

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 133**

**Senators Antonio, Huffman**

---

**A BILL**

To amend sections 9.07, 120.03, 120.041, 120.06, 1  
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 2  
120.33, 120.34, 149.43, 149.436, 1901.183, 3  
2152.13, 2152.67, 2301.20, 2307.60, 2317.02, 4  
2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 5  
2929.13, 2929.14, 2929.61, 2930.19, 2937.222, 6  
2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 7  
2941.51, 2945.06, 2945.10, 2945.13, 2945.21, 8  
2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 9  
2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 10  
2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 11  
2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 12  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 13  
5120.61, 5139.04, and 5919.16 and to repeal 14  
sections 109.97, 120.35, 2725.19, 2929.021, 15  
2929.022, 2929.023, 2929.024, 2929.025, 2929.03, 16  
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 17  
2949.21, 2949.22, 2949.221, 2949.222, 2949.24, 18  
2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 19  
2949.31, and 2967.08 of the Revised Code to 20  
abolish the death penalty and to modify the 21  
number of jurors that may be challenged in cases 22  
where a defendant may be sentenced to life 23  
imprisonment. 24

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

**Section 1.** That sections 9.07, 120.03, 120.041, 120.06, 25  
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 26  
149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 27  
2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 28  
2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 29  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 30  
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 31  
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 32  
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 33  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 34  
and 5919.16 of the Revised Code be amended to read as follows: 35

**Sec. 9.07.** (A) As used in this section: 36

(1) "Deadly weapon" has the same meaning as in section 37  
2923.11 of the Revised Code. 38

(2) "Governing authority of a local public entity" means 39  
whichever of the following is applicable: 40

(a) For a county, the board of county commissioners of the 41  
county; 42

(b) For a municipal corporation, the legislative authority 43  
of the municipal corporation; 44

(c) For a combination of counties, a combination of 45  
municipal corporations, or a combination of one or more counties 46  
and one or more municipal corporations, all boards of county 47  
commissioners and legislative authorities of all of the counties 48  
and municipal corporations that combined to form a local public 49  
entity for purposes of this section. 50

(3) "Local public entity" means a county, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations.

(4) "Non-contracting political subdivision" means any political subdivision to which all of the following apply:

(a) A correctional facility for the housing of out-of-state prisoners in this state is or will be located in the political subdivision.

(b) The correctional facility described in division (A) (4) (a) of this section is being operated and managed, or will be operated and managed, by a local public entity or a private contractor pursuant to a contract entered into prior to March 17, 1998, or a contract entered into on or after March 17, 1998, under this section.

(c) The political subdivision is not a party to the contract described in division (A) (4) (b) of this section for the management and operation of the correctional facility.

(5) "Out-of-state jurisdiction" means the United States, any state other than this state, and any political subdivision or other jurisdiction located in a state other than this state.

(6) "Out-of-state prisoner" means a person who is convicted of a crime in another state or under the laws of the United States or who is found under the laws of another state or of the United States to be a delinquent child or the substantially equivalent designation.

(7) "Private contractor" means either of the following:

(a) A person who, on or after March 17, 1998, enters into

a contract under this section with a local public entity to 79  
operate and manage a correctional facility in this state for 80  
out-of-state prisoners. 81

(b) A person who, pursuant to a contract with a local 82  
public entity entered into prior to March 17, 1998, operates and 83  
manages on March 17, 1998, a correctional facility in this state 84  
for housing out-of-state prisoners. 85

(B) Subject to division (I) of this section, the only 86  
entities other than this state that are authorized to operate a 87  
correctional facility to house out-of-state prisoners in this 88  
state are a local public entity that operates a correctional 89  
facility pursuant to this section or a private contractor that 90  
operates a correctional facility pursuant to this section under 91  
a contract with a local public entity. 92

Subject to division (I) of this section, a private entity 93  
may operate a correctional facility in this state for the 94  
housing of out-of-state prisoners only if the private entity is 95  
a private contractor that enters into a contract that comports 96  
with division (D) of this section with a local public entity for 97  
the management and operation of the correctional facility. 98

