control sanction" have the same meanings as in section 2929.01 of the Revised Code.

(O) "Prosecuting attorney" means the prosecuting attorney who, or whose office, prosecuted the case in which the subject offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing.

(P) "Prosecuting authority" means the prosecuting attorney or the attorney general. 4469  
4470

(Q) "Reasonable diligence" means a degree of diligence that is comparable to the diligence a reasonable person would employ in searching for information regarding an important matter in the person's own life. 4471  
4472  
4473  
4474

(R) "Testing authority" means a laboratory at which DNA testing will be conducted under sections 2953.71 to 2953.81 of the Revised Code. 4475  
4476  
4477

(S) "Parole" and "post-release control" have the same meanings as in section 2967.01 of the Revised Code. 4478  
4479

(T) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 4480  
4481  
4482

(U) "Definitive DNA test" means a DNA test that clearly establishes that biological material from the perpetrator of the crime was recovered from the crime scene and also clearly establishes whether or not the biological material is that of the eligible offender. A prior DNA test is not definitive if the eligible offender proves by a preponderance of the evidence that because of advances in DNA technology there is a possibility of discovering new biological material from the perpetrator that the prior DNA test may have failed to discover. Prior testing may have been a prior "definitive DNA test" as to some biological evidence but may not have been a prior "definitive DNA test" as to other biological evidence. 4483  
4484  
4485  
4486  
4487  
4488  
4489  
4490  
4491  
4492  
4493  
4494

**Sec. 2953.72.** (A) Any eligible offender who wishes to request DNA testing under sections 2953.71 to 2953.81 of the Revised Code shall submit an application for the testing to the court of common pleas specified in section 2953.73 of the Revised Code, on a form 4495  
4496  
4497  
4498



prescribed by the attorney general for this purpose. The eligible 4499  
offender shall submit the application in accordance with the 4500  
procedures set forth in section 2953.73 of the Revised Code. The 4501  
eligible offender shall specify on the application the offense or 4502  
offenses for which the offender is an eligible offender and is 4503  
requesting the DNA testing. Along with the application, the 4504  
eligible offender shall submit an acknowledgment that is on a form 4505  
prescribed by the attorney general for this purpose and that is 4506  
signed by the offender. The acknowledgment shall set forth all of 4507  
the following: 4508

(1) That sections 2953.71 to 2953.81 of the Revised Code 4509  
contemplate applications for DNA testing of an eligible offender 4510  
at a stage of a prosecution or case after the offender has been 4511  
sentenced, that any exclusion or inclusion result of DNA testing 4512  
rendered pursuant to those sections may be used by a party in any 4513  
proceeding as described in section 2953.81 of the Revised Code, 4514  
and that all requests for any DNA testing made at trial will 4515  
continue to be handled by the prosecuting attorney in the case; 4516

(2) That the process of conducting postconviction DNA testing 4517  
for an eligible offender under sections 2953.71 to 2953.81 of the 4518  
Revised Code begins when the offender submits an application under 4519  
section 2953.73 of the Revised Code and the acknowledgment 4520  
described in this section; 4521

(3) That the eligible offender must submit the application 4522  
and acknowledgment to the court of common pleas that heard the 4523  
case in which the offender was convicted of the offense for which 4524  
the offender is an eligible offender and is requesting the DNA 4525  
testing; 4526

(4) That the state has established a set of criteria set 4527  
forth in section 2953.74 of the Revised Code by which eligible 4528  
offender applications for DNA testing will be screened and that a 4529  
judge of a court of common pleas upon receipt of a properly filed 4530

application and accompanying acknowledgment will apply those 4531  
criteria to determine whether to accept or reject the application; 4532

(5) That the results of DNA testing conducted under sections 4533  
2953.71 to 2953.81 of the Revised Code will be provided as 4534  
described in section 2953.81 of the Revised Code to all parties in 4535  
the postconviction proceedings and will be reported to various 4536  
courts; 4537

(6) That, if DNA testing is conducted with respect to an 4538  
offender under sections 2953.71 to 2953.81 of the Revised Code, 4539  
the state will not offer the offender a retest if an inclusion 4540  
result is achieved relative to the testing and that, if the state 4541  
were to offer a retest after an inclusion result, the policy would 4542  
create an atmosphere in which endless testing could occur and in 4543  
which postconviction proceedings could be stalled for many years; 4544

(7) That, if the court rejects an eligible offender's 4545  
application for DNA testing because the offender does not satisfy 4546  
the acceptance criteria described in division (A)(4) of this 4547  
section, the court will not accept or consider subsequent 4548  
applications; 4549

(8) That the acknowledgment memorializes the provisions of 4550  
sections 2953.71 to 2953.81 of the Revised Code with respect to 4551  
the application of postconviction DNA testing to offenders, that 4552  
those provisions do not give any offender any additional 4553  
constitutional right that the offender did not already have, that 4554  
the court has no duty or obligation to provide postconviction DNA 4555  
testing to offenders, that the court of common pleas has the sole 4556  
discretion subject to an appeal as described in this division to 4557  
determine whether an offender is an eligible offender and whether 4558  
an eligible offender's application for DNA testing satisfies the 4559  
acceptance criteria described in division (A)(4) of this section 4560  
and whether the application should be accepted or rejected, that 4561  
if the court of common pleas rejects an eligible offender's 4562

application, the offender may ~~seek leave of the supreme court to~~ 4563  
~~appeal the rejection to that court if the offender was sentenced~~ 4564  
~~to death for the offense for which the offender is requesting the~~ 4565  
~~DNA testing and, if the offender was not sentenced to death for~~ 4566  
~~that offense, may~~ appeal the rejection to the court of appeals, 4567  
and that no determination otherwise made by the court of common 4568  
pleas in the exercise of its discretion regarding the eligibility 4569  
of an offender or regarding postconviction DNA testing under those 4570  
provisions is reviewable by or appealable to any court; 4571

(9) That the manner in which sections 2953.71 to 2953.81 of 4572  
the Revised Code with respect to the offering of postconviction 4573  
DNA testing to offenders are carried out does not confer any 4574  
constitutional right upon any offender, that the state has 4575  
established guidelines and procedures relative to those provisions 4576  
to ensure that they are carried out with both justice and 4577  
efficiency in mind, and that an offender who participates in any 4578  
phase of the mechanism contained in those provisions, including, 4579  
but not limited to, applying for DNA testing and being rejected, 4580  
having an application for DNA testing accepted and not receiving 4581  
the test, or having DNA testing conducted and receiving 4582  
unfavorable results, does not gain as a result of the 4583  
participation any constitutional right to challenge, or, except as 4584  
provided in division (A)(8) of this section, any right to any 4585  
review or appeal of, the manner in which those provisions are 4586  
carried out; 4587

(10) That the most basic aspect of sections 2953.71 to 4588  
2953.81 of the Revised Code is that, in order for DNA testing to 4589  
occur, there must be an offender sample against which other 4590  
evidence may be compared, that, if an eligible offender's 4591  
application is accepted but the offender subsequently refuses to 4592  
submit to the collection of the sample of biological material from 4593  
the offender or hinders the state from obtaining a sample of 4594

biological material from the offender, the goal of those 4595  
provisions will be frustrated, and that an offender's refusal or 4596  
hindrance shall cause the court to rescind its prior acceptance of 4597  
the application for DNA testing for the offender and deny the 4598  
application. 4599

