

As Introduced

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

S. B. No. 330

Senator Schiavoni

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A B I L L

To amend section 2929.22 of the Revised Code to 1
require a court in determining the sentence for a 2
misdemeanor offense to consider emotional, mental, 3
or physical conditions traceable to an offender's 4
military service that contributed to the 5
offender's commission of the offense and to 6
consider whether the offender has provided 7
military service in a clearly exceptional manner. 8

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

Section 1. That section 2929.22 of the Revised Code be 9
amended to read as follows: 10

Sec. 2929.22. (A) Unless a mandatory jail term is required to 11
be imposed by division (G) of section 1547.99, division (B) of 12
section 4510.14, division (G) of section 4511.19 of the Revised 13
Code, or any other provision of the Revised Code a court that 14
imposes a sentence under this chapter upon an offender for a 15
misdemeanor or minor misdemeanor has discretion to determine the 16
most effective way to achieve the purposes and principles of 17
sentencing set forth in section 2929.21 of the Revised Code. 18

Unless a specific sanction is required to be imposed or is 19
precluded from being imposed by the section setting forth an 20

offense or the penalty for an offense or by any provision of 21
sections 2929.23 to 2929.28 of the Revised Code, a court that 22
imposes a sentence upon an offender for a misdemeanor may impose 23
on the offender any sanction or combination of sanctions under 24
sections 2929.24 to 2929.28 of the Revised Code. The court shall 25
not impose a sentence that imposes an unnecessary burden on local 26
government resources. 27

(B)(1) In determining the appropriate sentence for a 28
misdemeanor, the court shall consider all of the following 29
factors: 30

(a) The nature and circumstances of the offense or offenses; 31

(b) Whether the circumstances regarding the offender and the 32
offense or offenses indicate that the offender has a history of 33
persistent criminal activity and that the offender's character and 34
condition reveal a substantial risk that the offender will commit 35
another offense; 36

(c) Whether the circumstances regarding the offender and the 37
offense or offenses indicate that the offender's history, 38
character, and condition reveal a substantial risk that the 39
offender will be a danger to others and that the offender's 40
conduct has been characterized by a pattern of repetitive, 41
compulsive, or aggressive behavior with heedless indifference to 42
the consequences; 43

(d) Whether the victim's youth, age, disability, or other 44
factor made the victim particularly vulnerable to the offense or 45
made the impact of the offense more serious; 46

(e) Whether the offender is likely to commit future crimes in 47
general, in addition to the circumstances described in divisions 48
(B)(1)(b) and (c) of this section; 49

(f) Whether the offender has an emotional, mental, or 50
physical condition that is traceable to the offender's service in 51

the armed forces of the United States and that was a contributing 52
factor in the offender's commission of the offense or offenses; 53

(g) Whether the offender has rendered service in the armed 54
forces of the United States in a clearly exceptional manner. 55

(2) In determining the appropriate sentence for a 56
misdemeanor, in addition to complying with division (B)(1) of this 57
section, the court may consider any other factors that are 58
relevant to achieving the purposes and principles of sentencing 59
set forth in section 2929.21 of the Revised Code. 60

(C) Before imposing a jail term as a sentence for a 61
misdemeanor, a court shall consider the appropriateness of 62
imposing a community control sanction or a combination of 63
community control sanctions under sections 2929.25, 2929.26, 64
2929.27, and 2929.28 of the Revised Code. A court may impose the 65
longest jail term authorized under section 2929.24 of the Revised 66
Code only upon offenders who commit the worst forms of the offense 67
or upon offenders whose conduct and response to prior sanctions 68
for prior offenses demonstrate that the imposition of the longest 69
jail term is necessary to deter the offender from committing a 70
future crime. 71

(D)(1) A sentencing court shall consider any relevant oral or 72
written statement made by the victim, the defendant, the defense 73
attorney, or the prosecuting authority regarding sentencing for a 74
misdemeanor. This division does not create any rights to notice 75
other than those rights authorized by Chapter 2930. of the Revised 76
Code. 77

(2) At the time of sentencing for a misdemeanor or as soon as 78
possible after sentencing, the court shall notify the victim of 79
the offense of the victim's right to file an application for an 80
award of reparations pursuant to sections 2743.51 to 2743.72 of 81
the Revised Code. 82

Section 2. That existing section 2929.22 of the Revised Code 83
is hereby repealed. 84