

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 692

Representatives Patmon, Seitz

Cosponsor: Representative Ingram

A BILL

To amend sections 2929.20, 2930.03, 2930.06, 1
2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 2
5149.101 of the Revised Code to eliminate the 3
ability of a sentencing court to disapprove a 4
prisoner's transfer to transitional control if 5
the prisoner is serving a term of imprisonment 6
of two years or less. 7

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

Section 1. That sections 2929.20, 2930.03, 2930.06, 8
2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 5149.101 of the 9
Revised Code be amended to read as follows: 10

Sec. 2929.20. (A) As used in this section: 11

(1) (a) Except as provided in division (A) (1) (b) of this 12
section, "eligible offender" means any person who, on or after 13
April 7, 2009, is serving a stated prison term that includes one 14
or more nonmandatory prison terms. 15

(b) "Eligible offender" does not include any person who, 16
on or after April 7, 2009, is serving a stated prison term for 17
any of the following criminal offenses that was a felony and was 18

committed while the person held a public office in this state:	19
(i) A violation of section 2921.02, 2921.03, 2921.05,	20
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised	21
Code;	22
(ii) A violation of section 2913.42, 2921.04, 2921.11, or	23
2921.12 of the Revised Code, when the conduct constituting the	24
violation was related to the duties of the offender's public	25
office or to the offender's actions as a public official holding	26
that public office;	27
(iii) A violation of an existing or former municipal	28
ordinance or law of this or any other state or the United States	29
that is substantially equivalent to any violation listed in	30
division (A) (1) (b) (i) of this section;	31
(iv) A violation of an existing or former municipal	32
ordinance or law of this or any other state or the United States	33
that is substantially equivalent to any violation listed in	34
division (A) (1) (b) (ii) of this section, when the conduct	35
constituting the violation was related to the duties of the	36
offender's public office or to the offender's actions as a	37
public official holding that public office;	38
(v) A conspiracy to commit, attempt to commit, or	39
complicity in committing any offense listed in division (A) (1)	40
(b) (i) or described in division (A) (1) (b) (iii) of this section;	41
(vi) A conspiracy to commit, attempt to commit, or	42
complicity in committing any offense listed in division (A) (1)	43
(b) (ii) or described in division (A) (1) (b) (iv) of this section,	44
if the conduct constituting the offense that was the subject of	45
the conspiracy, that would have constituted the offense	46
attempted, or constituting the offense in which the offender was	47

complicit was or would have been related to the duties of the 48
offender's public office or to the offender's actions as a 49
public official holding that public office. 50

(2) "Nonmandatory prison term" means a prison term that is 51
not a mandatory prison term. 52

(3) "Public office" means any elected federal, state, or 53
local government office in this state. 54

(4) "Victim's representative" has the same meaning as in 55
section 2930.01 of the Revised Code. 56

(5) "Imminent danger of death," "medically incapacitated," 57
and "terminal illness" have the same meanings as in section 58
2967.05 of the Revised Code. 59

(B) On the motion of an eligible offender or upon its own 60
motion, the sentencing court may reduce the eligible offender's 61
aggregated nonmandatory prison term or terms through a judicial 62
release under this section. 63

(C) An eligible offender may file a motion for judicial 64
release with the sentencing court within the following 65
applicable periods: 66

(1) If the aggregated nonmandatory prison term or terms is 67
less than two years, the eligible offender may file the motion 68
at any time after the offender is delivered to a state 69
correctional institution or, if the prison term includes a 70
mandatory prison term or terms, at any time after the expiration 71
of all mandatory prison terms. 72

(2) If the aggregated nonmandatory prison term or terms is 73
at least two years but less than five years, the eligible 74
offender may file the motion not earlier than one hundred eighty 75

days after the offender is delivered to a state correctional 76
institution or, if the prison term includes a mandatory prison 77
term or terms, not earlier than one hundred eighty days after 78
the expiration of all mandatory prison terms. 79

(3) If the aggregated nonmandatory prison term or terms is 80
five years, the eligible offender may file the motion not 81
earlier than the date on which the eligible offender has served 82
four years of the offender's stated prison term or, if the 83
prison term includes a mandatory prison term or terms, not 84
earlier than four years after the expiration of all mandatory 85
prison terms. 86

(4) If the aggregated nonmandatory prison term or terms is 87
more than five years but not more than ten years, the eligible 88
offender may file the motion not earlier than the date on which 89
the eligible offender has served five years of the offender's 90
stated prison term or, if the prison term includes a mandatory 91
prison term or terms, not earlier than five years after the 92
expiration of all mandatory prison terms. 93

(5) If the aggregated nonmandatory prison term or terms is 94
more than ten years, the eligible offender may file the motion 95
not earlier than the later of the date on which the offender has 96
served one-half of the offender's stated prison term or the date 97
specified in division (C) (4) of this section. 98

(D) Upon receipt of a timely motion for judicial release 99
filed by an eligible offender under division (C) of this section 100
or upon the sentencing court's own motion made within the 101
appropriate time specified in that division, the court may deny 102
the motion without a hearing or schedule a hearing on the 103
motion. The court shall not grant the motion without a hearing. 104
If a court denies a motion without a hearing, the court later 105

may consider judicial release for that eligible offender on a 106
subsequent motion filed by that eligible offender unless the 107
court denies the motion with prejudice. If a court denies a 108
motion with prejudice, the court may later consider judicial 109
release on its own motion. If a court denies a motion after a 110
hearing, the court shall not consider a subsequent motion for 111
that eligible offender. The court shall hold only one hearing 112
for any eligible offender. 113

A hearing under this section shall be conducted in open 114
court not less than thirty or more than sixty days after the 115
motion is filed, provided that the court may delay the hearing 116
for one hundred eighty additional days. If the court holds a 117
hearing, the court shall enter a ruling on the motion within ten 118
days after the hearing. If the court denies the motion without a 119
hearing, the court shall enter its ruling on the motion within 120
sixty days after the motion is filed. 121

(E) If a court schedules a hearing under division (D) of 122
this section, the court shall notify the eligible offender and 123
the head of the state correctional institution in which the 124
eligible offender is confined prior to the hearing. The head of 125
the state correctional institution immediately shall notify the 126
appropriate person at the department of rehabilitation and 127
correction of the hearing, and the department within twenty-four 128
hours after receipt of the notice, shall post on the database it 129
maintains pursuant to section 5120.66 of the Revised Code the 130
offender's name and all of the information specified in division 131
(A) (1) (c) (i) of that section. If the court schedules a hearing 132
for judicial release, the court promptly shall give notice of 133
the hearing to the prosecuting attorney of the county in which 134
the eligible offender was indicted. Upon receipt of the notice 135
from the court, the prosecuting attorney shall do whichever of 136

the following is applicable: 137

(1) Subject to division (E) (2) of this section, notify the 138
victim of the offense or the victim's representative pursuant to 139
division (B) of section 2930.16 of the Revised Code; 140

(2) If the offense was an offense of violence that is a 141
felony of the first, second, or third degree, except as 142
otherwise provided in this division, notify the victim or the 143
victim's representative of the hearing regardless of whether the 144
victim or victim's representative has requested the 145
notification. The notice of the hearing shall not be given under 146
this division to a victim or victim's representative if the 147
victim or victim's representative has requested pursuant to 148
division (B) (2) of section 2930.03 of the Revised Code that the 149
victim or the victim's representative not be provided the 150
notice. If notice is to be provided to a victim or victim's 151
representative under this division, the prosecuting attorney may 152
give the notice by any reasonable means, including regular mail, 153
telephone, and electronic mail, in accordance with division (D) 154
(1) of section 2930.16 of the Revised Code. If the notice is 155
based on an offense committed prior to March 22, 2013, the 156
notice also shall include the opt-out information described in 157
division (D) (1) of section 2930.16 of the Revised Code. The 158
prosecuting attorney, in accordance with division (D) (2) of 159
section 2930.16 of the Revised Code, shall keep a record of all 160
attempts to provide the notice, and of all notices provided, 161
under this division. Division (E) (2) of this section, and the 162
notice-related provisions of division (K) of this section, 163
division (D) (1) of section 2930.16, division (H) of section 164
2967.12, division (E) (1) (b) of section 2967.19, division (A) ~~(3)~~ 165
(2) (b) of section 2967.26, division (D) (1) of section 2967.28, 166
and division (A) (2) of section 5149.101 of the Revised Code 167

enacted in the act in which division (E) (2) of this section was 168
enacted, shall be known as "Roberta's Law." 169

(F) Upon an offender's successful completion of 170
rehabilitative activities, the head of the state correctional 171
institution may notify the sentencing court of the successful 172
completion of the activities. 173

(G) Prior to the date of the hearing on a motion for 174
judicial release under this section, the head of the state 175
correctional institution in which the eligible offender is 176
confined shall send to the court an institutional summary report 177
on the eligible offender's conduct in the institution and in any 178
institution from which the eligible offender may have been 179
transferred. Upon the request of the prosecuting attorney of the 180
county in which the eligible offender was indicted or of any law 181
enforcement agency, the head of the state correctional 182
institution, at the same time the person sends the institutional 183
summary report to the court, also shall send a copy of the 184
report to the requesting prosecuting attorney and law 185
enforcement agencies. The institutional summary report shall 186
cover the eligible offender's participation in school, 187
vocational training, work, treatment, and other rehabilitative 188
activities and any disciplinary action taken against the 189
eligible offender. The report shall be made part of the record 190
of the hearing. A presentence investigation report is not 191
required for judicial release. 192

(H) If the court grants a hearing on a motion for judicial 193
release under this section, the eligible offender shall attend 194
the hearing if ordered to do so by the court. Upon receipt of a 195
copy of the journal entry containing the order, the head of the 196
state correctional institution in which the eligible offender is 197

incarcerated shall deliver the eligible offender to the sheriff 198
of the county in which the hearing is to be held. The sheriff 199
shall convey the eligible offender to and from the hearing. 200

(I) At the hearing on a motion for judicial release under 201
this section, the court shall afford the eligible offender and 202
the eligible offender's attorney an opportunity to present 203
written and, if present, oral information relevant to the 204
motion. The court shall afford a similar opportunity to the 205
prosecuting attorney, the victim or the victim's representative, 206
and any other person the court determines is likely to present 207
additional relevant information. The court shall consider any 208
statement of a victim made pursuant to section 2930.14 or 209
2930.17 of the Revised Code, any victim impact statement 210
prepared pursuant to section 2947.051 of the Revised Code, and 211
any report made under division (G) of this section. The court 212
may consider any written statement of any person submitted to 213
the court pursuant to division (L) of this section. After ruling 214
on the motion, the court shall notify the victim of the ruling 215
in accordance with sections 2930.03 and 2930.16 of the Revised 216
Code. 217

(J) (1) A court shall not grant a judicial release under 218
this section to an eligible offender who is imprisoned for a 219
felony of the first or second degree, or to an eligible offender 220
who committed an offense under Chapter 2925. or 3719. of the 221
Revised Code and for whom there was a presumption under section 222
2929.13 of the Revised Code in favor of a prison term, unless 223
the court, with reference to factors under section 2929.12 of 224
the Revised Code, finds both of the following: 225

(a) That a sanction other than a prison term would 226
adequately punish the offender and protect the public from 227

future criminal violations by the eligible offender because the 228
applicable factors indicating a lesser likelihood of recidivism 229
outweigh the applicable factors indicating a greater likelihood 230
of recidivism; 231

(b) That a sanction other than a prison term would not 232
demean the seriousness of the offense because factors indicating 233
that the eligible offender's conduct in committing the offense 234
was less serious than conduct normally constituting the offense 235
outweigh factors indicating that the eligible offender's conduct 236
was more serious than conduct normally constituting the offense. 237

(2) A court that grants a judicial release to an eligible 238
offender under division (J)(1) of this section shall specify on 239
the record both findings required in that division and also 240
shall list all the factors described in that division that were 241
presented at the hearing. 242