(B) The attorney general shall prescribe a form to be used to 4600  
make an application for DNA testing under division (A) of this 4601  
section and section 2953.73 of the Revised Code and a form to be 4602  
used to provide the acknowledgment described in division (A) of 4603  
this section. The forms shall include all information described in 4604  
division (A) of this section, spaces for an offender to insert all 4605  
information necessary to complete the forms, including, but not 4606  
limited to, specifying the offense or offenses for which the 4607  
offender is an eligible offender and is requesting the DNA 4608  
testing, and any other information or material the attorney 4609  
general determines is necessary or relevant. The attorney general 4610  
shall distribute copies of the prescribed forms to the department 4611  
of rehabilitation and correction, the department shall ensure that 4612  
each prison in which offenders are housed has a supply of copies 4613  
of the forms, and the department shall ensure that copies of the 4614  
forms are provided free of charge to any offender who requests 4615  
them. 4616

(C)(1) An offender is eligible to request DNA testing to be 4617  
conducted under sections 2953.71 to 2953.81 of the Revised Code 4618  
only if all of the following apply: 4619

(a) The offense for which the offender claims to be an 4620  
eligible offender is a felony, and the offender was convicted by a 4621  
judge or jury of that offense. 4622

(b) One of the following applies: 4623

(i) The offender was sentenced to a prison term ~~or sentence~~ 4624  
~~of death~~ for the felony described in division (C)(1)(a) of this 4625

section, and the offender is in prison serving that prison term ~~or~~ 4626  
~~under that sentence of death~~, has been paroled or is on probation 4627  
regarding that felony, is under post-release control regarding 4628  
that felony, or has been released from that prison term and is 4629  
under a community control sanction regarding that felony. 4630

(ii) The offender was not sentenced to a prison term ~~or~~ 4631  
~~sentence of death~~ for the felony described in division (C)(1)(a) 4632  
of this section, but was sentenced to a community control sanction 4633  
for that felony and is under that community control sanction. 4634

(iii) The felony described in division (C)(1)(a) of this 4635  
section was a sexually oriented offense or child-victim oriented 4636  
offense, and the offender has a duty to comply with sections 4637  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 4638  
relative to that felony. 4639

(2) An offender is not an eligible offender under division 4640  
(C)(1) of this section regarding any offense to which the offender 4641  
pleaded guilty or no contest. 4642

(3) An offender is not an eligible offender under division 4643  
(C)(1) of this section regarding any offense if the offender dies 4644  
prior to submitting an application for DNA testing related to that 4645  
offense under section 2953.73 of the Revised Code. 4646

**Sec. 2953.81.** If an eligible offender submits an application 4647  
for DNA testing under section 2953.73 of the Revised Code and if 4648  
DNA testing is performed based on that application, upon 4649  
completion of the testing, all of the following apply: 4650

(A) The court or a designee of the court shall require the 4651  
state to maintain the results of the testing and to maintain and 4652  
preserve both the parent sample of the biological material used 4653  
and the offender sample of the biological material used. The 4654  
testing authority may be designated as the person to maintain the 4655

results of the testing or to maintain and preserve some or all of 4656  
the samples, or both. The results of the testing remain state's 4657  
evidence. The samples shall be preserved during the entire period 4658  
of time for which the offender is imprisoned or confined relative 4659  
to the sentence in question, is on parole or probation relative to 4660  
that sentence, is under post-release control or a community 4661  
control sanction relative to that sentence, or has a duty to 4662  
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 4663  
the Revised Code relative to that sentence. Additionally, if the 4664  
prison term or confinement under the sentence in question expires, 4665  
~~if the sentence in question is a sentence of death and the~~ 4666  
~~offender is executed,~~ or if the parole or probation period, the 4667  
period of post-release control, the community control sanction, or 4668  
the duty to comply with sections 2950.04, 2950.041, 2950.05, and 4669  
2950.06 of the Revised Code under the sentence in question ends, 4670  
the samples shall be preserved for a reasonable period of time of 4671  
not less than twenty-four months after the term or confinement 4672  
expires, ~~the offender is executed,~~ or the parole or probation 4673  
period, the period of post-release control, the community control 4674  
sanction, or the duty to comply with sections 2950.04, 2950.041, 4675  
2950.05, and 2950.06 of the Revised Code ends, whichever is 4676  
applicable. The court shall determine the period of time that is 4677  
reasonable for purposes of this division, provided that the period 4678  
shall not be less than twenty-four months after the term or 4679  
confinement expires, ~~the offender is executed,~~ or the parole or 4680  
probation period, the period of post-release control, the 4681  
community control sanction, or the duty to comply with sections 4682  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code ends, 4683  
whichever is applicable. 4684

(B) The results of the testing are a public record. 4685

(C) The court or the testing authority shall provide a copy 4686  
of the results of the testing to the prosecuting attorney, the 4687

attorney general, and the subject offender. 4688

(D) If the postconviction proceeding in question is pending 4689  
at that time in a court of this state, the court of common pleas 4690  
that decided the DNA application or the testing authority shall 4691  
provide a copy of the results of the testing to any court of this 4692  
state, and, if it is pending in a federal court, the court of 4693  
common pleas that decided the DNA application or the testing 4694  
authority shall provide a copy of the results of the testing to 4695  
that federal court. 4696

(E) The testing authority shall provide a copy of the results 4697  
of the testing to the court of common pleas that decided the DNA 4698  
application. 4699

(F) The offender or the state may enter the results of the 4700  
testing into any proceeding. 4701

**Sec. 2967.05.** (A) As used in this section: 4702

(1) "Imminent danger of death" means that the inmate has a 4703  
medically diagnosable condition that will cause death to occur 4704  
within a short period of time. 4705

As used in division (A)(1) of this section, "within a short 4706  
period of time" means generally within six months. 4707

(2)(a) "Medically incapacitated" means any diagnosable 4708  
medical condition, including mental dementia and severe, permanent 4709  
medical or cognitive disability, that prevents the inmate from 4710  
completing activities of daily living without significant 4711  
assistance, that incapacitates the inmate to the extent that 4712  
institutional confinement does not offer additional restrictions, 4713  
that is likely to continue throughout the entire period of parole, 4714  
and that is unlikely to improve noticeably. 4715

(b) "Medically incapacitated" does not include conditions 4716  
related solely to mental illness unless the mental illness is 4717

accompanied by injury, disease, or organic defect. 4718

(3)(a) "Terminal illness" means a condition that satisfies 4719  
all of the following criteria: 4720

(i) The condition is irreversible and incurable and is caused 4721  
by disease, illness, or injury from which the inmate is unlikely 4722  
to recover. 4723

(ii) In accordance with reasonable medical standards and a 4724  
reasonable degree of medical certainty, the condition is likely to 4725  
cause death to the inmate within twelve months. 4726

(iii) Institutional confinement of the inmate does not offer 4727  
additional protections for public safety or against the inmate's 4728  
risk to reoffend. 4729

(b) The department of rehabilitation and correction shall 4730  
adopt rules pursuant to Chapter 119. of the Revised Code to 4731  
implement the definition of "terminal illness" in division 4732  
(A)(3)(a) of this section. 4733