(C) (1) Except as provided in this division, on and after 99  
March 17, 1998, a local public entity shall not enter into a 100  
contract with an out-of-state jurisdiction to house out-of-state 101  
prisoners in a correctional facility in this state. On and after 102  
March 17, 1998, a local public entity may enter into a contract 103  
with an out-of-state jurisdiction to house out-of-state 104  
prisoners in a correctional facility in this state only if the 105  
local public entity and the out-of-state jurisdiction with which 106  
the local public entity intends to contract jointly submit to 107  
the department of rehabilitation and correction a statement that 108

certifies the correctional facility's intended use, intended 109  
prisoner population, and custody level, and the department 110  
reviews and comments upon the plans for the design or renovation 111  
of the correctional facility regarding their suitability for the 112  
intended prisoner population specified in the submitted 113  
statement. 114

(2) If a local public entity and an out-of-state 115  
jurisdiction enter into a contract to house out-of-state 116  
prisoners in a correctional facility in this state as authorized 117  
under division (C) (1) of this section, in addition to any other 118  
provisions it contains, the contract shall include whichever of 119  
the following provisions is applicable: 120

(a) If a private contractor will operate the facility in 121  
question pursuant to a contract entered into in accordance with 122  
division (D) of this section, a requirement that, if the 123  
facility is closed or ceases to operate for any reason and if 124  
the conversion plan described in division (D) (16) of this 125  
section is not complied with, the out-of-state jurisdiction will 126  
be responsible for housing and transporting the prisoners who 127  
are in the facility at the time it is closed or ceases to 128  
operate and for the cost of so housing and transporting those 129  
prisoners; 130

(b) If a private contractor will not operate the facility 131  
in question pursuant to a contract entered into in accordance 132  
with division (D) of this section, a conversion plan that will 133  
be followed if, for any reason, the facility is closed or ceases 134  
to operate. The conversion plan shall include, but is not 135  
limited to, provisions that specify whether the local public 136  
entity or the out-of-state jurisdiction will be responsible for 137  
housing and transporting the prisoners who are in the facility 138

at the time it is closed or ceases to operate and for the cost 139  
of so housing and transporting those prisoners. 140

(3) If a local public entity and an out-of-state 141  
jurisdiction intend to enter into a contract to house out-of- 142  
state prisoners in a correctional facility in this state as 143  
authorized under division (C)(1) of this section, or if a local 144  
public entity and a private contractor intend to enter into a 145  
contract pursuant to division (D) of this section for the 146  
private contractor's management and operation of a correctional 147  
facility in this state to house out-of-state prisoners, prior to 148  
entering into the contract the local public entity and the out- 149  
of-state jurisdiction, or the local public entity and the 150  
private contractor, whichever is applicable, shall conduct a 151  
public hearing in accordance with this division, and, prior to 152  
entering into the contract, the governing authority of the local 153  
public entity in which the facility is or will be located shall 154  
authorize the location and operation of the facility. The 155  
hearing shall be conducted at a location within the municipal 156  
corporation or township in which the facility is or will be 157  
located. At least one week prior to conducting the hearing, the 158  
local public entity and the out-of-state jurisdiction or private 159  
contractor with the duty to conduct the hearing shall cause 160  
notice of the date, time, and place of the hearing to be made by 161  
publication in the newspaper with the largest general 162  
circulation in the county in which the municipal corporation or 163  
township is located. The notice shall be of a sufficient size 164  
that it covers at least one-quarter of a page of the newspaper 165  
in which it is published. This division applies to a private 166  
contractor that, pursuant to the requirement set forth in 167  
division (I) of this section, is required to enter into a 168  
contract under division (D) of this section. 169

(D) Subject to division (I) of this section, on and after 170  
March 17, 1998, if a local public entity enters into a contract 171  
with a private contractor for the management and operation of a 172  
correctional facility in this state to house out-of-state 173  
prisoners, the contract, at a minimum, shall include all of the 174  
following provisions: 175