(K) If the court grants a motion for judicial release 243
under this section, the court shall order the release of the 244
eligible offender, shall place the eligible offender under an 245
appropriate community control sanction, under appropriate 246
conditions, and under the supervision of the department of 247
probation serving the court and shall reserve the right to 248
reimpose the sentence that it reduced if the offender violates 249
the sanction. If the court reimposes the reduced sentence, it 250
may do so either concurrently with, or consecutive to, any new 251
sentence imposed upon the eligible offender as a result of the 252
violation that is a new offense. Except as provided in division 253
(R)(2) of this section, the period of community control shall be 254
no longer than five years. The court, in its discretion, may 255
reduce the period of community control by the amount of time the 256
eligible offender spent in jail or prison for the offense and in 257

prison. If the court made any findings pursuant to division (J) 258
(1) of this section, the court shall serve a copy of the 259
findings upon counsel for the parties within fifteen days after 260
the date on which the court grants the motion for judicial 261
release. 262

If the court grants a motion for judicial release, the 263
court shall notify the appropriate person at the department of 264
rehabilitation and correction, and the department shall post 265
notice of the release on the database it maintains pursuant to 266
section 5120.66 of the Revised Code. The court also shall notify 267
the prosecuting attorney of the county in which the eligible 268
offender was indicted that the motion has been granted. Unless 269
the victim or the victim's representative has requested pursuant 270
to division (B) (2) of section 2930.03 of the Revised Code that 271
the victim or victim's representative not be provided the 272
notice, the prosecuting attorney shall notify the victim or the 273
victim's representative of the judicial release in any manner, 274
and in accordance with the same procedures, pursuant to which 275
the prosecuting attorney is authorized to provide notice of the 276
hearing pursuant to division (E) (2) of this section. If the 277
notice is based on an offense committed prior to March 22, 2013, 278
the notice to the victim or victim's representative also shall 279
include the opt-out information described in division (D) (1) of 280
section 2930.16 of the Revised Code. 281

(L) In addition to and independent of the right of a 282
victim to make a statement pursuant to section 2930.14, 2930.17, 283
or 2946.051 of the Revised Code and any right of a person to 284
present written information or make a statement pursuant to 285
division (I) of this section, any person may submit to the 286
court, at any time prior to the hearing on the offender's motion 287
for judicial release, a written statement concerning the effects 288

of the offender's crime or crimes, the circumstances surrounding 289
the crime or crimes, the manner in which the crime or crimes 290
were perpetrated, and the person's opinion as to whether the 291
offender should be released. 292

(M) The changes to this section that are made on September 293
30, 2011, apply to any judicial release decision made on or 294
after September 30, 2011, for any eligible offender. 295

(N) Notwithstanding the eligibility requirements specified 296
in division (A) of this section and the filing time frames 297
specified in division (C) of this section and notwithstanding 298
the findings required under division (J) of this section, the 299
sentencing court, upon the court's own motion and after 300
considering whether the release of the offender into society 301
would create undue risk to public safety, may grant a judicial 302
release to an offender who is not serving a life sentence at any 303
time during the offender's imposed sentence when the director of 304
rehabilitation and correction certifies to the sentencing court 305
through the chief medical officer for the department of 306
rehabilitation and correction that the offender is in imminent 307
danger of death, is medically incapacitated, or is suffering 308
from a terminal illness. 309

(O) The director of rehabilitation and correction shall 310
not certify any offender under division (N) of this section who 311
is serving a death sentence. 312

(P) A motion made by the court under division (N) of this 313
section is subject to the notice, hearing, and other procedural 314
requirements specified in divisions (D), (E), (G), (H), (I), 315
(K), and (L) of this section, except for the following: 316

(1) The court may waive the offender's appearance at any 317

hearing scheduled by the court if the offender's condition makes 318
it impossible for the offender to participate meaningfully in 319
the proceeding. 320

(2) The court may grant the motion without a hearing, 321
provided that the prosecuting attorney and victim or victim's 322
representative to whom notice of the hearing was provided under 323
division (E) of this section indicate that they do not wish to 324
participate in the hearing or present information relevant to 325
the motion. 326

(Q) The court may request health care records from the 327
department of rehabilitation and correction to verify the 328
certification made under division (N) of this section. 329

(R) (1) If the court grants judicial release under division 330
(N) of this section, the court shall do all of the following: 331

(a) Order the release of the offender; 332

(b) Place the offender under an appropriate community 333
control sanction, under appropriate conditions; 334

(c) Place the offender under the supervision of the 335
department of probation serving the court or under the 336
supervision of the adult parole authority. 337

(2) The court, in its discretion, may revoke the judicial 338
release if the offender violates the community control sanction 339
described in division (R) (1) of this section. The period of that 340
community control is not subject to the five-year limitation 341
described in division (K) of this section and shall not expire 342
earlier than the date on which all of the offender's mandatory 343
prison terms expire. 344

(S) If the health of an offender who is released under 345

division (N) of this section improves so that the offender is no 346
longer terminally ill, medically incapacitated, or in imminent 347
danger of death, the court shall, upon the court's own motion, 348
revoke the judicial release. The court shall not grant the 349
motion without a hearing unless the offender waives a hearing. 350
If a hearing is held, the court shall afford the offender and 351
the offender's attorney an opportunity to present written and, 352
if the offender or the offender's attorney is present, oral 353
information relevant to the motion. The court shall afford a 354
similar opportunity to the prosecuting attorney, the victim or 355
the victim's representative, and any other person the court 356
determines is likely to present additional relevant information. 357
A court that grants a motion under this division shall specify 358
its findings on the record. 359

Sec. 2930.03. (A) A person or entity required or 360
authorized under this chapter to give notice to a victim shall 361
give the notice to the victim by any means reasonably calculated 362
to provide prompt actual notice. Except when a provision 363
requires that notice is to be given in a specific manner, a 364
notice may be oral or written. 365

(B) (1) Except for receipt of the initial information and 366
notice required to be given to a victim under divisions (A) and 367
(B) of section 2930.04, section 2930.05, and divisions (A) and 368
(B) of section 2930.06 of the Revised Code and the notice 369
required to be given to a victim under division (D) of section 370
2930.16 of the Revised Code, a victim who wishes to receive any 371
notice authorized by this chapter shall make a request for the 372
notice to the prosecutor or the custodial agency that is to 373
provide the notice, as specified in this chapter. If the victim 374
does not make a request as described in this division, the 375
prosecutor or custodial agency is not required to provide any 376

notice described in this chapter other than the initial 377
information and notice required to be given to a victim under 378
divisions (A) and (B) of section 2930.04, section 2930.05, and 379
divisions (A) and (B) of section 2930.06 of the Revised Code and 380
the notice required to be given to a victim under division (D) 381
of section 2930.16 of the Revised Code. 382

(2) A victim who does not wish to receive any of the 383
notices required to be given to a victim under division (E) (2) 384
or (K) of section 2929.20, division (D) of section 2930.16, 385
division (H) of section 2967.12, division (E) (1) (b) of section 386
2967.19, division (A) ~~(3)~~ (2) (b) of section 2967.26, division (D) 387
(1) of section 2967.28, or division (A) (2) of section 5149.101 388
of the Revised Code shall make a request to the prosecutor or 389
custodial agency that is to provide the particular notice that 390
the notice not be provided to the victim. Unless the victim 391
makes a request as described in this division, the prosecutor or 392
custodial agency shall provide the notices required to be given 393
to a victim under division (E) (2) or (K) of section 2929.20, 394
division (D) of section 2930.16, division (H) of section 395
2967.12, division (E) (1) (b) of section 2967.19, division (A) ~~(3)~~ 396
(2) (b) of section 2967.26, division (D) (1) of section 2967.28, 397
or division (A) (2) of section 5149.101 of the Revised Code in 398
any manner, and in accordance with the procedures, specified in 399
the particular division. This division also applies to a 400
victim's representative or a member of a victim's immediate 401
family that is authorized to receive any of the notices 402
specified in this division. 403

(C) A person or agency that is required to furnish notice 404
under this chapter shall give the notice to the victim at the 405
address or telephone number provided to the person or agency by 406
the victim. A victim who requests to receive notice under this 407

chapter as described in division (B) of this section shall 408
inform the person or agency of the name, address, or telephone 409
number of the victim and of any change to that information. 410

(D) A person or agency that has furnished information to a 411
victim in accordance with any requirement or authorization under 412
this chapter shall notify the victim promptly of any significant 413
changes to that information. 414

(E) Divisions (A) to (D) of this section do not apply 415
regarding a notice that a prosecutor is required to provide 416
under section 2930.061 of the Revised Code. A prosecutor 417
required to provide notice under that section shall provide the 418
notice as specified in that section. 419

Sec. 2930.06. (A) The prosecutor in a case, to the extent 420
practicable, shall confer with the victim in the case before 421
pretrial diversion is granted to the defendant or alleged 422
juvenile offender in the case, before amending or dismissing an 423
indictment, information, or complaint against that defendant or 424
alleged juvenile offender, before agreeing to a negotiated plea 425
for that defendant or alleged juvenile offender, before a trial 426
of that defendant by judge or jury, or before the juvenile court 427
conducts an adjudicatory hearing for that alleged juvenile 428
offender. If the juvenile court disposes of a case prior to the 429
prosecutor's involvement in the case, the court or a court 430
employee shall notify the victim in the case that the alleged 431
juvenile offender will be granted pretrial diversion, the 432
complaint against that alleged juvenile offender will be amended 433
or dismissed, or the court will conduct an adjudicatory hearing 434
for that alleged juvenile offender. If the prosecutor fails to 435
confer with the victim at any of those times, the court, if 436
informed of the failure, shall note on the record the failure 437

and the prosecutor's reasons for the failure. A prosecutor's 438
failure to confer with a victim as required by this division and 439
a court's failure to provide the notice as required by this 440
division do not affect the validity of an agreement between the 441
prosecutor and the defendant or alleged juvenile offender in the 442
case, a pretrial diversion of the defendant or alleged juvenile 443
offender, an amendment or dismissal of an indictment, 444
information, or complaint filed against the defendant or alleged 445
juvenile offender, a plea entered by the defendant or alleged 446
juvenile defender, an admission entered by the defendant or 447
alleged juvenile offender, or any other disposition in the case. 448
A court shall not dismiss a criminal complaint, charge, 449
information, or indictment or a delinquent child complaint 450
solely at the request of the victim and over the objection of 451
the prosecuting attorney, village solicitor, city director of 452
law, or other chief legal officer responsible for the 453
prosecution of the case. 454

(B) After a prosecution in a case has been commenced, the 455
prosecutor or a designee of the prosecutor other than a court or 456
court employee, to the extent practicable, promptly shall give 457
the victim all of the following information, except that, if the 458
juvenile court disposes of a case prior to the prosecutor's 459
involvement in the case, the court or a court employee, to the 460
extent practicable, promptly shall give the victim all of the 461
following information: 462

(1) The name of the crime or specified delinquent act with 463
which the defendant or alleged juvenile offender in the case has 464
been charged and the name of the defendant or alleged juvenile 465
offender; 466

(2) The file number of the case; 467

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

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

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

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

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

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

(C) Upon the request of the victim, the prosecutor or, if 497
it is a delinquency proceeding and a prosecutor is not involved 498
in the case, the court shall give the victim notice of the date, 499
time, and place of any scheduled criminal or juvenile 500
proceedings in the case and notice of any changes in those 501
proceedings or in the schedule in the case. 502

(D) A victim who requests notice under division (C) of 503
this section and who elects pursuant to division (B) of section 504
2930.03 of the Revised Code to receive any further notice from 505
the prosecutor or, if it is a delinquency proceeding and a 506
prosecutor is not involved in the case, the court under this 507
chapter shall keep the prosecutor or the court informed of the 508
victim's current address and telephone number until the case is 509
dismissed or terminated, the defendant is acquitted or 510
sentenced, the delinquent child complaint is dismissed, the 511
defendant is adjudicated a delinquent child, or the appellate 512
process is completed, whichever is the final disposition in the 513
case. 514