(B) Upon the recommendation of the director of rehabilitation 4734  
and correction, accompanied by a certificate of the attending 4735  
physician that an inmate is terminally ill, medically 4736  
incapacitated, or in imminent danger of death, the governor may 4737  
order the inmate's release as if on parole, reserving the right to 4738  
return the inmate to the institution pursuant to this section. If, 4739  
subsequent to the inmate's release, the inmate's health improves 4740  
so that the inmate is no longer terminally ill, medically 4741  
incapacitated, or in imminent danger of death, the inmate shall be 4742  
returned, by order of the governor, to the institution from which 4743  
the inmate was released. If the inmate violates any rules or 4744  
conditions applicable to the inmate, the inmate may be returned to 4745  
an institution under the control of the department of 4746  
rehabilitation and correction. The governor may direct the adult 4747  
parole authority to investigate or cause to be investigated the 4748



inmate and make a recommendation in the manner set forth in 4749  
section 2967.03 of the Revised Code. An inmate released under this 4750  
section shall be subject to supervision by the adult parole 4751  
authority in accordance with any recommendation of the adult 4752  
parole authority that is approved by the governor. The adult 4753  
parole authority shall adopt rules pursuant to section 119.03 of 4754  
the Revised Code to establish the procedure for medical release of 4755  
an inmate when an inmate is terminally ill, medically 4756  
incapacitated, or in imminent danger of death. 4757

(C) No inmate is eligible for release under this section if 4758  
the inmate is serving ~~a death sentence~~, a sentence of life without 4759  
parole, a sentence under Chapter 2971. of the Revised Code for a 4760  
felony of the first or second degree, a sentence for aggravated 4761  
murder or murder, or a mandatory prison term for an offense of 4762  
violence or any specification described in Chapter 2941. of the 4763  
Revised Code. 4764

**Sec. 2967.13.** (A) Except as provided in division (G) of this 4765  
section, a prisoner serving a sentence of imprisonment for life 4766  
for an offense committed on or after July 1, 1996, is not entitled 4767  
to any earned credit under section 2967.193 of the Revised Code 4768  
and becomes eligible for parole as follows: 4769

(1) If a sentence of imprisonment for life was imposed for 4770  
the offense of murder, at the expiration of the prisoner's minimum 4771  
term; 4772

(2) If a sentence of imprisonment for life with parole 4773  
eligibility after serving twenty years of imprisonment was imposed 4774  
pursuant to section 2929.02 or former section 2929.022 or 2929.03 4775  
of the Revised Code, after serving a term of twenty years; 4776

(3) If a sentence of imprisonment for life with parole 4777  
eligibility after serving twenty-five full years of imprisonment 4778  
was imposed pursuant to former section 2929.022 or 2929.03 of the 4779

Revised Code, after serving a term of twenty-five full years; 4780

(4) If a sentence of imprisonment for life with parole 4781  
eligibility after serving thirty full years of imprisonment was 4782  
imposed pursuant to section 2929.02 or former section 2929.022 or 4783  
2929.03 of the Revised Code, after serving a term of thirty full 4784  
years; 4785

(5) If a sentence of imprisonment for life was imposed for 4786  
rape, after serving a term of ten full years' imprisonment; 4787

(6) If a sentence of imprisonment for life with parole 4788  
eligibility after serving fifteen years of imprisonment was 4789  
imposed for a violation of section 2927.24 of the Revised Code, 4790  
after serving a term of fifteen years. 4791

(B) Except as provided in division (G) of this section, a 4792  
prisoner serving a sentence of imprisonment for life with parole 4793  
eligibility after serving twenty years of imprisonment or a 4794  
sentence of imprisonment for life with parole eligibility after 4795  
serving twenty-five full years or thirty full years of 4796  
imprisonment imposed pursuant to section 2929.02 or former section 4797  
2929.022 or 2929.03 of the Revised Code for an offense committed 4798  
on or after July 1, 1996, consecutively to any other term of 4799  
imprisonment, becomes eligible for parole after serving twenty 4800  
years, twenty full years, or thirty full years, as applicable, as 4801  
to each such sentence of life imprisonment, which shall not be 4802  
reduced for earned credits under section 2967.193 of the Revised 4803  
Code, plus the term or terms of the other sentences consecutively 4804  
imposed or, if one of the other sentences is another type of life 4805  
sentence with parole eligibility, the number of years before 4806  
parole eligibility for that sentence. 4807

(C) Except as provided in division (G) of this section, a 4808  
prisoner serving consecutively two or more sentences in which an 4809  
indefinite term of imprisonment is imposed becomes eligible for 4810

parole upon the expiration of the aggregate of the minimum terms 4811  
of the sentences. 4812

(D) Except as provided in division (G) of this section, a 4813  
prisoner serving a term of imprisonment who is described in 4814  
division (A) of section 2967.021 of the Revised Code becomes 4815  
eligible for parole as described in that division or, if the 4816  
prisoner is serving a definite term of imprisonment, shall be 4817  
released as described in that division. 4818

(E) A prisoner serving a sentence of life imprisonment 4819  
without parole imposed pursuant to section 2907.02 or 2929.02 or 4820  
former section 2929.03 or 2929.06 of the Revised Code is not 4821  
eligible for parole and shall be imprisoned until death. 4822

(F) A prisoner serving a stated prison term shall be released 4823  
in accordance with section 2967.28 of the Revised Code. 4824

(G) A prisoner serving a prison term or term of life 4825  
imprisonment without parole imposed pursuant to section 2971.03 of 4826  
the Revised Code never becomes eligible for parole during that 4827  
term of imprisonment. 4828

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 4829  
this section and subject to the maximum aggregate total specified 4830  
in division (A)(2) of this section, a person confined in a state 4831  
correctional institution may provisionally earn one day or five 4832  
days of credit, based on the category set forth in division 4833  
(D)(1), (2), (3), (4), or (5) of this section in which the person 4834  
is included, toward satisfaction of the person's stated prison 4835  
term for each completed month during which the person productively 4836  
participates in an education program, vocational training, 4837  
employment in prison industries, treatment for substance abuse, or 4838  
any other constructive program developed by the department with 4839  
specific standards for performance by prisoners. Except as 4840  
provided in division (C) of this section and subject to the 4841

maximum aggregate total specified in division (A)(2) of this 4842  
section, a person so confined who successfully completes two 4843  
programs or activities of that type may, in addition, 4844  
provisionally earn up to five days of credit toward satisfaction 4845  
of the person's stated prison term for the successful completion 4846  
of the second program or activity. The person shall not be awarded 4847  
any provisional days of credit for the successful completion of 4848  
the first program or activity or for the successful completion of 4849  
any program or activity that is completed after the second program 4850  
or activity. At the end of each calendar month in which a prisoner 4851  
productively participates in a program or activity listed in this 4852  
division or successfully completes a program or activity listed in 4853  
this division, the department of rehabilitation and correction 4854  
shall determine and record the total number of days credit that 4855  
the prisoner provisionally earned in that calendar month. If the 4856  
prisoner violates prison rules, the department may deny the 4857  
prisoner a credit that otherwise could have been provisionally 4858  
awarded to the prisoner or may withdraw one or more credits 4859  
previously provisionally earned by the prisoner. Days of credit 4860  
provisionally earned by a prisoner shall be finalized and awarded 4861  
by the department subject to administrative review by the 4862  
department of the prisoner's conduct. 4863

(2) The aggregate days of credit provisionally earned by a 4864  
person for program or activity participation and program and 4865  
activity completion under this section and the aggregate days of 4866  
credit finally credited to a person under this section shall not 4867  
exceed eight per cent of the total number of days in the person's 4868  
stated prison term. 4869