(1) A requirement that the private contractor seek and 176  
obtain accreditation from the American correctional association 177  
for the correctional facility within two years after accepting 178  
the first out-of-state prisoner at the correctional facility 179  
under the contract and that it maintain that accreditation for 180  
the term of the contract; 181

(2) A requirement that the private contractor comply with 182  
all applicable laws, rules, or regulations of the government of 183  
this state, political subdivisions of this state, and the United 184  
States, including, but not limited to, all sanitation, food 185  
service, safety, and health regulations; 186

(3) A requirement that the private contractor send copies 187  
of reports of inspections completed by appropriate authorities 188  
regarding compliance with laws, rules, and regulations of the 189  
type described in division (D) (2) of this section to the 190  
director of rehabilitation and correction or the director's 191  
designee and to the governing authority of the local public 192  
entity in which the correctional facility is located; 193

(4) A requirement that the private contractor report to 194  
the local law enforcement agencies with jurisdiction over the 195  
place at which the correctional facility is located, for 196  
investigation, all criminal offenses or delinquent acts that are 197  
committed in or on the grounds of, or otherwise in connection 198  
with, the correctional facility and report to the department of 199

rehabilitation and correction all disturbances at the facility; 200

(5) A requirement that the private contractor immediately 201  
report all escapes from the facility, and the apprehension of 202  
all escapees, by telephone and in writing to the department of 203  
rehabilitation and correction, to all local law enforcement 204  
agencies with jurisdiction over the place at which the facility 205  
is located, to the state highway patrol, to the prosecuting 206  
attorney of the county in which the facility is located, and to 207  
a daily newspaper having general circulation in the county in 208  
which the facility is located. The written notice may be by 209  
either facsimile transmission or mail. A failure to comply with 210  
this requirement is a violation of section 2921.22 of the 211  
Revised Code. 212

(6) A requirement that the private contractor provide a 213  
written report to the director of rehabilitation and correction 214  
or the director's designee and to the governing authority of the 215  
local public entity in which the correctional facility is 216  
located of all unusual incidents occurring at the correctional 217  
facility. The private contractor shall report the incidents in 218  
accordance with the incident reporting rules that, at the time 219  
of the incident, are applicable to state correctional facilities 220  
for similar incidents occurring at state correctional 221  
facilities. 222

(7) A requirement that the private contractor provide 223  
internal and perimeter security to protect the public, staff 224  
members of the correctional facility, and prisoners in the 225  
correctional facility; 226

(8) A requirement that the correctional facility be 227  
staffed at all times with a staffing pattern that is adequate to 228  
ensure supervision of inmates and maintenance of security within 229



the correctional facility and to provide for appropriate 230  
programs, transportation, security, and other operational needs. 231  
In determining security needs for the correctional facility, the 232  
private contractor and the contract requirements shall fully 233  
take into account all relevant factors, including, but not 234  
limited to, the proximity of the facility to neighborhoods and 235  
schools. 236

(9) A requirement that the private contractor provide an 237  
adequate policy of insurance that satisfies the requirements set 238  
forth in division (D) of section 9.06 of the Revised Code 239  
regarding contractors who operate and manage a facility under 240  
that section, and that the private contractor indemnify and hold 241  
harmless the state, its officers, agents, and employees, and any 242  
local public entity in the state with jurisdiction over the 243  
place at which the correctional facility is located or that owns 244  
the correctional facility, reimburse the state for its costs in 245  
defending the state or any of its officers, agents, or 246  
employees, and reimburse any local government entity of that 247  
nature for its costs in defending the local government entity, 248  
in the manner described in division (D) of that section 249  
regarding contractors who operate and manage a facility under 250  
that section; 251

(10) A requirement that the private contractor adopt for 252  
prisoners housed in the correctional facility the security 253  
classification system and schedule adopted by the department of 254  
rehabilitation and correction under section 5145.03 of the 255  
Revised Code, classify in accordance with the system and 256  
schedule each prisoner housed in the facility, and house all 257  
prisoners in the facility in accordance with their 258  
classification under this division; 259

(11) A requirement that the private contractor will not accept for housing, and will not house, in the correctional facility any out-of-state prisoner in relation to whom any of the following applies:

(a) The private entity has not obtained from the out-of-state jurisdiction that imposed the sentence or sanction under which the prisoner will be confined in this state a copy of the institutional record of the prisoner while previously confined in that out-of-state jurisdiction or a statement that the prisoner previously has not been confined in that out-of-state jurisdiction and a copy of all medical records pertaining to that prisoner that are in the possession of the out-of-state jurisdiction.