(E) If a defendant is charged with the commission of a 515
misdemeanor offense that is not identified in division (A) (2) of 516
section 2930.01 of the Revised Code and if a police report or a 517
complaint, indictment, or information that charges the 518
commission of that offense and provides the basis for a criminal 519
prosecution of that defendant identifies one or more individuals 520
as individuals against whom that offense was committed, after a 521
prosecution in the case has been commenced, the prosecutor or a 522
designee of the prosecutor other than a court or court employee, 523
to the extent practicable, promptly shall notify each of the 524
individuals so identified in the report, complaint, indictment, 525
or information that, if the defendant is convicted of or pleads 526
guilty to the offense, the individual may make an oral or 527

written statement to the court hearing the case regarding the 528
sentence to be imposed upon the defendant and that the court 529
must consider any statement so made that is relevant. Before 530
imposing sentence in the case, the court shall permit the 531
individuals so identified in the report, complaint, indictment, 532
or information to make an oral or written statement. Division 533
(A) of section 2930.14 of the Revised Code applies regarding any 534
statement so made. The court shall consider a statement so made, 535
in accordance with division (B) of that section and division (D) 536
of section 2929.22 of the Revised Code. 537

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 538
in a case who has requested to receive notice under this section 539
shall be given notice of the incarceration of the defendant. If 540
an alleged juvenile offender is committed to the temporary 541
custody of a school, camp, institution, or other facility 542
operated for the care of delinquent children or to the legal 543
custody of the department of youth services, a victim in a case 544
who has requested to receive notice under this section shall be 545
given notice of the commitment. Promptly after sentence is 546
imposed upon the defendant or the commitment of the alleged 547
juvenile offender is ordered, the prosecutor in the case shall 548
notify the victim of the date on which the defendant will be 549
released from confinement or the prosecutor's reasonable 550
estimate of that date or the date on which the alleged juvenile 551
offender will have served the minimum period of commitment or 552
the prosecutor's reasonable estimate of that date. The 553
prosecutor also shall notify the victim of the name of the 554
custodial agency of the defendant or alleged juvenile offender 555
and tell the victim how to contact that custodial agency. If the 556
custodial agency is the department of rehabilitation and 557
correction, the prosecutor shall notify the victim of the 558

services offered by the office of victims' services pursuant to 559
section 5120.60 of the Revised Code. If the custodial agency is 560
the department of youth services, the prosecutor shall notify 561
the victim of the services provided by the office of victims' 562
services within the release authority of the department pursuant 563
to section 5139.55 of the Revised Code and the victim's right 564
pursuant to section 5139.56 of the Revised Code to submit a 565
written request to the release authority to be notified of 566
actions the release authority takes with respect to the alleged 567
juvenile offender. The victim shall keep the custodial agency 568
informed of the victim's current address and telephone number. 569

(B) (1) Upon the victim's request or in accordance with 570
division (D) of this section, the prosecutor promptly shall 571
notify the victim of any hearing for judicial release of the 572
defendant pursuant to section 2929.20 of the Revised Code, of 573
any hearing for release of the defendant pursuant to section 574
2967.19 of the Revised Code, or of any hearing for judicial 575
release or early release of the alleged juvenile offender 576
pursuant to section 2151.38 of the Revised Code and of the 577
victim's right to make a statement under those sections. The 578
court shall notify the victim of its ruling in each of those 579
hearings and on each of those applications. 580

(2) If an offender is sentenced to a prison term pursuant 581
to division (A) (3) or (B) of section 2971.03 of the Revised 582
Code, upon the request of the victim of the crime or in 583
accordance with division (D) of this section, the prosecutor 584
promptly shall notify the victim of any hearing to be conducted 585
pursuant to section 2971.05 of the Revised Code to determine 586
whether to modify the requirement that the offender serve the 587
entire prison term in a state correctional facility in 588
accordance with division (C) of that section, whether to 589

continue, revise, or revoke any existing modification of that 590
requirement, or whether to terminate the prison term in 591
accordance with division (D) of that section. The court shall 592
notify the victim of any order issued at the conclusion of the 593
hearing. 594

(C) Upon the victim's request made at any time before the 595
particular notice would be due or in accordance with division 596
(D) of this section, the custodial agency of a defendant or 597
alleged juvenile offender shall give the victim any of the 598
following notices that is applicable: 599

(1) At least sixty days before the adult parole authority 600
recommends a pardon or commutation of sentence for the defendant 601
or at least sixty days prior to a hearing before the adult 602
parole authority regarding a grant of parole to the defendant, 603
notice of the victim's right to submit a statement regarding the 604
impact of the defendant's release in accordance with section 605
2967.12 of the Revised Code and, if applicable, of the victim's 606
right to appear at a full board hearing of the parole board to 607
give testimony as authorized by section 5149.101 of the Revised 608
Code; 609

(2) At least sixty days before the defendant is 610
transferred to transitional control under section 2967.26 of the 611
Revised Code, notice of the pendency of the transfer and of the 612
victim's right under that section to submit a statement 613
regarding the impact of the transfer; 614

(3) At least sixty days before the release authority of 615
the department of youth services holds a release review, release 616
hearing, or discharge review for the alleged juvenile offender, 617
notice of the pendency of the review or hearing, of the victim's 618
right to make an oral or written statement regarding the impact 619

of the crime upon the victim or regarding the possible release 620
or discharge, and, if the notice pertains to a hearing, of the 621
victim's right to attend and make statements or comments at the 622
hearing as authorized by section 5139.56 of the Revised Code; 623

(4) Prompt notice of the defendant's or alleged juvenile 624
offender's escape from a facility of the custodial agency in 625
which the defendant was incarcerated or in which the alleged 626
juvenile offender was placed after commitment, of the 627
defendant's or alleged juvenile offender's absence without leave 628
from a mental health or developmental disabilities facility or 629
from other custody, and of the capture of the defendant or 630
alleged juvenile offender after an escape or absence; 631

(5) Notice of the defendant's or alleged juvenile 632
offender's death while in confinement or custody; 633

(6) Notice of the filing of a petition by the director of 634
rehabilitation and correction pursuant to section 2967.19 of the 635
Revised Code requesting the early release under that section of 636
the defendant; 637

(7) Notice of the defendant's or alleged juvenile 638
offender's release from confinement or custody and the terms and 639
conditions of the release. 640

(D) (1) If a defendant is incarcerated for the commission 641
of aggravated murder, murder, or an offense of violence that is 642
a felony of the first, second, or third degree or is under a 643
sentence of life imprisonment or if an alleged juvenile offender 644
has been charged with the commission of an act that would be 645
aggravated murder, murder, or an offense of violence that is a 646
felony of the first, second, or third degree or be subject to a 647
sentence of life imprisonment if committed by an adult, except 648

as otherwise provided in this division, the notices described in 649
divisions (B) and (C) of this section shall be given regardless 650
of whether the victim has requested the notification. The 651
notices described in divisions (B) and (C) of this section shall 652
not be given under this division to a victim if the victim has 653
requested pursuant to division (B) (2) of section 2930.03 of the 654
Revised Code that the victim not be provided the notice. 655
Regardless of whether the victim has requested that the notices 656
described in division (C) of this section be provided or not be 657
provided, the custodial agency shall give notice similar to 658
those notices to the prosecutor in the case, to the sentencing 659
court, to the law enforcement agency that arrested the defendant 660
or alleged juvenile offender if any officer of that agency was a 661
victim of the offense, and to any member of the victim's 662
immediate family who requests notification. If the notice given 663
under this division to the victim is based on an offense 664
committed prior to March 22, 2013, and if the prosecutor or 665
custodial agency has not previously successfully provided any 666
notice to the victim under this division or division (B) or (C) 667
of this section with respect to that offense and the offender 668
who committed it, the notice also shall inform the victim that 669
the victim may request that the victim not be provided any 670
further notices with respect to that offense and the offender 671
who committed it and shall describe the procedure for making 672
that request. If the notice given under this division to the 673
victim pertains to a hearing regarding a grant of a parole to 674
the defendant, the notice also shall inform the victim that the 675
victim, a member of the victim's immediate family, or the 676
victim's representative may request a victim conference, as 677
described in division (E) of this section, and shall provide an 678
explanation of a victim conference. 679

The prosecutor or custodial agency may give the notices to 680
which this division applies by any reasonable means, including 681
regular mail, telephone, and electronic mail. If the prosecutor 682
or custodial agency attempts to provide notice to a victim under 683
this division but the attempt is unsuccessful because the 684
prosecutor or custodial agency is unable to locate the victim, 685
is unable to provide the notice by its chosen method because it 686
cannot determine the mailing address, telephone number, or 687
electronic mail address at which to provide the notice, or, if 688
the notice is sent by mail, the notice is returned, the 689
prosecutor or custodial agency shall make another attempt to 690
provide the notice to the victim. If the second attempt is 691
unsuccessful, the prosecutor or custodial agency shall make at 692
least one more attempt to provide the notice. If the notice is 693
based on an offense committed prior to March 22, 2013, in each 694
attempt to provide the notice to the victim, the notice shall 695
include the opt-out information described in the preceding 696
paragraph. The prosecutor or custodial agency, in accordance 697
with division (D) (2) of this section, shall keep a record of all 698
attempts to provide the notice, and of all notices provided, 699
under this division. 700

Division (D) (1) of this section, and the notice-related 701
provisions of divisions (E) (2) and (K) of section 2929.20, 702
division (H) of section 2967.12, division (E) (1) (b) of section 703
2967.19, division (A) ~~(3)~~ (2) (b) of section 2967.26, division (D) 704
(1) of section 2967.28, and division (A) (2) of section 5149.101 705
of the Revised Code enacted in the act in which division (D) (1) 706
of this section was enacted, shall be known as "Roberta's Law." 707

(2) Each prosecutor and custodial agency that attempts to 708
give any notice to which division (D) (1) of this section applies 709
shall keep a record of all attempts to give the notice. The 710

record shall indicate the person who was to be the recipient of 711
the notice, the date on which the attempt was made, the manner 712
in which the attempt was made, and the person who made the 713
attempt. If the attempt is successful and the notice is given, 714
the record shall indicate that fact. The record shall be kept in 715
a manner that allows public inspection of attempts and notices 716
given to persons other than victims without revealing the names, 717
addresses, or other identifying information relating to victims. 718
The record of attempts and notices given to victims is not a 719
public record, but the prosecutor or custodial agency shall 720
provide upon request a copy of that record to a prosecuting 721
attorney, judge, law enforcement agency, or member of the 722
general assembly. The record of attempts and notices given to 723
persons other than victims is a public record. A record kept 724
under this division may be indexed by offender name, or in any 725
other manner determined by the prosecutor or the custodial 726
agency. Each prosecutor or custodial agency that is required to 727
keep a record under this division shall determine the procedures 728
for keeping the record and the manner in which it is to be kept, 729
subject to the requirements of this division. 730

(E) The adult parole authority shall adopt rules under 731
Chapter 119. of the Revised Code providing for a victim 732
conference, upon request of the victim, a member of the victim's 733
immediate family, or the victim's representative, prior to a 734
parole hearing in the case of a prisoner who is incarcerated for 735
the commission of aggravated murder, murder, or an offense of 736
violence that is a felony of the first, second, or third degree 737
or is under a sentence of life imprisonment. The rules shall 738
provide for, but not be limited to, all of the following: 739

(1) Subject to division (E) (3) of this section, attendance 740
by the victim, members of the victim's immediate family, the 741

victim's representative, and, if practicable, other individuals; 742

(2) Allotment of up to one hour for the conference; 743

(3) A specification of the number of persons specified in 744
division (E)(1) of this section who may be present at any single 745
victim conference, if limited by the department pursuant to 746
division (F) of this section. 747