(B) The department of rehabilitation and correction shall 4870  
adopt rules that specify the programs or activities for which 4871  
credit may be earned under this section, the criteria for 4872  
determining productive participation in, or completion of, the 4873

programs or activities and the criteria for awarding credit, 4874  
including criteria for awarding additional credit for successful 4875  
program or activity completion, and the criteria for denying or 4876  
withdrawing previously provisionally earned credit as a result of 4877  
a violation of prison rules. 4878

(C) No person confined in a state correctional institution to 4879  
whom any of the following applies shall be awarded any days of 4880  
credit under division (A) of this section: 4881

(1) The person is serving a prison term that section 2929.13 4882  
or section 2929.14 of the Revised Code specifies cannot be reduced 4883  
pursuant to this section or this ~~Chapter~~ chapter or is serving a 4884  
sentence for which section 2967.13 or division (B) of section 4885  
2929.143 of the Revised Code specifies that the person is not 4886  
entitled to any earned credit under this section. 4887

(2) The person is ~~sentenced to death or is~~ serving a prison 4888  
term or a term of life imprisonment for aggravated murder, murder, 4889  
or a conspiracy or attempt to commit, or complicity in committing, 4890  
aggravated murder or murder. 4891

(3) The person is serving a sentence of life imprisonment 4892  
without parole imposed pursuant to section 2929.02 or former 4893  
section 2929.03 or 2929.06 of the Revised Code, a prison term or a 4894  
term of life imprisonment without parole imposed pursuant to 4895  
section 2971.03 of the Revised Code, or a sentence for a sexually 4896  
oriented offense that was committed on or after ~~the effective date~~ 4897  
~~of this amendment~~ September 30, 2011. 4898

(D) This division does not apply to a determination of 4899  
whether a person confined in a state correctional institution may 4900  
earn any days of credit under division (A) of this section for 4901  
successful completion of a second program or activity. The 4902  
determination of whether a person confined in a state correctional 4903  
institution may earn one day of credit or five days of credit 4904

under division (A) of this section for each completed month during 4905  
which the person productively participates in a program or 4906  
activity specified under that division shall be made in accordance 4907  
with the following: 4908

(1) The offender may earn one day of credit under division 4909  
(A) of this section, except as provided in division (C) of this 4910  
section, if the most serious offense for which the offender is 4911  
confined is any of the following that is a felony of the first or 4912  
second degree: 4913

(a) A violation of division (A) of section 2903.04 or of 4914  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 4915  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 4916  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 4917  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 4918  
of the Revised Code; 4919

(b) A conspiracy or attempt to commit, or complicity in 4920  
committing, any other offense for which the maximum penalty is 4921  
imprisonment for life or any offense listed in division (D)(1)(a) 4922  
of this section. 4923

(2) The offender may earn one day of credit under division 4924  
(A) of this section, except as provided in division (C) of this 4925  
section, if the offender is serving a stated prison term that 4926  
includes a prison term imposed for a sexually oriented offense 4927  
that the offender committed prior to ~~the effective date of this~~ 4928  
~~amendment~~ September 30, 2011. 4929

(3) The offender may earn one day of credit under division 4930  
(A) of this section, except as provided in division (C) of this 4931  
section, if the offender is serving a stated prison term that 4932  
includes a prison term imposed for a felony other than carrying a 4933  
concealed weapon an essential element of which is any conduct or 4934  
failure to act expressly involving any deadly weapon or dangerous 4935

ordnance. 4936

(4) Except as provided in division (C) of this section, if 4937  
the most serious offense for which the offender is confined is a 4938  
felony of the first or second degree and divisions (D)(1), (2), 4939  
and (3) of this section do not apply to the offender, the offender 4940  
may earn one day of credit under division (A) of this section if 4941  
the offender committed that offense prior to ~~the effective date of~~ 4942  
~~this amendment~~ September 30, 2011, and the offender may earn five 4943  
days of credit under division (A) of this section if the offender 4944  
committed that offense on or after ~~the effective date of this~~ 4945  
~~amendment~~ September 30, 2011. 4946

(5) Except as provided in division (C) of this section, if 4947  
the most serious offense for which the offender is confined is a 4948  
felony of the third, fourth, or fifth degree or an unclassified 4949  
felony and neither division (D)(2) nor (3) of this section applies 4950  
to the offender, the offender may earn one day of credit under 4951  
division (A) of this section if the offender committed that 4952  
offense prior to ~~the effective date of this amendment~~ September 4953  
30, 2011, and the offender may earn five days of credit under 4954  
division (A) of this section if the offender committed that 4955  
offense on or after ~~the effective date of this amendment~~ September 4956  
30, 2011. 4957

(E) If a court imposes a sentence including a prison term on 4958  
or after ~~the effective date of this amendment~~ September 30, 2011, 4959  
for a felony, and if the court is required to include notice of 4960  
the type described in division (F)(3) of section 2929.14 of the 4961  
Revised Code in the offender's sentence, the failure of the court 4962  
to include the notice does not affect the eligibility of the 4963  
offender under this section to earn any days of credit as a 4964  
deduction from the offender's stated prison term or otherwise 4965  
render any part of this section or any action taken under this 4966  
section void or voidable and does not constitute grounds for 4967

setting aside the offender's conviction or sentence or for 4968  
granting postconviction relief to the offender. 4969

(F) The department annually shall seek and consider the 4970  
written feedback of the Ohio prosecuting attorneys association, 4971  
the Ohio judicial conference, the Ohio public defender, the Ohio 4972  
association of criminal defense lawyers, and other organizations 4973  
and associations that have an interest in the operation of the 4974  
corrections system and the earned credits program under this 4975  
section as part of its evaluation of the program and in 4976  
determining whether to modify the program. 4977

(G) As used in this section, "sexually oriented offense" has 4978  
the same meaning as in section 2950.01 of the Revised Code. 4979

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 4980  
section 2929.14, section 2929.02, ~~2929.03, 2929.06,~~ 2929.13, or 4981  
another section of the Revised Code, other than divisions (B) and 4982  
(C) of section 2929.14 of the Revised Code, that authorizes or 4983  
requires a specified prison term or a mandatory prison term for a 4984  
person who is convicted of or pleads guilty to a felony or that 4985  
specifies the manner and place of service of a prison term or term 4986  
of imprisonment, the court shall impose a sentence upon a person 4987  
who is convicted of or pleads guilty to a violent sex offense and 4988  
who also is convicted of or pleads guilty to a sexually violent 4989  
predator specification that was included in the indictment, count 4990  
in the indictment, or information charging that offense, and upon 4991  
a person who is convicted of or pleads guilty to a designated 4992  
homicide, assault, or kidnapping offense and also is convicted of 4993  
or pleads guilty to both a sexual motivation specification and a 4994  
sexually violent predator specification that were included in the 4995  
indictment, count in the indictment, or information charging that 4996  
offense, as follows: 4997

(1) If the offense for which the sentence is being imposed is 4998



~~aggravated murder and if the court does not impose upon the 4999  
offender a sentence of death, it shall impose upon the offender a 5000  
term of life imprisonment without parole. If the court sentences 5001  
the offender to death and the sentence of death is vacated, 5002  
overturned, or otherwise set aside, the court shall impose upon 5003  
the offender a term of life imprisonment without parole. 5004~~