(b) The prisoner, while confined in any out-of-state jurisdiction, has a record of institutional violence involving the use of a deadly weapon or a pattern of committing acts of an assaultive nature against employees of, or visitors to, the place of confinement or has a record of escape or attempted escape from secure custody.

(c) Under the security classification system and schedule adopted by the department of rehabilitation and correction under section 5145.03 of the Revised Code and adopted by the private contractor under division (B)(10) of this section, the out-of-state prisoner would be classified as being at a security level higher than medium security.

(12) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into a written agreement with the department of rehabilitation and correction that sets forth a plan and procedure that will be used to coordinate law

enforcement activities of state law enforcement agencies and of 290  
local law enforcement agencies with jurisdiction over the place 291  
at which the facility is located in response to any riot, 292  
rebellion, escape, insurrection, or other emergency occurring 293  
inside or outside the facility; 294

(13) A requirement that the private contractor cooperate 295  
with the correctional institution inspection committee in the 296  
committee's performance of its duties under section 103.73 of 297  
the Revised Code and provide the committee, its subcommittees, 298  
and its staff members, in performing those duties, with access 299  
to the correctional facility as described in that section; 300

(14) A requirement that the private contractor permit any 301  
peace officer who serves a law enforcement agency with 302  
jurisdiction over the place at which the correctional facility 303  
is located to enter into the facility to investigate any 304  
criminal offense or delinquent act that allegedly has been 305  
committed in or on the grounds of, or otherwise in connection 306  
with, the facility; 307

(15) A requirement that the private contractor will not 308  
employ any person at the correctional facility until after the 309  
private contractor has submitted to the bureau of criminal 310  
identification and investigation, on a form prescribed by the 311  
superintendent of the bureau, a request that the bureau conduct 312  
a criminal records check of the person and a requirement that 313  
the private contractor will not employ any person at the 314  
facility if the records check or other information possessed by 315  
the contractor indicates that the person previously has engaged 316  
in malfeasance; 317

(16) A requirement that the private contractor will not 318  
accept for housing, and will not house, in the correctional 319

facility any out-of-state prisoner unless the private contractor 320  
and the out-of-state jurisdiction that imposed the sentence for 321  
which the prisoner is to be confined agree that, if the out-of- 322  
state prisoner is confined in the facility in this state, 323  
commits a criminal offense while confined in the facility, is 324  
convicted of or pleads guilty to that offense, and is sentenced 325  
to a term of confinement for that offense ~~but is not sentenced~~ 326  
~~to death for that offense~~, the private contractor and the out- 327  
of-state jurisdiction will do all of the following: 328

(a) Unless section 5120.50 of the Revised Code does not 329  
apply in relation to the offense the prisoner committed while 330  
confined in this state and the term of confinement imposed for 331  
that offense, the out-of-state jurisdiction will accept the 332  
prisoner pursuant to that section for service of that term of 333  
confinement and for any period of time remaining under the 334  
sentence for which the prisoner was confined in the facility in 335  
this state, the out-of-state jurisdiction will confine the 336  
prisoner pursuant to that section for that term and that 337  
remaining period of time, and the private contractor will 338  
transport the prisoner to the out-of-state jurisdiction for 339  
service of that term and that remaining period of time. 340