(F) The department may limit the number of persons 748
specified in division (E)(1) of this section who may be present 749
at any single victim conference, provided that the department 750
shall not limit the number of persons who may be present at any 751
single conference to fewer than three. If the department limits 752
the number of persons who may be present at any single victim 753
conference, the department shall permit and schedule, upon 754
request of the victim, a member of the victim's immediate 755
family, or the victim's representative, multiple victim 756
conferences for the persons specified in division (E)(1) of this 757
section. 758

(G) As used in this section, "victim's immediate family" 759
has the same meaning as in section 2967.12 of the Revised Code. 760

Sec. 2967.12. (A) Except as provided in division (G) of 761
this section, at least sixty days before the adult parole 762
authority recommends any pardon or commutation of sentence, or 763
grants any parole, the authority shall provide a notice of the 764
pendency of the pardon, commutation, or parole, setting forth 765
the name of the person on whose behalf it is made, the offense 766
of which the person was convicted or to which the person pleaded 767
guilty, the time of conviction or the guilty plea, and the term 768
of the person's sentence, to the prosecuting attorney and the 769
judge of the court of common pleas of the county in which the 770

indictment against the person was found. If there is more than 771
one judge of that court of common pleas, the authority shall 772
provide the notice to the presiding judge. Upon the request of 773
the prosecuting attorney or of any law enforcement agency, the 774
authority shall provide to the requesting prosecuting attorney 775
and law enforcement agencies an institutional summary report 776
that covers the subject person's participation while confined in 777
a state correctional institution in training, work, and other 778
rehabilitative activities and any disciplinary action taken 779
against the person while so confined. The department of 780
rehabilitation and correction may utilize electronic means to 781
provide this notice. The department of rehabilitation and 782
correction, at the same time that it provides the notice to the 783
prosecuting attorney and judge under this division, also shall 784
post on the database it maintains pursuant to section 5120.66 of 785
the Revised Code the offender's name and all of the information 786
specified in division (A) (1) (c) (iii) of that section. 787

(B) If a request for notification has been made pursuant 788
to section 2930.16 of the Revised Code or if division (H) of 789
this section applies, the office of victim services or the adult 790
parole authority also shall provide notice to the victim or the 791
victim's representative at least sixty days prior to 792
recommending any pardon or commutation of sentence for, or 793
granting any parole to, the person. The notice shall include the 794
information required by division (A) of this section and may be 795
provided by telephone or through electronic means. The notice 796
also shall inform the victim or the victim's representative that 797
the victim or representative may send a written statement 798
relative to the victimization and the pending action to the 799
adult parole authority and that, if the authority receives any 800
written statement prior to recommending a pardon or commutation 801

or granting a parole for a person, the authority will consider 802
the statement before it recommends a pardon or commutation or 803
grants a parole. If the person is being considered for parole, 804
the notice shall inform the victim or the victim's 805
representative that a full board hearing of the parole board may 806
be held and that the victim or victim's representative may 807
contact the office of victims' services for further information. 808
If the person being considered for parole was convicted of or 809
pleaded guilty to a violation of section 2903.01 or 2903.02 of 810
the Revised Code, an offense of violence that is a felony of the 811
first, second, or third degree, or an offense punished by a 812
sentence of life imprisonment, the notice shall inform the 813
victim of that offense, the victim's representative, or a member 814
of the victim's immediate family that the victim, the victim's 815
representative, and the victim's immediate family have the right 816
to give testimony at a full board hearing of the parole board 817
and that the victim or victim's representative may contact the 818
office of victims' services for further information. 819

(C) When notice of the pendency of any pardon, commutation 820
of sentence, or parole has been provided to a judge or 821
prosecutor or posted on the database as required in division (A) 822
of this section and a hearing on the pardon, commutation, or 823
parole is continued to a date certain, the authority shall 824
provide notice of the further consideration of the pardon, 825
commutation, or parole at least sixty days before the further 826
consideration. The notice of the further consideration shall be 827
provided to the proper judge and prosecuting attorney at least 828
sixty days before the further consideration, and may be provided 829
using electronic means, and, if the initial notice was posted on 830
the database as provided in division (A) of this section, the 831
notice of the further consideration shall be posted on the 832

database at least sixty days before the further consideration. 833
If the prosecuting attorney or a law enforcement agency was 834
provided a copy of the institutional summary report relative to 835
the subject person under division (A) of this section, the 836
authority shall include with the notice of the further 837
consideration sent to the prosecuting attorney any new 838
information with respect to the person that relates to 839
activities and actions of the person that are of a type covered 840
by the report and shall send to the law enforcement agency a 841
report that provides notice of the further consideration and 842
includes any such new information with respect to the person. 843
When notice of the pendency of any pardon, commutation, or 844
parole has been given as provided in division (B) of this 845
section and the hearing on it is continued to a date certain, 846
the authority shall give notice of the further consideration to 847
the victim or the victim's representative in accordance with 848
section 2930.03 of the Revised Code. 849

(D) In case of an application for the pardon or 850
commutation of sentence of a person sentenced to capital 851
punishment, the governor may modify the requirements of 852
notification and publication if there is not sufficient time for 853
compliance with the requirements before the date fixed for the 854
execution of sentence. 855

(E) If an offender is serving a prison term imposed under 856
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 857
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 858
Code and if the parole board terminates its control over the 859
offender's service of that term pursuant to section 2971.04 of 860
the Revised Code, the parole board immediately shall provide 861
written notice of its termination of control or the transfer of 862
control to the entities and persons specified in section 2971.04 863

of the Revised Code. 864

(F) The failure of the adult parole authority to comply 865
with the notice or posting provisions of division (A), (B), or 866
(C) of this section or the failure of the parole board to comply 867
with the notice provisions of division (E) of this section do 868
not give any rights or any grounds for appeal or post-conviction 869
relief to the person serving the sentence. 870

(G) Divisions (A), (B), and (C) of this section do not 871
apply to any release of a person that is of the type described 872
in division (B) (2) (b) of section 5120.031 of the Revised Code. 873

(H) If a defendant is incarcerated for the commission of 874
aggravated murder, murder, or an offense of violence that is a 875
felony of the first, second, or third degree or is under a 876
sentence of life imprisonment, except as otherwise provided in 877
this division, the notice described in division (B) of this 878
section shall be given to the victim or victim's representative 879
regardless of whether the victim or victim's representative has 880
made a request for notification. The notice described in 881
division (B) of this section shall not be given under this 882
division to a victim or victim's representative if the victim or 883
victim's representative has requested pursuant to division (B) 884
(2) of section 2930.03 of the Revised Code that the victim or 885
the victim's representative not be provided the notice. The 886
notice described in division (B) of this section does not have 887
to be given under this division to a victim or victim's 888
representative if notice was given to the victim or victim's 889
representative with respect to at least two prior considerations 890
of pardon, commutation, or parole of a person and the victim or 891
victim's representative did not provide any written statement 892
relative to the victimization and the pending action, did not 893

attend any hearing conducted relative to the pending action, and 894
did not otherwise respond to the office with respect to the 895
pending action. Regardless of whether the victim or victim's 896
representative has requested that the notice described in 897
division (B) of this section be provided or not be provided, the 898
office of victim services or adult parole authority shall give 899
similar notice to the law enforcement agency that arrested the 900
defendant if any officer of that agency was a victim of the 901
offense and to any member of the victim's immediate family who 902
requests notification. If notice is to be given under this 903
division, the office or authority may give the notice by any 904
reasonable means, including regular mail, telephone, and 905
electronic mail, in accordance with division (D)(1) of section 906
2930.16 of the Revised Code. If the notice is based on an 907
offense committed prior to ~~the effective date of this amendment~~ 908
March 22, 2013, the notice to the victim or victim's 909
representative also shall include the opt-out information 910
described in division (D)(1) of section 2930.16 of the Revised 911
Code. The office or authority, in accordance with division (D) 912
(2) of section 2930.16 of the Revised Code, shall keep a record 913
of all attempts to provide the notice, and of all notices 914
provided, under this division. 915

Division (H) of this section, and the notice-related 916
provisions of divisions (E)(2) and (K) of section 2929.20, 917
division (D)(1) of section 2930.16, division (E)(1)(b) of 918
section 2967.19, division (A) ~~(3)~~ (2) (b) of section 2967.26, 919
division (D)(1) of section 2967.28, and division (A)(2) of 920
section 5149.101 of the Revised Code enacted in the act in which 921
division (H) of this section was enacted, shall be known as 922
"Roberta's Law." 923

(I) In addition to and independent of the right of a 924

victim to make a statement as described in division (A) of this section or pursuant to section 2930.17 of the Revised Code or to otherwise make a statement, the authority for a judge or prosecuting attorney to furnish statements and information, make recommendations, and give testimony as described in division (A) of this section, the right of a prosecuting attorney, judge, or victim to give testimony or submit a statement at a full parole board hearing pursuant to section 5149.101 of the Revised Code, and any other right or duty of a person to present information or make a statement, any person may send to the adult parole authority at any time prior to the authority's recommending a pardon or commutation or granting a parole for the offender a written statement relative to the offense and the pending action.

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

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

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

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

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

(b) A prison term imposed for complicity in, an attempt to

commit, or conspiracy to commit any offense listed in division	954
(A) (2) (a) of this section;	955
(c) A prison term of life imprisonment, including any term	956
of life imprisonment that has parole eligibility;	957
(d) A prison term imposed for any felony other than	958
carrying a concealed weapon an essential element of which is any	959
conduct or failure to act expressly involving any deadly weapon	960
or dangerous ordnance;	961
(e) A prison term imposed for any violation of section	962
2925.03 of the Revised Code that is a felony of the first or	963
second degree;	964
(f) A prison term imposed for engaging in a pattern of	965
corrupt activity in violation of section 2923.32 of the Revised	966
Code;	967
(g) A prison term imposed pursuant to section 2971.03 of	968
the Revised Code;	969
(h) A prison term imposed for any sexually oriented	970
offense.	971
(3) "Eligible prison term" means any prison term that is	972
not a disqualifying prison term and is not a restricting prison	973
term.	974
(4) "Restricting prison term" means any of the following:	975
(a) A mandatory prison term imposed under division (B) (1)	976
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of	977
section 2929.14 of the Revised Code for a specification of the	978
type described in that division;	979
(b) In the case of an offender who has been sentenced to a	980

mandatory prison term for a specification of the type described 981
in division (A) (4) (a) of this section, the prison term imposed 982
for the felony offense for which the specification was stated at 983
the end of the body of the indictment, count in the indictment, 984
or information charging the offense; 985

(c) A prison term imposed for trafficking in persons; 986

(d) A prison term imposed for any offense that is 987
described in division (A) (4) (d) (i) of this section if division 988
(A) (4) (d) (ii) of this section applies to the offender: 989

(i) The offense is a felony of the first or second degree 990
that is an offense of violence and that is not described in 991
division (A) (2) (a) or (b) of this section, an attempt to commit 992
a felony of the first or second degree that is an offense of 993
violence and that is not described in division (A) (2) (a) or (b) 994
of this section if the attempt is a felony of the first or 995
second degree, or an offense under an existing or former law of 996
this state, another state, or the United States that is or was 997
substantially equivalent to any other offense described in this 998
division. 999

(ii) The offender previously was convicted of or pleaded 1000
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 1001
of this section. 1002

(5) "Sexually oriented offense" has the same meaning as in 1003
section 2950.01 of the Revised Code. 1004