(2) If the offense for which the sentence is being imposed is 5005  
murder; or if the offense is rape committed in violation of 5006  
division (A)(1)(b) of section 2907.02 of the Revised Code when the 5007  
offender purposely compelled the victim to submit by force or 5008  
threat of force, when the victim was less than ten years of age, 5009  
when the offender previously has been convicted of or pleaded 5010  
guilty to either rape committed in violation of that division or a 5011  
violation of an existing or former law of this state, another 5012  
state, or the United States that is substantially similar to 5013  
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 5014  
the offender during or immediately after the commission of the 5015  
rape caused serious physical harm to the victim; or if the offense 5016  
is an offense other than aggravated murder or murder for which a 5017  
term of life imprisonment may be imposed, it shall impose upon the 5018  
offender a term of life imprisonment without parole. 5019

(3)(a) Except as otherwise provided in division (A)(3)(b), 5020  
(c), (d), or (e) or (A)(4) of this section, if the offense for 5021  
which the sentence is being imposed is an offense other than 5022  
aggravated murder, murder, or rape and other than an offense for 5023  
which a term of life imprisonment may be imposed, it shall impose 5024  
an indefinite prison term consisting of a minimum term fixed by 5025  
the court from among the range of terms available as a definite 5026  
term for the offense, but not less than two years, and a maximum 5027  
term of life imprisonment. 5028

(b) Except as otherwise provided in division (A)(4) of this 5029  
section, if the offense for which the sentence is being imposed is 5030

kidnapping that is a felony of the first degree, it shall impose 5031  
an indefinite prison term as follows: 5032

(i) If the kidnapping is committed on or after January 1, 5033  
2008, and the victim of the offense is less than thirteen years of 5034  
age, except as otherwise provided in this division, it shall 5035  
impose an indefinite prison term consisting of a minimum term of 5036  
fifteen years and a maximum term of life imprisonment. If the 5037  
kidnapping is committed on or after January 1, 2008, the victim of 5038  
the offense is less than thirteen years of age, and the offender 5039  
released the victim in a safe place unharmed, it shall impose an 5040  
indefinite prison term consisting of a minimum term of ten years 5041  
and a maximum term of life imprisonment. 5042

(ii) If the kidnapping is committed prior to January 1, 2008, 5043  
or division (A)(3)(b)(i) of this section does not apply, it shall 5044  
impose an indefinite term consisting of a minimum term fixed by 5045  
the court that is not less than ten years and a maximum term of 5046  
life imprisonment. 5047

(c) Except as otherwise provided in division (A)(4) of this 5048  
section, if the offense for which the sentence is being imposed is 5049  
kidnapping that is a felony of the second degree, it shall impose 5050  
an indefinite prison term consisting of a minimum term fixed by 5051  
the court that is not less than eight years, and a maximum term of 5052  
life imprisonment. 5053

(d) Except as otherwise provided in division (A)(4) of this 5054  
section, if the offense for which the sentence is being imposed is 5055  
rape for which a term of life imprisonment is not imposed under 5056  
division (A)(2) of this section or division (B) of section 2907.02 5057  
of the Revised Code, it shall impose an indefinite prison term as 5058  
follows: 5059

(i) If the rape is committed on or after January 2, 2007, in 5060  
violation of division (A)(1)(b) of section 2907.02 of the Revised 5061

Code, it shall impose an indefinite prison term consisting of a 5062  
minimum term of twenty-five years and a maximum term of life 5063  
imprisonment. 5064

(ii) If the rape is committed prior to January 2, 2007, or 5065  
the rape is committed on or after January 2, 2007, other than in 5066  
violation of division (A)(1)(b) of section 2907.02 of the Revised 5067  
Code, it shall impose an indefinite prison term consisting of a 5068  
minimum term fixed by the court that is not less than ten years, 5069  
and a maximum term of life imprisonment. 5070

(e) Except as otherwise provided in division (A)(4) of this 5071  
section, if the offense for which sentence is being imposed is 5072  
attempted rape, it shall impose an indefinite prison term as 5073  
follows: 5074

(i) Except as otherwise provided in division (A)(3)(e)(ii), 5075  
(iii), or (iv) of this section, it shall impose an indefinite 5076  
prison term pursuant to division (A)(3)(a) of this section. 5077

(ii) If the attempted rape for which sentence is being 5078  
imposed was committed on or after January 2, 2007, and if the 5079  
offender also is convicted of or pleads guilty to a specification 5080  
of the type described in section 2941.1418 of the Revised Code, it 5081  
shall impose an indefinite prison term consisting of a minimum 5082  
term of five years and a maximum term of twenty-five years. 5083

(iii) If the attempted rape for which sentence is being 5084  
imposed was committed on or after January 2, 2007, and if the 5085  
offender also is convicted of or pleads guilty to a specification 5086  
of the type described in section 2941.1419 of the Revised Code, it 5087  
shall impose an indefinite prison term consisting of a minimum 5088  
term of ten years and a maximum of life imprisonment. 5089

(iv) If the attempted rape for which sentence is being 5090  
imposed was committed on or after January 2, 2007, and if the 5091  
offender also is convicted of or pleads guilty to a specification 5092

of the type described in section 2941.1420 of the Revised Code, it 5093  
shall impose an indefinite prison term consisting of a minimum 5094  
term of fifteen years and a maximum of life imprisonment. 5095

(4) For any offense for which the sentence is being imposed, 5096  
if the offender previously has been convicted of or pleaded guilty 5097  
to a violent sex offense and also to a sexually violent predator 5098  
specification that was included in the indictment, count in the 5099  
indictment, or information charging that offense, or previously 5100  
has been convicted of or pleaded guilty to a designated homicide, 5101  
assault, or kidnapping offense and also to both a sexual 5102  
motivation specification and a sexually violent predator 5103  
specification that were included in the indictment, count in the 5104  
indictment, or information charging that offense, it shall impose 5105  
upon the offender a term of life imprisonment without parole. 5106

(B)(1) Notwithstanding section 2929.13, division (A) or (D) 5107  
of section 2929.14, or another section of the Revised Code other 5108  
than division (B) of section 2907.02 or divisions (B) and (C) of 5109  
section 2929.14 of the Revised Code that authorizes or requires a 5110  
specified prison term or a mandatory prison term for a person who 5111  
is convicted of or pleads guilty to a felony or that specifies the 5112  
manner and place of service of a prison term or term of 5113  
imprisonment, if a person is convicted of or pleads guilty to a 5114  
violation of division (A)(1)(b) of section 2907.02 of the Revised 5115  
Code committed on or after January 2, 2007, if division (A) of 5116  
this section does not apply regarding the person, and if the court 5117  
does not impose a sentence of life without parole when authorized 5118  
pursuant to division (B) of section 2907.02 of the Revised Code, 5119  
the court shall impose upon the person an indefinite prison term 5120  
consisting of one of the following: 5121

(a) Except as otherwise required in division (B)(1)(b) or (c) 5122  
of this section, a minimum term of ten years and a maximum term of 5123  
life imprisonment. 5124

(b) If the victim was less than ten years of age, a minimum 5125  
term of fifteen years and a maximum of life imprisonment. 5126

(c) If the offender purposely compels the victim to submit by 5127  
force or threat of force, or if the offender previously has been 5128  
convicted of or pleaded guilty to violating division (A)(1)(b) of 5129  
section 2907.02 of the Revised Code or to violating an existing or 5130  
former law of this state, another state, or the United States that 5131  
is substantially similar to division (A)(1)(b) of that section, or 5132  
if the offender during or immediately after the commission of the 5133  
offense caused serious physical harm to the victim, a minimum term 5134  
of twenty-five years and a maximum of life imprisonment. 5135