(b) If section 5120.50 of the Revised Code does not apply 341  
in relation to the offense the prisoner committed while confined 342  
in this state and the term of confinement imposed for that 343  
offense, the prisoner shall be returned to the out-of-state 344  
jurisdiction or its private contractor for completion of the 345  
period of time remaining under the out-of-state sentence for 346  
which the prisoner was confined in the facility in this state 347  
before starting service of the term of confinement imposed for 348  
the offense committed while confined in this state, the out-of- 349  
state jurisdiction or its private contractor will confine the 350

prisoner for that remaining period of time and will transport 351  
the prisoner outside of this state for service of that remaining 352  
period of time, and, if the prisoner is confined in this state 353  
in a facility operated by the department of rehabilitation and 354  
correction, the private contractor will be financially 355  
responsible for reimbursing the department at the per diem cost 356  
of confinement for the duration of that incarceration, with the 357  
amount of the reimbursement so paid to be deposited in the 358  
department's prisoner programs fund. 359

(17) A requirement that the private contractor, prior to 360  
housing any out-of-state prisoner in the correctional facility 361  
under the contract, enter into an agreement with the local 362  
public entity that sets forth a conversion plan that will be 363  
followed if, for any reason, the facility is closed or ceases to 364  
operate. The conversion plan shall include, but is not limited 365  
to, provisions that specify whether the private contractor, the 366  
local public entity, or the out-of-state jurisdictions that 367  
imposed the sentences for which the out-of-state prisoners are 368  
confined in the facility will be responsible for housing and 369  
transporting the prisoners who are in the facility at the time 370  
it is closed or ceases to operate and for the cost of so housing 371  
and transporting those prisoners. 372

(18) A schedule of fines that the local public entity 373  
shall impose upon the private contractor if the private 374  
contractor fails to perform its contractual duties, and a 375  
requirement that, if the private contractor fails to perform its 376  
contractual duties, the local public entity shall impose a fine 377  
on the private contractor from the schedule of fines and, in 378  
addition to the fine, may exercise any other rights it has under 379  
the contract. Division (F) (2) of this section applies regarding 380  
a fine described in this division. 381

(19) A requirement that the private contractor adopt and use in the correctional facility the drug testing and treatment program that the department of rehabilitation and correction uses for inmates in state correctional institutions;

(20) A requirement that the private contractor provide clothing for all out-of-state prisoners housed in the correctional facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as a prisoner, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-prisoners, that the private contractor require all out-of-state prisoners housed in the facility to wear the clothing so provided, and that the private contractor not permit any out-of-state prisoner, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as a prisoner and that normally is worn outside the facility by non-prisoners;

(21) A requirement that, at the time the contract is made, the private contractor provide to all parties to the contract adequate proof that it has complied with the requirement described in division (D) (9) of this section, and a requirement that, at any time during the term of the contract, the private contractor upon request provide to any party to the contract adequate proof that it continues to be in compliance with the requirement described in division (D) (9) of this section.

(E) A private correctional officer or other designated employee of a private contractor that operates a correctional facility that houses out-of-state prisoners in this state under a contract entered into prior to, on, or after March 17, 1998,

may carry and use firearms in the course of the officer's or 412  
employee's employment only if the officer or employee is 413  
certified as having satisfactorily completed an approved 414  
training program designed to qualify persons for positions as 415  
special police officers, security guards, or persons otherwise 416  
privately employed in a police capacity, as described in 417  
division (A) of section 109.78 of the Revised Code. 418

(F) (1) Upon notification by the private contractor of an 419  
escape from, or of a disturbance at, a correctional facility 420  
that is operated by a private contractor under a contract 421  
entered into prior to, on, or after March 17, 1998, and that 422  
houses out-of-state prisoners in this state, the department of 423  
rehabilitation and correction and state and local law 424  
enforcement agencies shall use all reasonable means to recapture 425  
persons who escaped from the facility or quell any disturbance 426  
at the facility, in accordance with the plan and procedure 427  
included in the written agreement entered into under division 428  
(D) (12) of this section in relation to contracts entered into on 429  
or after March 17, 1998, and in accordance with their normal 430  
procedures in relation to contracts entered into prior to March 431  
17, 1998. Any cost incurred by this state or a political 432  
subdivision of this state relating to the apprehension of a 433  
person who escaped from the facility, to the quelling of a 434  
disturbance at the facility, or to the investigation or 435  
prosecution as described in division (G) (2) of this section of 436  
any offense relating to the escape or disturbance shall be 437  
chargeable to and borne by the private contractor. The 438  
contractor also shall reimburse the state or its political 439  
subdivisions for all reasonable costs incurred relating to the 440  
temporary detention of a person who escaped from the facility, 441  
following the person's recapture. 442