(B) The director of the department of rehabilitation and 1005
correction may recommend in writing to the sentencing court that 1006
the court consider releasing from prison any offender who, on or 1007
after September 30, 2011, is confined in a state correctional 1008
institution, who is serving a stated prison term of one year or 1009

more, and who is eligible under division (C) of this section for 1010
a release under this section. If the director wishes to 1011
recommend that the sentencing court consider releasing an 1012
offender under this section, the director shall notify the 1013
sentencing court in writing of the offender's eligibility not 1014
earlier than ninety days prior to the date on which the offender 1015
becomes eligible as described in division (C) of this section. 1016
The director's submission of the written notice constitutes a 1017
recommendation by the director that the court strongly consider 1018
release of the offender consistent with the purposes and 1019
principles of sentencing set forth in sections 2929.11 and 1020
2929.13 of the Revised Code. Only an offender recommended by the 1021
director under division (B) of this section may be considered 1022
for early release under this section. 1023

(C) (1) An offender serving a stated prison term of one 1024
year or more and who has commenced service of that stated prison 1025
term becomes eligible for release from prison under this section 1026
only as described in this division. An offender serving a stated 1027
prison term that includes a disqualifying prison term is not 1028
eligible for release from prison under this section. An offender 1029
serving a stated prison term that consists solely of one or more 1030
restricting prison terms is not eligible for release under this 1031
section. An offender serving a stated prison term of one year or 1032
more that includes one or more restricting prison terms and one 1033
or more eligible prison terms becomes eligible for release under 1034
this section after having fully served all restricting prison 1035
terms and having served eighty per cent of the stated prison 1036
term that remains to be served after all restricting prison 1037
terms have been fully served. An offender serving a stated 1038
prison term that consists solely of one or more eligible prison 1039
terms becomes eligible for release under this section after 1040

having served eighty per cent of that stated prison term. For 1041
purposes of determining an offender's eligibility for release 1042
under this section, if the offender's stated prison term 1043
includes consecutive prison terms, any restricting prison terms 1044
shall be deemed served prior to any eligible prison terms that 1045
run consecutively to the restricting prison terms, and the 1046
eligible prison terms are deemed to commence after all of the 1047
restricting prison terms have been fully served. 1048

An offender serving a stated prison term of one year or 1049
more that includes a mandatory prison term that is not a 1050
disqualifying prison term and is not a restricting prison term 1051
is not automatically ineligible as a result of the offender's 1052
service of that mandatory term for release from prison under 1053
this section, and the offender's eligibility for release from 1054
prison under this section is determined in accordance with this 1055
division. 1056

(2) If an offender confined in a state correctional 1057
institution under a stated prison term is eligible for release 1058
under this section as described in division (C)(1) of this 1059
section, the director of the department of rehabilitation and 1060
correction may recommend in writing that the sentencing court 1061
consider releasing the offender from prison under this section 1062
by submitting to the sentencing court the written notice 1063
described in division (B) of this section. 1064

(D) The director shall include with any notice submitted 1065
to the sentencing court under division (B) of this section an 1066
institutional summary report that covers the offender's 1067
participation while confined in a state correctional institution 1068
in school, training, work, treatment, and other rehabilitative 1069
activities and any disciplinary action taken against the 1070

offender while so confined. The director shall include with the 1071
notice any other documentation requested by the court, if 1072
available. 1073

(E) (1) When the director submits a written notice to a 1074
sentencing court that an offender is eligible to be considered 1075
for early release under this section, the department promptly 1076
shall provide to the prosecuting attorney of the county in which 1077
the offender was indicted a copy of the written notice, a copy 1078
of the institutional summary report, and any other information 1079
provided to the court and shall provide a copy of the 1080
institutional summary report to any law enforcement agency that 1081
requests the report. The department also promptly shall do 1082
whichever of the following is applicable: 1083

(a) Subject to division (E) (1) (b) of this section, give 1084
written notice of the submission to any victim of the offender 1085
or victim's representative of any victim of the offender who is 1086
registered with the office of victim's services. 1087

(b) If the offense was aggravated murder, murder, an 1088
offense of violence that is a felony of the first, second, or 1089
third degree, or an offense punished by a sentence of life 1090
imprisonment, except as otherwise provided in this division, 1091
notify the victim or the victim's representative of the filing 1092
of the petition regardless of whether the victim or victim's 1093
representative has registered with the office of victim's 1094
services. The notice of the filing of the petition shall not be 1095
given under this division to a victim or victim's representative 1096
if the victim or victim's representative has requested pursuant 1097
to division (B) (2) of section 2930.03 of the Revised Code that 1098
the victim or the victim's representative not be provided the 1099
notice. If notice is to be provided to a victim or victim's 1100

representative under this division, the department may give the 1101
notice by any reasonable means, including regular mail, 1102
telephone, and electronic mail, in accordance with division (D) 1103
(1) of section 2930.16 of the Revised Code. If the notice is 1104
based on an offense committed prior to ~~the effective date of~~ 1105
~~this amendment~~ March 22, 2013, the notice also shall include the 1106
opt-out information described in division (D) (1) of section 1107
2930.16 of the Revised Code. The department, in accordance with 1108
division (D) (2) of section 2930.16 of the Revised Code, shall 1109
keep a record of all attempts to provide the notice, and of all 1110
notices provided, under this division. 1111

Division (E) (1) (b) of this section, and the notice-related 1112
provisions of divisions (E) (2) and (K) of section 2929.20, 1113
division (D) (1) of section 2930.16, division (H) of section 1114
2967.12, division (A) ~~(3)~~ (2) (b) of section 2967.26, division (D) 1115
(1) of section 2967.28, and division (A) (2) of section 5149.101 1116
of the Revised Code enacted in the act in which division (E) (2) 1117
of this section was enacted, shall be known as "Roberta's Law." 1118

(2) When the director submits a petition under this 1119
section, the department also promptly shall post a copy of the 1120
written notice on the database it maintains under section 1121
5120.66 of the Revised Code and include information on where a 1122
person may send comments regarding the recommendation of early 1123
release. 1124

The information provided to the court, the prosecutor, and 1125
the victim or victim's representative under divisions (D) and 1126
(E) of this section shall include the name and contact 1127
information of a specific department of rehabilitation and 1128
correction employee who is available to answer questions about 1129
the offender who is the subject of the written notice submitted 1130

by the director, including, but not limited to, the offender's 1131
institutional conduct and rehabilitative activities while 1132
incarcerated. 1133

(F) Upon receipt of a written notice submitted by the 1134
director under division (B) of this section, the court either 1135
shall, on its own motion, schedule a hearing to consider 1136
releasing the offender who is the subject of the notice or shall 1137
inform the department that it will not be conducting a hearing 1138
relative to the offender. The court shall not grant an early 1139
release to an offender without holding a hearing. If a court 1140
declines to hold a hearing relative to an offender with respect 1141
to a written notice submitted by the director, the court may 1142
later consider release of that offender under this section on 1143
its own motion by scheduling a hearing for that purpose. Within 1144
thirty days after the written notice is submitted, the court 1145
shall inform the department whether or not the court is 1146
scheduling a hearing on the offender who is the subject of the 1147
notice. 1148

(G) If the court schedules a hearing upon receiving a 1149
written notice submitted under division (B) of this section or 1150
upon its own motion under division (F) of this section, the 1151
court shall notify the head of the state correctional 1152
institution in which the offender is confined of the hearing 1153
prior to the hearing. If the court makes a journal entry 1154
ordering the offender to be conveyed to the hearing, except as 1155
otherwise provided in this division, the head of the 1156
correctional institution shall deliver the offender to the 1157
sheriff of the county in which the hearing is to be held, and 1158
the sheriff shall convey the offender to and from the hearing. 1159
Upon the court's own motion or the motion of the offender or the 1160
prosecuting attorney of the county in which the offender was 1161

indicted, the court may permit the offender to appear at the 1162
hearing by video conferencing equipment if equipment of that 1163
nature is available and compatible. 1164

Upon receipt of notice from a court of a hearing on the 1165
release of an offender under this division, the head of the 1166
state correctional institution in which the offender is confined 1167
immediately shall notify the appropriate person at the 1168
department of rehabilitation and correction of the hearing, and 1169
the department within twenty-four hours after receipt of the 1170
notice shall post on the database it maintains pursuant to 1171
section 5120.66 of the Revised Code the offender's name and all 1172
of the information specified in division (A)(1)(c)(i) of that 1173
section. If the court schedules a hearing under this section, 1174
the court promptly shall give notice of the hearing to the 1175
prosecuting attorney of the county in which the offender was 1176
indicted. Upon receipt of the notice from the court, the 1177
prosecuting attorney shall notify pursuant to section 2930.16 of 1178
the Revised Code any victim of the offender or the victim's 1179
representative of the hearing. 1180

(H) If the court schedules a hearing under this section, 1181
at the hearing, the court shall afford the offender and the 1182
offender's attorney an opportunity to present written 1183
information and, if present, oral information relevant to the 1184
offender's early release. The court shall afford a similar 1185
opportunity to the prosecuting attorney, victim or victim's 1186
representative, as defined in section 2930.01 of the Revised 1187
Code, and any other person the court determines is likely to 1188
present additional relevant information. If the court pursuant 1189
to division (G) of this section permits the offender to appear 1190
at the hearing by video conferencing equipment, the offender's 1191
opportunity to present oral information shall be as a part of 1192

the video conferencing. The court shall consider any statement 1193
of a victim made under section 2930.14 or 2930.17 of the Revised 1194
Code, any victim impact statement prepared under section 1195
2947.051 of the Revised Code, and any report and other 1196
documentation submitted by the director under division (D) of 1197
this section. After ruling on whether to grant the offender 1198
early release, the court shall notify the victim in accordance 1199
with sections 2930.03 and 2930.16 of the Revised Code. 1200

(I) If the court grants an offender early release under 1201
this section, it shall order the release of the offender, shall 1202
place the offender under one or more appropriate community 1203
control sanctions, under appropriate conditions, and under the 1204
supervision of the department of probation that serves the 1205
court, and shall reserve the right to reimpose the sentence that 1206
it reduced and from which the offender was released if the 1207
offender violates the sanction. The court shall not make a 1208
release under this section effective prior to the date on which 1209
the offender becomes eligible as described in division (C) of 1210
this section. If the sentence under which the offender is 1211
confined in a state correctional institution and from which the 1212
offender is being released was imposed for a felony of the first 1213
or second degree, the court shall consider ordering that the 1214
offender be monitored by means of a global positioning device. 1215
If the court reimposes the sentence that it reduced and from 1216
which the offender was released and if the violation of the 1217
sanction is a new offense, the court may order that the 1218
reimposed sentence be served either concurrently with, or 1219
consecutive to, any new sentence imposed upon the offender as a 1220
result of the violation that is a new offense. The period of all 1221
community control sanctions imposed under this division shall 1222
not exceed five years. The court, in its discretion, may reduce 1223

the period of community control sanctions by the amount of time 1224
the offender spent in jail or prison for the offense. 1225

If the court grants an offender early release under this 1226
section, it shall notify the appropriate person at the 1227
department of rehabilitation and correction of the release, and 1228
the department shall post notice of the release on the database 1229
it maintains pursuant to section 5120.66 of the Revised Code. 1230

(J) The department shall adopt under Chapter 119. of the 1231
Revised Code any rules necessary to implement this section. 1232

Sec. 2967.26. (A) (1) The department of rehabilitation and 1233
correction, by rule, may establish a transitional control 1234
program for the purpose of closely monitoring a prisoner's 1235
adjustment to community supervision during the final one hundred 1236
eighty days of the prisoner's confinement. If the department 1237
establishes a transitional control program under this division, 1238
the division of parole and community services of the department 1239
of rehabilitation and correction may transfer eligible prisoners 1240
to transitional control status under the program during the 1241
final one hundred eighty days of their confinement and under the 1242
terms and conditions established by the department, shall 1243
provide for the confinement as provided in this division of each 1244
eligible prisoner so transferred, and shall supervise each 1245
eligible prisoner so transferred in one or more community 1246
control sanctions. Each eligible prisoner who is transferred to 1247
transitional control status under the program shall be confined 1248
in a suitable facility that is licensed pursuant to division (C) 1249
of section 2967.14 of the Revised Code, or shall be confined in 1250
a residence the department has approved for this purpose and be 1251
monitored pursuant to an electronic monitoring device, as 1252
defined in section 2929.01 of the Revised Code. If the 1253

department establishes a transitional control program under this 1254
division, the rules establishing the program shall include 1255
criteria that define which prisoners are eligible for the 1256
program, criteria that must be satisfied to be approved as a 1257
residence that may be used for confinement under the program of 1258
a prisoner that is transferred to it and procedures for the 1259
department to approve residences that satisfy those criteria, 1260
and provisions of the type described in division (C) of this 1261
section. At a minimum, the criteria that define which prisoners 1262
are eligible for the program shall provide all of the following: 1263