(2) Notwithstanding section 2929.13, division (A) or (D) of 5136  
section 2929.14, or another section of the Revised Code other than 5137  
divisions (B) and (C) of section 2929.14 of the Revised Code that 5138  
authorizes or requires a specified prison term or a mandatory 5139  
prison term for a person who is convicted of or pleads guilty to a 5140  
felony or that specifies the manner and place of service of a 5141  
prison term or term of imprisonment and except as otherwise 5142  
provided in division (B) of section 2907.02 of the Revised Code, 5143  
if a person is convicted of or pleads guilty to attempted rape 5144  
committed on or after January 2, 2007, and if division (A) of this 5145  
section does not apply regarding the person, the court shall 5146  
impose upon the person an indefinite prison term consisting of one 5147  
of the following: 5148

(a) If the person also is convicted of or pleads guilty to a 5149  
specification of the type described in section 2941.1418 of the 5150  
Revised Code, the court shall impose upon the person an indefinite 5151  
prison term consisting of a minimum term of five years and a 5152  
maximum term of twenty-five years. 5153

(b) If the person also is convicted of or pleads guilty to a 5154  
specification of the type described in section 2941.1419 of the 5155  
Revised Code, the court shall impose upon the person an indefinite 5156

prison term consisting of a minimum term of ten years and a 5157  
maximum term of life imprisonment. 5158

(c) If the person also is convicted of or pleads guilty to a 5159  
specification of the type described in section 2941.1420 of the 5160  
Revised Code, the court shall impose upon the person an indefinite 5161  
prison term consisting of a minimum term of fifteen years and a 5162  
maximum term of life imprisonment. 5163

(3) Notwithstanding section 2929.13, division (A) or (D) of 5164  
section 2929.14, or another section of the Revised Code other than 5165  
divisions (B) and (C) of section 2929.14 of the Revised Code that 5166  
authorizes or requires a specified prison term or a mandatory 5167  
prison term for a person who is convicted of or pleads guilty to a 5168  
felony or that specifies the manner and place of service of a 5169  
prison term or term of imprisonment, if a person is convicted of 5170  
or pleads guilty to an offense described in division (B)(3)(a), 5171  
(b), (c), or (d) of this section committed on or after January 1, 5172  
2008, if the person also is convicted of or pleads guilty to a 5173  
sexual motivation specification that was included in the 5174  
indictment, count in the indictment, or information charging that 5175  
offense, and if division (A) of this section does not apply 5176  
regarding the person, the court shall impose upon the person an 5177  
indefinite prison term consisting of one of the following: 5178

(a) An indefinite prison term consisting of a minimum of ten 5179  
years and a maximum term of life imprisonment if the offense for 5180  
which the sentence is being imposed is kidnapping, the victim of 5181  
the offense is less than thirteen years of age, and the offender 5182  
released the victim in a safe place unharmed; 5183

(b) An indefinite prison term consisting of a minimum of 5184  
fifteen years and a maximum term of life imprisonment if the 5185  
offense for which the sentence is being imposed is kidnapping when 5186  
the victim of the offense is less than thirteen years of age and 5187  
division (B)(3)(a) of this section does not apply; 5188

(c) An indefinite term consisting of a minimum of thirty 5189  
years and a maximum term of life imprisonment if the offense for 5190  
which the sentence is being imposed is aggravated murder, when the 5191  
victim of the offense is less than thirteen years of age, a 5192  
sentence of ~~death or~~ life imprisonment without parole is not 5193  
imposed for the offense, and division ~~(A)(2)(b)(ii) of section~~ 5194  
~~2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii),~~ 5195  
~~(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or~~ 5196  
~~division (A) or (B)(C) of section 2929.06~~ 2929.02 of the Revised 5197  
Code requires that the sentence for the offense be imposed 5198  
pursuant to this division; 5199

(d) An indefinite prison term consisting of a minimum of 5200  
thirty years and a maximum term of life imprisonment if the 5201  
offense for which the sentence is being imposed is murder when the 5202  
victim of the offense is less than thirteen years of age. 5203

(C)(1) If the offender is sentenced to a prison term pursuant 5204  
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 5205  
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 5206  
board shall have control over the offender's service of the term 5207  
during the entire term unless the parole board terminates its 5208  
control in accordance with section 2971.04 of the Revised Code. 5209

(2) Except as provided in division (C)(3) of this section, an 5210  
offender sentenced to a prison term or term of life imprisonment 5211  
without parole pursuant to division (A) of this section shall 5212  
serve the entire prison term or term of life imprisonment in a 5213  
state correctional institution. The offender is not eligible for 5214  
judicial release under section 2929.20 of the Revised Code. 5215

(3) For a prison term imposed pursuant to division (A)(3), 5216  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 5217  
(c), or (d) of this section, the court, in accordance with section 5218  
2971.05 of the Revised Code, may terminate the prison term or 5219  
modify the requirement that the offender serve the entire term in 5220

a state correctional institution if all of the following apply: 5221

(a) The offender has served at least the minimum term imposed 5222  
as part of that prison term. 5223

(b) The parole board, pursuant to section 2971.04 of the 5224  
Revised Code, has terminated its control over the offender's 5225  
service of that prison term. 5226

(c) The court has held a hearing and found, by clear and 5227  
convincing evidence, one of the following: 5228

(i) In the case of termination of the prison term, that the 5229  
offender is unlikely to commit a sexually violent offense in the 5230  
future; 5231

(ii) In the case of modification of the requirement, that the 5232  
offender does not represent a substantial risk of physical harm to 5233  
others. 5234

(4) An offender who has been sentenced to a term of life 5235  
imprisonment without parole pursuant to division (A)(1), (2), or 5236  
(4) of this section shall not be released from the term of life 5237  
imprisonment or be permitted to serve a portion of it in a place 5238  
other than a state correctional institution. 5239

(D) If a court sentences an offender to a prison term or term 5240  
of life imprisonment without parole pursuant to division (A) of 5241  
this section and the court also imposes on the offender one or 5242  
more additional prison terms pursuant to division (B) of section 5243  
2929.14 of the Revised Code, all of the additional prison terms 5244  
shall be served consecutively with, and prior to, the prison term 5245  
or term of life imprisonment without parole imposed upon the 5246  
offender pursuant to division (A) of this section. 5247

(E) If the offender is convicted of or pleads guilty to two 5248  
or more offenses for which a prison term or term of life 5249  
imprisonment without parole is required to be imposed pursuant to 5250



division (A) of this section, divisions (A) to (D) of this section 5251  
shall be applied for each offense. All minimum terms imposed upon 5252  
the offender pursuant to division (A)(3) or (B) of this section 5253  
for those offenses shall be aggregated and served consecutively, 5254  
as if they were a single minimum term imposed under that division. 5255

(F)(1) If an offender is convicted of or pleads guilty to a 5256  
violent sex offense and also is convicted of or pleads guilty to a 5257  
sexually violent predator specification that was included in the 5258  
indictment, count in the indictment, or information charging that 5259  
offense, or is convicted of or pleads guilty to a designated 5260  
homicide, assault, or kidnapping offense and also is convicted of 5261  
or pleads guilty to both a sexual motivation specification and a 5262  
sexually violent predator specification that were included in the 5263  
indictment, count in the indictment, or information charging that 5264  
offense, the conviction of or plea of guilty to the offense and 5265  
the sexually violent predator specification automatically 5266  
classifies the offender as a tier III sex offender/child-victim 5267  
offender for purposes of Chapter 2950. of the Revised Code. 5268