(a) That a prisoner is eligible for the program if the 1264
prisoner is serving a prison term or term of imprisonment for an 1265
offense committed prior to March 17, 1998, and if, at the time 1266
at which eligibility is being determined, the prisoner would 1267
have been eligible for a furlough under this section as it 1268
existed immediately prior to March 17, 1998, or would have been 1269
eligible for conditional release under former section 2967.23 of 1270
the Revised Code as that section existed immediately prior to 1271
March 17, 1998; 1272

(b) That no prisoner who is serving a mandatory prison 1273
term is eligible for the program until after expiration of the 1274
mandatory term; 1275

(c) That no prisoner who is serving a prison term or term 1276
of life imprisonment without parole imposed pursuant to section 1277
2971.03 of the Revised Code is eligible for the program. 1278

~~(2) At least sixty days prior to transferring to 1279
transitional control under this section a prisoner who is 1280
serving a term of imprisonment or prison term of two years or 1281
less for an offense committed on or after July 1, 1996, the 1282
division of parole and community services of the department of 1283~~

~~rehabilitation and correction shall give notice of the pendency- 1284
of the transfer to transitional control to the court of common- 1285
pleas of the county in which the indictment against the prisoner- 1286
was found and of the fact that the court may disapprove the- 1287
transfer of the prisoner to transitional control and shall- 1288
include the institutional summary report prepared by the head of- 1289
the state correctional institution in which the prisoner is- 1290
confined. The head of the state correctional institution in- 1291
which the prisoner is confined, upon the request of the division- 1292
of parole and community services, shall provide to the division- 1293
for inclusion in the notice sent to the court under this- 1294
division an institutional summary report on the prisoner's- 1295
conduct in the institution and in any institution from which the- 1296
prisoner may have been transferred. The institutional summary- 1297
report shall cover the prisoner's participation in school,- 1298
vocational training, work, treatment, and other rehabilitative- 1299
activities and any disciplinary action taken against the- 1300
prisoner. If the court disapproves of the transfer of the- 1301
prisoner to transitional control, the court shall notify the- 1302
division of the disapproval within thirty days after receipt of- 1303
the notice. If the court timely disapproves the transfer of the- 1304
prisoner to transitional control, the division shall not proceed- 1305
with the transfer. If the court does not timely disapprove the- 1306
transfer of the prisoner to transitional control, the division- 1307
may transfer the prisoner to transitional control. 1308~~

~~(3)~~ (a) If the victim of an offense for which a prisoner 1309
was sentenced to a prison term or term of imprisonment has 1310
requested notification under section 2930.16 of the Revised Code 1311
and has provided the department of rehabilitation and correction 1312
with the victim's name and address or if division (A) ~~(3)~~ (2) (b) 1313
of this section applies, the division of parole and community 1314

services, at least sixty days prior to transferring the prisoner 1315
to transitional control pursuant to this section, shall notify 1316
the victim of the pendency of the transfer and of the victim's 1317
right to submit a statement to the division regarding the impact 1318
of the transfer of the prisoner to transitional control. If the 1319
victim subsequently submits a statement of that nature to the 1320
division, the division shall consider the statement in deciding 1321
whether to transfer the prisoner to transitional control. 1322

(b) If a prisoner is incarcerated for the commission of 1323
aggravated murder, murder, or an offense of violence that is a 1324
felony of the first, second, or third degree or under a sentence 1325
of life imprisonment, except as otherwise provided in this 1326
division, the notice described in division (A) ~~(3)~~ (2) (a) of this 1327
section shall be given regardless of whether the victim has 1328
requested the notification. The notice described in division (A) 1329
~~(3)~~ (2) (a) of this section shall not be given under this division 1330
to a victim if the victim has requested pursuant to division (B) 1331
(2) of section 2930.03 of the Revised Code that the victim not 1332
be provided the notice. If notice is to be provided to a victim 1333
under this division, the authority may give the notice by any 1334
reasonable means, including regular mail, telephone, and 1335
electronic mail, in accordance with division (D) (1) of section 1336
2930.16 of the Revised Code. If the notice is based on an 1337
offense committed prior to March 22, 2013, the notice also shall 1338
include the opt-out information described in division (D) (1) of 1339
section 2930.16 of the Revised Code. The authority, in 1340
accordance with division (D) (2) of section 2930.16 of the 1341
Revised Code, shall keep a record of all attempts to provide the 1342
notice, and of all notices provided, under this division. 1343

Division (A) ~~(3)~~ (2) (b) of this section, and the notice- 1344
related provisions of divisions (E) (2) and (K) of section 1345

2929.20, division (D) (1) of section 2930.16, division (H) of 1346
section 2967.12, division (E) (1) (b) of section 2967.19, division 1347
(D) (1) of section 2967.28, and division (A) (2) of section 1348
5149.101 of the Revised Code enacted in the act in which 1349
division (A) ~~(3)~~ (2) (b) of this section was enacted, shall be 1350
known as "Roberta's Law." 1351

~~(4)~~ (3) The department of rehabilitation and correction, 1352
at least sixty days prior to transferring a prisoner to 1353
transitional control pursuant to this section, shall post on the 1354
database it maintains pursuant to section 5120.66 of the Revised 1355
Code the prisoner's name and all of the information specified in 1356
division (A) (1) (c) (iv) of that section. In addition to and 1357
independent of the right of a victim to submit a statement as 1358
described in division (A) ~~(3)~~ (2) of this section or to otherwise 1359
make a statement and in addition to and independent of any other 1360
right or duty of a person to present information or make a 1361
statement, any person may send to the division of parole and 1362
community services at any time prior to the division's transfer 1363
of the prisoner to transitional control a written statement 1364
regarding the transfer of the prisoner to transitional control. 1365
In addition to the information, reports, and statements it 1366
considers under ~~divisions~~ division (A) (2) ~~and (3)~~ of this 1367
section or that it otherwise considers, the division shall 1368
consider each statement submitted in accordance with this 1369
division in deciding whether to transfer the prisoner to 1370
transitional control. 1371

(B) Each prisoner transferred to transitional control 1372
under this section shall be confined in the manner described in 1373
division (A) of this section during any period of time that the 1374
prisoner is not actually working at the prisoner's approved 1375
employment, engaged in a vocational training or another 1376

educational program, engaged in another program designated by 1377
the director, or engaged in other activities approved by the 1378
department. 1379

(C) The department of rehabilitation and correction shall 1380
adopt rules for transferring eligible prisoners to transitional 1381
control, supervising and confining prisoners so transferred, 1382
administering the transitional control program in accordance 1383
with this section, and using the moneys deposited into the 1384
transitional control fund established under division (E) of this 1385
section. 1386

(D) The department of rehabilitation and correction may 1387
adopt rules for the issuance of passes for the limited purposes 1388
described in this division to prisoners who are transferred to 1389
transitional control under this section. If the department 1390
adopts rules of that nature, the rules shall govern the granting 1391
of the passes and shall provide for the supervision of prisoners 1392
who are temporarily released pursuant to one of those passes. 1393
Upon the adoption of rules under this division, the department 1394
may issue passes to prisoners who are transferred to 1395
transitional control status under this section in accordance 1396
with the rules and the provisions of this division. All passes 1397
issued under this division shall be for a maximum of forty-eight 1398
hours and may be issued only for the following purposes: 1399

(1) To visit a relative in imminent danger of death; 1400

(2) To have a private viewing of the body of a deceased 1401
relative; 1402

(3) To visit with family; 1403

(4) To otherwise aid in the rehabilitation of the 1404
prisoner. 1405

(E) The division of parole and community services may 1406
require a prisoner who is transferred to transitional control to 1407
pay to the division the reasonable expenses incurred by the 1408
division in supervising or confining the prisoner while under 1409
transitional control. Inability to pay those reasonable expenses 1410
shall not be grounds for refusing to transfer an otherwise 1411
eligible prisoner to transitional control. Amounts received by 1412
the division of parole and community services under this 1413
division shall be deposited into the transitional control fund, 1414
which is hereby created in the state treasury and which hereby 1415
replaces and succeeds the furlough services fund that formerly 1416
existed in the state treasury. All moneys that remain in the 1417
furlough services fund on March 17, 1998, shall be transferred 1418
on that date to the transitional control fund. The transitional 1419
control fund shall be used solely to pay costs related to the 1420
operation of the transitional control program established under 1421
this section. The director of rehabilitation and correction 1422
shall adopt rules in accordance with section 111.15 of the 1423
Revised Code for the use of the fund. 1424

(F) A prisoner who violates any rule established by the 1425
department of rehabilitation and correction under division (A), 1426
(C), or (D) of this section may be transferred to a state 1427
correctional institution pursuant to rules adopted under 1428
division (A), (C), or (D) of this section, but the prisoner 1429
shall receive credit towards completing the prisoner's sentence 1430
for the time spent under transitional control. 1431

If a prisoner is transferred to transitional control under 1432
this section, upon successful completion of the period of 1433
transitional control, the prisoner may be released on parole or 1434
under post-release control pursuant to section 2967.13 or 1435
2967.28 of the Revised Code and rules adopted by the department 1436

of rehabilitation and correction. If the prisoner is released 1437
under post-release control, the duration of the post-release 1438
control, the type of post-release control sanctions that may be 1439
imposed, the enforcement of the sanctions, and the treatment of 1440
prisoners who violate any sanction applicable to the prisoner 1441
are governed by section 2967.28 of the Revised Code. 1442

Sec. 2967.28. (A) As used in this section: 1443

(1) "Monitored time" means the monitored time sanction 1444
specified in section 2929.17 of the Revised Code. 1445

(2) "Deadly weapon" and "dangerous ordnance" have the same 1446
meanings as in section 2923.11 of the Revised Code. 1447

(3) "Felony sex offense" means a violation of a section 1448
contained in Chapter 2907. of the Revised Code that is a felony. 1449

(4) "Risk reduction sentence" means a prison term imposed 1450
by a court, when the court recommends pursuant to section 1451
2929.143 of the Revised Code that the offender serve the 1452
sentence under section 5120.036 of the Revised Code, and the 1453
offender may potentially be released from imprisonment prior to 1454
the expiration of the prison term if the offender successfully 1455
completes all assessment and treatment or programming required 1456
by the department of rehabilitation and correction under section 1457
5120.036 of the Revised Code. 1458

(5) "Victim's immediate family" has the same meaning as in 1459
section 2967.12 of the Revised Code. 1460

(6) "Minor drug possession offense" has the same meaning 1461
as in section 2925.11 of the Revised Code. 1462

(B) Each sentence to a prison term for a felony of the 1463
first degree, for a felony of the second degree, for a felony 1464

sex offense, or for a felony of the third degree that is an 1465
offense of violence and is not a felony sex offense shall 1466
include a requirement that the offender be subject to a period 1467
of post-release control imposed by the parole board after the 1468
offender's release from imprisonment. This division applies with 1469
respect to all prison terms of a type described in this 1470
division, including a term of any such type that is a risk 1471
reduction sentence. If a court imposes a sentence including a 1472
prison term of a type described in this division on or after 1473
July 11, 2006, the failure of a sentencing court to notify the 1474
offender pursuant to division (B) (2) (c) of section 2929.19 of 1475
the Revised Code of this requirement or to include in the 1476
judgment of conviction entered on the journal a statement that 1477
the offender's sentence includes this requirement does not 1478
negate, limit, or otherwise affect the mandatory period of 1479
supervision that is required for the offender under this 1480
division. Section 2929.191 of the Revised Code applies if, prior 1481
to July 11, 2006, a court imposed a sentence including a prison 1482
term of a type described in this division and failed to notify 1483
the offender pursuant to division (B) (2) (c) of section 2929.19 1484
of the Revised Code regarding post-release control or to include 1485
in the judgment of conviction entered on the journal or in the 1486
sentence pursuant to division (D) (1) of section 2929.14 of the 1487
Revised Code a statement regarding post-release control. Unless 1488
reduced by the parole board pursuant to division (D) of this 1489
section when authorized under that division, a period of post- 1490
release control required by this division for an offender shall 1491
be of one of the following periods: 1492

(1) For a felony of the first degree or for a felony sex 1493
offense, five years; 1494

(2) For a felony of the second degree that is not a felony 1495

sex offense, three years; 1496

(3) For a felony of the third degree that is an offense of 1497
violence and is not a felony sex offense, three years. 1498

(C) Any sentence to a prison term for a felony of the 1499
third, fourth, or fifth degree that is not subject to division 1500
(B) (1) or (3) of this section shall include a requirement that 1501
the offender be subject to a period of post-release control of 1502
up to three years after the offender's release from 1503
imprisonment, if the parole board, in accordance with division 1504
(D) of this section, determines that a period of post-release 1505
control is necessary for that offender. This division applies 1506
with respect to all prison terms of a type described in this 1507
division, including a term of any such type that is a risk 1508
reduction sentence. Section 2929.191 of the Revised Code applies 1509
if, prior to July 11, 2006, a court imposed a sentence including 1510
a prison term of a type described in this division and failed to 1511
notify the offender pursuant to division (B) (2) (d) of section 1512
2929.19 of the Revised Code regarding post-release control or to 1513
include in the judgment of conviction entered on the journal or 1514
in the sentence pursuant to division (D) (2) of section 2929.14 1515
of the Revised Code a statement regarding post-release control. 1516
Pursuant to an agreement entered into under section 2967.29 of 1517
the Revised Code, a court of common pleas or parole board may 1518
impose sanctions or conditions on an offender who is placed on 1519
post-release control under this division. 1520

(D) (1) Before the prisoner is released from imprisonment, 1521
the parole board or, pursuant to an agreement under section 1522
2967.29 of the Revised Code, the court shall impose upon a 1523
prisoner described in division (B) of this section, shall impose 1524
upon a prisoner described in division (C) of this section who is 1525

to be released before the expiration of the prisoner's stated 1526
prison term under a risk reduction sentence, may impose upon a 1527
prisoner described in division (C) of this section who is not to 1528
be released before the expiration of the prisoner's stated 1529
prison term under a risk reduction sentence, and shall impose 1530
upon a prisoner described in division (B)(2)(b) of section 1531
5120.031 or in division (B)(1) of section 5120.032 of the 1532
Revised Code, one or more post-release control sanctions to 1533
apply during the prisoner's period of post-release control. 1534
Whenever the board or court imposes one or more post-release 1535
control sanctions upon a prisoner, the board or court, in 1536
addition to imposing the sanctions, also shall include as a 1537
condition of the post-release control that the offender not 1538
leave the state without permission of the court or the 1539
offender's parole or probation officer and that the offender 1540
abide by the law. The board or court may impose any other 1541
conditions of release under a post-release control sanction that 1542
the board or court considers appropriate, and the conditions of 1543
release may include any community residential sanction, 1544
community nonresidential sanction, or financial sanction that 1545
the sentencing court was authorized to impose pursuant to 1546
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1547
Prior to the release of a prisoner for whom it will impose one 1548
or more post-release control sanctions under this division, the 1549
parole board or court shall review the prisoner's criminal 1550
history, results from the single validated risk assessment tool 1551
selected by the department of rehabilitation and correction 1552
under section 5120.114 of the Revised Code, all juvenile court 1553
adjudications finding the prisoner, while a juvenile, to be a 1554
delinquent child, and the record of the prisoner's conduct while 1555
imprisoned. The parole board or court shall consider any 1556
recommendation regarding post-release control sanctions for the 1557

prisoner made by the office of victims' services. After 1558
considering those materials, the board or court shall determine, 1559
for a prisoner described in division (B) of this section, 1560
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1561
section 5120.032 of the Revised Code and for a prisoner 1562
described in division (C) of this section who is to be released 1563
before the expiration of the prisoner's stated prison term under 1564
a risk reduction sentence, which post-release control sanction 1565
or combination of post-release control sanctions is reasonable 1566
under the circumstances or, for a prisoner described in division 1567
(C) of this section who is not to be released before the 1568
expiration of the prisoner's stated prison term under a risk 1569
reduction sentence, whether a post-release control sanction is 1570
necessary and, if so, which post-release control sanction or 1571
combination of post-release control sanctions is reasonable 1572
under the circumstances. In the case of a prisoner convicted of 1573
a felony of the fourth or fifth degree other than a felony sex 1574
offense, the board or court shall presume that monitored time is 1575
the appropriate post-release control sanction unless the board 1576
or court determines that a more restrictive sanction is 1577
warranted. A post-release control sanction imposed under this 1578
division takes effect upon the prisoner's release from 1579
imprisonment. 1580

Regardless of whether the prisoner was sentenced to the 1581
prison term prior to, on, or after July 11, 2006, prior to the 1582
release of a prisoner for whom it will impose one or more post- 1583
release control sanctions under this division, the parole board 1584
shall notify the prisoner that, if the prisoner violates any 1585
sanction so imposed or any condition of post-release control 1586
described in division (B) of section 2967.131 of the Revised 1587
Code that is imposed on the prisoner, the parole board may 1588

impose a prison term of up to one-half of the stated prison term 1589
originally imposed upon the prisoner. 1590

At least thirty days before the prisoner is released from 1591
imprisonment, except as otherwise provided in this paragraph, 1592
the department of rehabilitation and correction shall notify the 1593
victim and the victim's immediate family of the date on which 1594
the prisoner will be released, the period for which the prisoner 1595
will be under post-release control supervision, and the terms 1596
and conditions of the prisoner's post-release control regardless 1597
of whether the victim or victim's immediate family has requested 1598
the notification. The notice described in this paragraph shall 1599
not be given to a victim or victim's immediate family if the 1600
victim or the victim's immediate family has requested pursuant 1601
to division (B)(2) of section 2930.03 of the Revised Code that 1602
the notice not be provided to the victim or the victim's 1603
immediate family. At least thirty days before the prisoner is 1604
released from imprisonment and regardless of whether the victim 1605
or victim's immediate family has requested that the notice 1606
described in this paragraph be provided or not be provided to 1607
the victim or the victim's immediate family, the department also 1608
shall provide notice of that nature to the prosecuting attorney 1609
in the case and the law enforcement agency that arrested the 1610
prisoner if any officer of that agency was a victim of the 1611
offense. 1612

If the notice given under the preceding paragraph to the 1613
victim or the victim's immediate family is based on an offense 1614
committed prior to March 22, 2013, and if the department of 1615
rehabilitation and correction has not previously successfully 1616
provided any notice to the victim or the victim's immediate 1617
family under division (B), (C), or (D) of section 2930.16 of the 1618
Revised Code with respect to that offense and the offender who 1619

committed it, the notice also shall inform the victim or the 1620
victim's immediate family that the victim or the victim's 1621
immediate family may request that the victim or the victim's 1622
immediate family not be provided any further notices with 1623
respect to that offense and the offender who committed it and 1624
shall describe the procedure for making that request. The 1625
department may give the notices to which the preceding paragraph 1626
applies by any reasonable means, including regular mail, 1627
telephone, and electronic mail. If the department attempts to 1628
provide notice to any specified person under the preceding 1629
paragraph but the attempt is unsuccessful because the department 1630
is unable to locate the specified person, is unable to provide 1631
the notice by its chosen method because it cannot determine the 1632
mailing address, electronic mail address, or telephone number at 1633
which to provide the notice, or, if the notice is sent by mail, 1634
the notice is returned, the department shall make another 1635
attempt to provide the notice to the specified person. If the 1636
second attempt is unsuccessful, the department shall make at 1637
least one more attempt to provide the notice. If the notice is 1638
based on an offense committed prior to March 22, 2013, in each 1639
attempt to provide the notice to the victim or victim's 1640
immediate family, the notice shall include the opt-out 1641
information described in this paragraph. The department, in the 1642
manner described in division (D) (2) of section 2930.16 of the 1643
Revised Code, shall keep a record of all attempts to provide the 1644
notice, and of all notices provided, under this paragraph and 1645
the preceding paragraph. The record shall be considered as if it 1646
was kept under division (D) (2) of section 2930.16 of the Revised 1647
Code. This paragraph, the preceding paragraph, and the notice- 1648
related provisions of divisions (E) (2) and (K) of section 1649
2929.20, division (D) (1) of section 2930.16, division (H) of 1650
section 2967.12, division (E) (1) (b) of section 2967.19, division 1651

(A) ~~(3)~~ (2) (b) of section 2967.26, and division (A) (2) of section 1652
5149.101 of the Revised Code enacted in the act in which this 1653
paragraph and the preceding paragraph were enacted, shall be 1654
known as "Roberta's Law." 1655

(2) If a prisoner who is placed on post-release control 1656
under this section is released before the expiration of the 1657
prisoner's stated prison term by reason of credit earned under 1658
section 2967.193 of the Revised Code and if the prisoner earned 1659
sixty or more days of credit, the adult parole authority shall 1660
supervise the offender with an active global positioning system 1661
device for the first fourteen days after the offender's release 1662
from imprisonment. This division does not prohibit or limit the 1663
imposition of any post-release control sanction otherwise 1664
authorized by this section. 1665

(3) At any time after a prisoner is released from 1666
imprisonment and during the period of post-release control 1667
applicable to the releasee, the adult parole authority or, 1668
pursuant to an agreement under section 2967.29 of the Revised 1669
Code, the court may review the releasee's behavior under the 1670
post-release control sanctions imposed upon the releasee under 1671
this section. The authority or court may determine, based upon 1672
the review and in accordance with the standards established 1673
under division (E) of this section, that a more restrictive or a 1674
less restrictive sanction is appropriate and may impose a 1675
different sanction. The authority also may recommend that the 1676
parole board or court increase or reduce the duration of the 1677
period of post-release control imposed by the court. If the 1678
authority recommends that the board or court increase the 1679
duration of post-release control, the board or court shall 1680
review the releasee's behavior and may increase the duration of 1681
the period of post-release control imposed by the court up to 1682

eight years. If the authority recommends that the board or court 1683
reduce the duration of control for an offense described in 1684
division (B) or (C) of this section, the board or court shall 1685
review the releasee's behavior and may reduce the duration of 1686
the period of control imposed by the court. In no case shall the 1687
board or court reduce the duration of the period of control 1688
imposed for an offense described in division (B)(1) of this 1689
section to a period less than the length of the stated prison 1690
term originally imposed, and in no case shall the board or court 1691
permit the releasee to leave the state without permission of the 1692
court or the releasee's parole or probation officer. 1693

(E) The department of rehabilitation and correction, in 1694
accordance with Chapter 119. of the Revised Code, shall adopt 1695
rules that do all of the following: 1696

(1) Establish standards for the imposition by the parole 1697
board of post-release control sanctions under this section that 1698
are consistent with the overriding purposes and sentencing 1699
principles set forth in section 2929.11 of the Revised Code and 1700
that are appropriate to the needs of releasees; 1701