(2) If an offender is convicted of or pleads guilty to 5269  
committing on or after January 2, 2007, a violation of division 5270  
(A)(1)(b) of section 2907.02 of the Revised Code and either the 5271  
offender is sentenced under section 2971.03 of the Revised Code or 5272  
a sentence of life without parole is imposed under division (B) of 5273  
section 2907.02 of the Revised Code, the conviction of or plea of 5274  
guilty to the offense automatically classifies the offender as a 5275  
tier III sex offender/child-victim offender for purposes of 5276  
Chapter 2950. of the Revised Code. 5277

(3) If a person is convicted of or pleads guilty to 5278  
committing on or after January 2, 2007, attempted rape and also is 5279  
convicted of or pleads guilty to a specification of the type 5280  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5281  
Revised Code, the conviction of or plea of guilty to the offense 5282

and the specification automatically classify the offender as a 5283  
tier III sex offender/child-victim offender for purposes of 5284  
Chapter 2950. of the Revised Code. 5285

(4) If a person is convicted of or pleads guilty to one of 5286  
the offenses described in division (B)(3)(a), (b), (c), or (d) of 5287  
this section and a sexual motivation specification related to the 5288  
offense and the victim of the offense is less than thirteen years 5289  
of age, the conviction of or plea of guilty to the offense 5290  
automatically classifies the offender as a tier III sex 5291  
offender/child-victim offender for purposes of Chapter 2950. of 5292  
the Revised Code. 5293

**Sec. 2971.07.** (A) This chapter does not apply to any offender 5294  
unless the offender is one of the following: 5295

(1) The offender is convicted of or pleads guilty to a 5296  
violent sex offense and also is convicted of or pleads guilty to a 5297  
sexually violent predator specification that was included in the 5298  
indictment, count in the indictment, or information charging that 5299  
offense. 5300

(2) The offender is convicted of or pleads guilty to a 5301  
designated homicide, assault, or kidnapping offense and also is 5302  
convicted of or pleads guilty to both a sexual motivation 5303  
specification and a sexually violent predator specification that 5304  
were included in the indictment, count in the indictment, or 5305  
information charging that offense. 5306

(3) The offender is convicted of or pleads guilty to a 5307  
violation of division (A)(1)(b) of section 2907.02 of the Revised 5308  
Code committed on or after January 2, 2007, and the court does not 5309  
sentence the offender to a term of life without parole pursuant to 5310  
division (B) of section 2907.02 of the Revised Code or division 5311  
(B) of that section prohibits the court from sentencing the 5312  
offender pursuant to section 2971.03 of the Revised Code. 5313

(4) The offender is convicted of or pleads guilty to 5314  
attempted rape committed on or after January 2, 2007, and also is 5315  
convicted of or pleads guilty to a specification of the type 5316  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5317  
Revised Code. 5318

(5) The offender is convicted of or pleads guilty to a 5319  
violation of section 2905.01 of the Revised Code and also is 5320  
convicted of or pleads guilty to a sexual motivation specification 5321  
that was included in the indictment, count in the indictment, or 5322  
information charging that offense, and that section requires a 5323  
court to sentence the offender pursuant to section 2971.03 of the 5324  
Revised Code. 5325

(6) The offender is convicted of or pleads guilty to 5326  
aggravated murder and also is convicted of or pleads guilty to a 5327  
sexual motivation specification that was included in the 5328  
indictment, count in the indictment, or information charging that 5329  
offense, and division ~~(A)(2)(b)(ii) of section 2929.022, division~~ 5330  
~~(A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv),~~ 5331  
~~or (E)(1)(d) of section 2929.03, or division (A) or (B)(C) of~~ 5332  
section ~~2929.06~~ 2929.02 of the Revised Code requires a court to 5333  
sentence the offender pursuant to division (B)(3) of section 5334  
2971.03 of the Revised Code. 5335

(7) The offender is convicted of or pleads guilty to murder 5336  
and also is convicted of or pleads guilty to a sexual motivation 5337  
specification that was included in the indictment, count in the 5338  
indictment, or information charging that offense, and division 5339  
~~(B)(2)(C)~~ of section 2929.02 of the Revised Code requires a court 5340  
to sentence the offender pursuant to section 2971.03 of the 5341  
Revised Code. 5342

(B) This chapter does not limit or affect a court in imposing 5343  
upon an offender described in divisions (A)(1) to (9) of this 5344  
section any financial sanction under section 2929.18 or any other 5345

section of the Revised Code, or, except as specifically provided 5346  
in this chapter, any other sanction that is authorized or required 5347  
for the offense or violation by any other provision of law. 5348

(C) If an offender is sentenced to a prison term under 5349  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 5350  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 5351  
Code and if, pursuant to section 2971.05 of the Revised Code, the 5352  
court modifies the requirement that the offender serve the entire 5353  
prison term in a state correctional institution or places the 5354  
offender on conditional release that involves the placement of the 5355  
offender under the supervision of the adult parole authority, 5356  
authorized field officers of the authority who are engaged within 5357  
the scope of their supervisory duties or responsibilities may 5358  
search, with or without a warrant, the person of the offender, the 5359  
place of residence of the offender, and a motor vehicle, another 5360  
item of tangible or intangible personal property, or any other 5361  
real property in which the offender has the express or implied 5362  
permission of a person with a right, title, or interest to use, 5363  
occupy, or possess if the field officer has reasonable grounds to 5364  
believe that the offender is not abiding by the law or otherwise 5365  
is not complying with the terms and conditions of the offender's 5366  
modification or release. The authority shall provide each offender 5367  
with a written notice that informs the offender that authorized 5368  
field officers of the authority who are engaged within the scope 5369  
of their supervisory duties or responsibilities may conduct those 5370  
types of searches during the period of the modification or release 5371  
if they have reasonable grounds to believe that the offender is 5372  
not abiding by the law or otherwise is not complying with the 5373  
terms and conditions of the offender's modification or release. 5374

**Sec. 5120.113.** (A) For each inmate committed to the 5375  
department of rehabilitation and correction, except as provided in 5376  
division (B) of this section, the department shall prepare a 5377

written reentry plan for the inmate to help guide the inmate's 5378  
rehabilitation program during imprisonment, to assist in the 5379  
inmate's reentry into the community, and to assess the inmate's 5380  
needs upon release. 5381

(B) Division (A) of this section does not apply to an inmate 5382  
who has been sentenced to life imprisonment without parole ~~or who~~ 5383  
~~has been sentenced to death~~. Division (A) of this section does not 5384  
apply to any inmate who is expected to be imprisoned for thirty 5385  
days or less, but the department may prepare a written reentry 5386  
plan of the type described in that division if the department 5387  
determines that the plan is needed. 5388

(C) The department may collect, if available, any social and 5389  
other information that will aid in the preparation of reentry 5390  
plans under this section. 5391

(D) In the event the department does not prepare a written 5392  
reentry plan as specified in division (A) of this section, or 5393  
makes a decision to not prepare a written reentry plan under 5394  
division (B) of this section or to not collect information under 5395  
division (C) of this section, that fact does not give rise to a 5396  
claim for damages against the state, the department, the director 5397  
of the department, or any employee of the department. 5398

**Sec. 5120.61.** (A)(1) Not later than ninety days after January 5399  
1, 1997, the department of rehabilitation and correction shall 5400  
adopt standards that it will use under this section to assess the 5401  
following criminal offenders and may periodically revise the 5402  
standards: 5403

(a) A criminal offender who is convicted of or pleads guilty 5404  
to a violent sex offense or designated homicide, assault, or 5405  
kidnapping offense and is adjudicated a sexually violent predator 5406  
in relation to that offense; 5407

(b) A criminal offender who is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;

(c) A criminal offender who is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A criminal offender who is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who is sentenced pursuant to section 2971.03 of the Revised Code;

(e) A criminal offender who is convicted of or pleads guilty to aggravated murder and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who pursuant to division ~~(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or (B)(C) of section 2929.06~~ 2929.02 of the Revised Code is sentenced pursuant to division (B)(3) of section 2971.03 of the Revised Code;

(f) A criminal offender who is convicted of or pleads guilty to murder and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who pursuant to division ~~(B)(2)(C)(1)~~ of section 2929.02 of the Revised Code is sentenced pursuant to section 2971.03 of the

Revised Code. 5440

(2) When the department is requested by the parole board or 5441  
the court to provide a risk assessment report of the offender 5442  
under section 2971.04 or 2971.05 of the Revised Code, it shall 5443  
assess the offender and complete the assessment as soon as 5444  
possible after the offender has commenced serving the prison term 5445  
or term of life imprisonment without parole imposed under division 5446  
(A), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 5447  
(b), (c), or (d) of section 2971.03 of the Revised Code. 5448  
Thereafter, the department shall update a risk assessment report 5449  
pertaining to an offender as follows: 5450

(a) Periodically, in the discretion of the department, 5451  
provided that each report shall be updated no later than two years 5452  
after its initial preparation or most recent update; 5453

(b) Upon the request of the parole board for use in 5454  
determining pursuant to section 2971.04 of the Revised Code 5455  
whether it should terminate its control over an offender's service 5456  
of a prison term imposed upon the offender under division (A)(3), 5457  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 5458  
(c), or (d) of section 2971.03 of the Revised Code; 5459

(c) Upon the request of the court. 5460

(3) After the department of rehabilitation and correction 5461  
assesses an offender pursuant to division (A)(2) of this section, 5462  
it shall prepare a report that contains its risk assessment for 5463  
the offender or, if a risk assessment report previously has been 5464  
prepared, it shall update the risk assessment report. 5465

(4) The department of rehabilitation and correction shall 5466  
provide each risk assessment report that it prepares or updates 5467  
pursuant to this section regarding an offender to all of the 5468  
following: 5469

(a) The parole board for its use in determining pursuant to 5470

section 2971.04 of the Revised Code whether it should terminate 5471  
its control over an offender's service of a prison term imposed 5472  
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 5473  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 5474  
2971.03 of the Revised Code, if the parole board has not 5475  
terminated its control over the offender; 5476

(b) The court for use in determining, pursuant to section 5477  
2971.05 of the Revised Code, whether to modify the requirement 5478  
that the offender serve the entire prison term imposed upon the 5479  
offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 5480  
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 5481  
the Revised Code in a state correctional institution, whether to 5482  
revise any modification previously made, or whether to terminate 5483  
the prison term; 5484

(c) The prosecuting attorney who prosecuted the case, or the 5485  
successor in office to that prosecuting attorney; 5486

(d) The offender. 5487

(B) When the department of rehabilitation and correction 5488  
provides a risk assessment report regarding an offender to the 5489  
parole board or court pursuant to division (A)(4)(a) or (b) of 5490  
this section, the department, prior to the parole board's or 5491  
court's hearing, also shall provide to the offender or to the 5492  
offender's attorney of record a copy of the report and a copy of 5493  
any other relevant documents the department possesses regarding 5494  
the offender that the department does not consider to be 5495  
confidential. 5496

(C) As used in this section: 5497

(1) "Adjudicated a sexually violent predator" has the same 5498  
meaning as in section 2929.01 of the Revised Code, and a person is 5499  
"adjudicated a sexually violent predator" in the same manner and 5500  
the same circumstances as are described in that section. 5501



(2) "Designated homicide, assault, or kidnapping offense" and 5502  
"violent sex offense" have the same meanings as in section 2971.01 5503  
of the Revised Code. 5504

**Sec. 5919.16.** (A) Commissioned and warrant officers in the 5505  
Ohio national guard shall be discharged by the adjutant general 5506  
upon either of the following: 5507

(1) The officer's resignation; 5508

(2) Approval of a board's recommendation for withdrawal of 5509  
federal recognition by the chief of the national guard bureau. 5510

(B) An officer also may be discharged under any of the 5511  
following circumstances: 5512

(1) Pursuant to other federal regulations; 5513

(2) If absent without leave for three months, upon 5514  
recommendation of an efficiency board; 5515

(3) Pursuant to sentence by court-martial; 5516

(4) If the officer has been convicted of a crime classified 5517  
as a felony as described in division (C) or (D) ~~or (E)~~ of section 5518  
2901.02 of the Revised Code. 5519

**Section 2.** That existing sections 120.03, 120.06, 120.14, 5520  
120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 1901.183, 5521  
2152.13, 2152.67, 2301.20, 2307.60, 2313.37, 2701.07, 2743.51, 5522  
2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2941.021, 2941.14, 5523  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.21, 2945.25, 5524  
2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 5525  
2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.81, 5526  
2967.05, 2967.13, 2967.193, 2971.03, 2971.07, 5120.113, 5120.61, 5527  
and 5919.16 and sections 109.97, 120.35, 2929.021, 2929.022, 5528  
2929.023, 2929.024, 2929.03, 2929.04, 2929.05, 2929.06, 2947.08, 5529  
2949.21, 2949.22, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 5530

2949.29, 2949.31, and 2967.08 of the Revised Code are hereby 5531  
repealed. 5532

**Section 3.** (A) An offender whose sentence of death has been 5533  
set aside, nullified, or vacated pursuant to section 2929.06 of 5534  
the Revised Code as it existed immediately before the effective 5535  
date of this act but who has not been resentenced under that 5536  
section as of the effective date of this act shall be resentenced 5537  
in accordance with that section as it existed immediately before 5538  
the effective date of this act. 5539

(B) An offender who was sentenced to death before the 5540  
effective date of this act shall have the same right to 5541  
postconviction DNA testing as the offender had under sections 5542  
2953.71 to 2953.81 of the Revised Code as they existed immediately 5543  
before the effective date of this act or as they may hereafter be 5544  
amended. 5545

(C) All reports and payments relating to capital cases that 5546  
were required to be made under any provision of Chapter 120. or 5547  
section 109.97 of the Revised Code as that provision existed 5548  
immediately before the effective date of this act shall be made 5549  
for the current calendar or fiscal year, as applicable, in 5550  
accordance with that provision as it existed immediately before 5551  
the effective date of this act. 5552

**Section 4.** This act is hereby declared to be an emergency 5553  
measure necessary for the immediate preservation of the public 5554  
peace, health, and safety. The reason for such necessity is to 5555  
preserve life by preventing the execution of death sentences 5556  
imposed before the effective date of this act but not yet carried 5557  
out. Therefore, this act shall go into immediate effect. 5558

**Section 5.** Section 2953.07 of the Revised Code is presented 5559  
in this act as a composite of the section as amended by both Am. 5560

Sub. S.B. 2 and Am. Sub. S.B. 4 of the 121st General Assembly. The 5561  
General Assembly, applying the principle stated in division (B) of 5562  
section 1.52 of the Revised Code that amendments are to be 5563  
harmonized if reasonably capable of simultaneous operation, finds 5564  
that the composites are the resulting versions of these sections 5565  
in effect prior to the effective dates of the sections as 5566  
presented in this act. 5567