(2) Establish standards that provide for a period of post- 1702
release control of up to three years for all prisoners described 1703
in division (C) of this section who are to be released before 1704
the expiration of their stated prison term under a risk 1705
reduction sentence and standards by which the parole board can 1706
determine which prisoners described in division (C) of this 1707
section who are not to be released before the expiration of 1708
their stated prison term under a risk reduction sentence should 1709
be placed under a period of post-release control; 1710

(3) Establish standards to be used by the parole board in 1711
reducing the duration of the period of post-release control 1712

imposed by the court when authorized under division (D) of this 1713
section, in imposing a more restrictive post-release control 1714
sanction than monitored time upon a prisoner convicted of a 1715
felony of the fourth or fifth degree other than a felony sex 1716
offense, or in imposing a less restrictive control sanction upon 1717
a releasee based on the releasee's activities including, but not 1718
limited to, remaining free from criminal activity and from the 1719
abuse of alcohol or other drugs, successfully participating in 1720
approved rehabilitation programs, maintaining employment, and 1721
paying restitution to the victim or meeting the terms of other 1722
financial sanctions; 1723

(4) Establish standards to be used by the adult parole 1724
authority in modifying a releasee's post-release control 1725
sanctions pursuant to division (D)(2) of this section; 1726

(5) Establish standards to be used by the adult parole 1727
authority or parole board in imposing further sanctions under 1728
division (F) of this section on releasees who violate post- 1729
release control sanctions, including standards that do the 1730
following: 1731

(a) Classify violations according to the degree of 1732
seriousness; 1733

(b) Define the circumstances under which formal action by 1734
the parole board is warranted; 1735

(c) Govern the use of evidence at violation hearings; 1736

(d) Ensure procedural due process to an alleged violator; 1737

(e) Prescribe nonresidential community control sanctions 1738
for most misdemeanor and technical violations; 1739

(f) Provide procedures for the return of a releasee to 1740

imprisonment for violations of post-release control. 1741

(F) (1) Whenever the parole board imposes one or more post- 1742
release control sanctions upon an offender under this section, 1743
the offender upon release from imprisonment shall be under the 1744
general jurisdiction of the adult parole authority and generally 1745
shall be supervised by the field services section through its 1746
staff of parole and field officers as described in section 1747
5149.04 of the Revised Code, as if the offender had been placed 1748
on parole. If the offender upon release from imprisonment 1749
violates the post-release control sanction or any conditions 1750
described in division (A) of section 2967.131 of the Revised 1751
Code that are imposed on the offender, the public or private 1752
person or entity that operates or administers the sanction or 1753
the program or activity that comprises the sanction shall report 1754
the violation directly to the adult parole authority or to the 1755
officer of the authority who supervises the offender. The 1756
authority's officers may treat the offender as if the offender 1757
were on parole and in violation of the parole, and otherwise 1758
shall comply with this section. 1759

(2) If the adult parole authority or, pursuant to an 1760
agreement under section 2967.29 of the Revised Code, the court 1761
determines that a releasee has violated a post-release control 1762
sanction or any conditions described in division (A) of section 1763
2967.131 of the Revised Code imposed upon the releasee and that 1764
a more restrictive sanction is appropriate, the authority or 1765
court may impose a more restrictive sanction upon the releasee, 1766
in accordance with the standards established under division (E) 1767
of this section or in accordance with the agreement made under 1768
section 2967.29 of the Revised Code, or may report the violation 1769
to the parole board for a hearing pursuant to division (F) (3) of 1770
this section. The authority or court may not, pursuant to this 1771

division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-

release control sanction imposed for a violation of post-release 1803
control when the violation involves a deadly weapon or dangerous 1804
ordnance, physical harm or attempted serious physical harm to a 1805
person, or sexual misconduct, or when the releasee committed 1806
repeated violations of post-release control sanctions. Unless a 1807
releasee's stated prison term was reduced pursuant to section 1808
5120.032 of the Revised Code, the period of a prison term that 1809
is imposed as a post-release control sanction under this 1810
division shall not exceed nine months, and the maximum 1811
cumulative prison term for all violations under this division 1812
shall not exceed one-half of the stated prison term originally 1813
imposed upon the offender as part of this sentence. If a 1814
releasee's stated prison term was reduced pursuant to section 1815
5120.032 of the Revised Code, the period of a prison term that 1816
is imposed as a post-release control sanction under this 1817
division and the maximum cumulative prison term for all 1818
violations under this division shall not exceed the period of 1819
time not served in prison under the sentence imposed by the 1820
court. The period of a prison term that is imposed as a post- 1821
release control sanction under this division shall not count as, 1822
or be credited toward, the remaining period of post-release 1823
control. 1824

If an offender is imprisoned for a felony committed while 1825
under post-release control supervision and is again released on 1826
post-release control for a period of time determined by division 1827
(F) (4) (d) of this section, the maximum cumulative prison term 1828
for all violations under this division shall not exceed one-half 1829
of the total stated prison terms of the earlier felony, reduced 1830
by any prison term administratively imposed by the parole board 1831
or court, plus one-half of the total stated prison term of the 1832
new felony. 1833

(4) Any period of post-release control shall commence upon 1834
an offender's actual release from prison. If an offender is 1835
serving an indefinite prison term or a life sentence in addition 1836
to a stated prison term, the offender shall serve the period of 1837
post-release control in the following manner: 1838

(a) If a period of post-release control is imposed upon 1839
the offender and if the offender also is subject to a period of 1840
parole under a life sentence or an indefinite sentence, and if 1841
the period of post-release control ends prior to the period of 1842
parole, the offender shall be supervised on parole. The offender 1843
shall receive credit for post-release control supervision during 1844
the period of parole. The offender is not eligible for final 1845
release under section 2967.16 of the Revised Code until the 1846
post-release control period otherwise would have ended. 1847

(b) If a period of post-release control is imposed upon 1848
the offender and if the offender also is subject to a period of 1849
parole under an indefinite sentence, and if the period of parole 1850
ends prior to the period of post-release control, the offender 1851
shall be supervised on post-release control. The requirements of 1852
parole supervision shall be satisfied during the post-release 1853
control period. 1854

(c) If an offender is subject to more than one period of 1855
post-release control, the period of post-release control for all 1856
of the sentences shall be the period of post-release control 1857
that expires last, as determined by the parole board or court. 1858
Periods of post-release control shall be served concurrently and 1859
shall not be imposed consecutively to each other. 1860

(d) The period of post-release control for a releasee who 1861
commits a felony while under post-release control for an earlier 1862
felony shall be the longer of the period of post-release control 1863

specified for the new felony under division (B) or (C) of this 1864
section or the time remaining under the period of post-release 1865
control imposed for the earlier felony as determined by the 1866
parole board or court. 1867

Sec. 5149.101. (A) (1) A board hearing officer, a board 1868
member, or the office of victims' services may petition the 1869
board for a full board hearing that relates to the proposed 1870
parole or re-parole of a prisoner. At a meeting of the board at 1871
which a majority of board members are present, the majority of 1872
those present shall determine whether a full board hearing shall 1873
be held. 1874

(2) A victim of a violation of section 2903.01 or 2903.02 1875
of the Revised Code, an offense of violence that is a felony of 1876
the first, second, or third degree, or an offense punished by a 1877
sentence of life imprisonment, the victim's representative, or 1878
any person described in division (B) (5) of this section may 1879
request the board to hold a full board hearing that relates to 1880
the proposed parole or re-parole of the person that committed 1881
the violation. If a victim, victim's representative, or other 1882
person requests a full board hearing pursuant to this division, 1883
the board shall hold a full board hearing. 1884

At least thirty days before the full hearing, except as 1885
otherwise provided in this division, the board shall give notice 1886
of the date, time, and place of the hearing to the victim 1887
regardless of whether the victim has requested the notification. 1888
The notice of the date, time, and place of the hearing shall not 1889
be given under this division to a victim if the victim has 1890
requested pursuant to division (B) (2) of section 2930.03 of the 1891
Revised Code that the notice not be provided to the victim. At 1892
least thirty days before the full board hearing and regardless 1893

of whether the victim has requested that the notice be provided 1894
or not be provided under this division to the victim, the board 1895
shall give similar notice to the prosecuting attorney in the 1896
case, the law enforcement agency that arrested the prisoner if 1897
any officer of that agency was a victim of the offense, and, if 1898
different than the victim, the person who requested the full 1899
hearing. If the prosecuting attorney has not previously been 1900
sent an institutional summary report with respect to the 1901
prisoner, upon the request of the prosecuting attorney, the 1902
board shall include with the notice sent to the prosecuting 1903
attorney an institutional summary report that covers the 1904
offender's participation while confined in a state correctional 1905
institution in training, work, and other rehabilitative 1906
activities and any disciplinary action taken against the 1907
offender while so confined. Upon the request of a law 1908
enforcement agency that has not previously been sent an 1909
institutional summary report with respect to the prisoner, the 1910
board also shall send a copy of the institutional summary report 1911
to the law enforcement agency. If notice is to be provided as 1912
described in this division, the board may give the notice by any 1913
reasonable means, including regular mail, telephone, and 1914
electronic mail, in accordance with division (D)(1) of section 1915
2930.16 of the Revised Code. If the notice is based on an 1916
offense committed prior to ~~the effective date of this amendment~~ 1917
March 22, 2013, the notice also shall include the opt-out 1918
information described in division (D)(1) of section 2930.16 of 1919
the Revised Code. The board, in accordance with division (D)(2) 1920
of section 2930.16 of the Revised Code, shall keep a record of 1921
all attempts to provide the notice, and of all notices provided, 1922
under this division. 1923

The preceding paragraph, and the notice-related provisions 1924

of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 1925
of section 2930.16, division (H) of section 2967.12, division 1926
(E) (1) (b) of section 2967.19, division (A) ~~(3)~~ (2) (b) of section 1927
2967.26, and division (D) (1) of section 2967.28 of the Revised 1928
Code enacted in the act in which this paragraph was enacted, 1929
shall be known as "Roberta's Law." 1930

(B) At a full board hearing that relates to the proposed 1931
parole or re-parole of a prisoner and that has been petitioned 1932
for or requested in accordance with division (A) of this 1933
section, the parole board shall permit the following persons to 1934
appear and to give testimony or to submit written statements: 1935

(1) The prosecuting attorney of the county in which the 1936
original indictment against the prisoner was found and members 1937
of any law enforcement agency that assisted in the prosecution 1938
of the original offense; 1939

(2) The judge of the court of common pleas who imposed the 1940
original sentence of incarceration upon the prisoner, or the 1941
judge's successor; 1942

(3) The victim of the original offense for which the 1943
prisoner is serving the sentence or the victim's representative 1944
designated pursuant to section 2930.02 of the Revised Code; 1945

(4) The victim of any behavior that resulted in parole 1946
being revoked; 1947

(5) With respect to a full board hearing held pursuant to 1948
division (A) (2) of this section, all of the following: 1949

(a) The spouse of the victim of the original offense; 1950

(b) The parent or parents of the victim of the original 1951
offense; 1952

(c) The sibling of the victim of the original offense;	1953
(d) The child or children of the victim of the original offense.	1954 1955
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	1956 1957 1958
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	1959 1960 1961 1962 1963 1964 1965
At the request of a person described in division (B) (3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.	1966 1967 1968 1969 1970 1971 1972
If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority.	1973 1974 1975 1976 1977 1978 1979
(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an	1980 1981

offense of violence that is a felony of the first, second, or 1982
third degree, or an offense punished by a sentence of life 1983
imprisonment, the family of the victim may show at a full board 1984
hearing a video recording not exceeding five minutes in length 1985
memorializing the victim. 1986

(E) The adult parole authority shall adopt rules for the 1987
implementation of this section. The rules shall specify 1988
reasonable restrictions on the number of media representatives 1989
that may attend a hearing, based on considerations of space, and 1990
other procedures designed to accomplish an effective, orderly 1991
process for full board hearings. 1992

Section 2. That existing sections 2929.20, 2930.03, 1993
2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 1994
5149.101 of the Revised Code are hereby repealed. 1995