(2) If a private contractor that, on or after March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners fails to perform its contractual duties, the local public entity shall impose upon the private contractor a fine from the schedule of fines included in the contract and may exercise any other rights it has under the contract. A fine imposed under this division shall be paid to the local public entity that enters into the contract, and the local public entity shall deposit the money so paid into its treasury to the credit of the fund used to pay for community policing. If a fine is imposed under this division, the local public entity may reduce the payment owed to the private contractor pursuant to any invoice in the amount of the fine.

(3) If a private contractor, on or after March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners in this state, the private contractor shall comply with the insurance, indemnification, hold harmless, and cost reimbursement provisions described in division (D) (9) of this section.

(G) (1) Any act or omission that would be a criminal offense or a delinquent act if committed at a state correctional institution or at a jail, workhouse, prison, or other correctional facility operated by this state or by any political subdivision or group of political subdivisions of this state shall be a criminal offense or delinquent act if committed by or with regard to any out-of-state prisoner who is housed at any correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998.



(2) If any political subdivision of this state experiences 474  
any cost in the investigation or prosecution of an offense 475  
committed by an out-of-state prisoner housed in a correctional 476  
facility operated by a private contractor in this state pursuant 477  
to a contract entered into prior to, on, or after March 17, 478  
1998, the private contractor shall reimburse the political 479  
subdivision for the costs so experienced. 480

(3) (a) Except as otherwise provided in this division, the 481  
state, and any officer or employee, as defined in section 109.36 482  
of the Revised Code, of the state is not liable in damages in a 483  
civil action for any injury, death, or loss to person or 484  
property that allegedly arises from, or is related to, the 485  
establishment, management, or operation of a correctional 486  
facility to house out-of-state prisoners in this state pursuant 487  
to a contract between a local public entity and an out-of-state 488  
jurisdiction, a local public entity and a private contractor, or 489  
a private contractor and an out-of-state jurisdiction that was 490  
entered into prior to March 17, 1998, or that is entered into on 491  
or after March 17, 1998, in accordance with its provisions. The 492  
immunity provided in this division does not apply regarding an 493  
act or omission of an officer or employee, as defined in section 494  
109.36 of the Revised Code, of the state that is manifestly 495  
outside the scope of the officer's or employee's official 496  
responsibilities or regarding an act or omission of the state, 497  
or of an officer or employee, as so defined, of the state that 498  
is undertaken with malicious purpose, in bad faith, or in a 499  
wanton or reckless manner. 500

(b) Except as otherwise provided in this division, a non- 501  
contracting political subdivision, and any employee, as defined 502  
in section 2744.01 of the Revised Code, of a non-contracting 503  
political subdivision is not liable in damages in a civil action 504

for any injury, death, or loss to person or property that 505  
allegedly arises from, or is related to, the establishment, 506  
management, or operation of a correctional facility to house 507  
out-of-state prisoners in this state pursuant to a contract 508  
between a local public entity other than the non-contracting 509  
political subdivision and an out-of-state jurisdiction, a local 510  
public entity other than the non-contracting political 511  
subdivision and a private contractor, or a private contractor 512  
and an out-of-state jurisdiction that was entered into prior to 513  
March 17, 1998, or that is entered into on or after March 17, 514  
1998, in accordance with its provisions. The immunity provided 515  
in this division does not apply regarding an act or omission of 516  
an employee, as defined in section 2744.01 of the Revised Code, 517  
of a non-contracting political subdivision that is manifestly 518  
outside the scope of the employee's employment or official 519  
responsibilities or regarding an act or omission of a non- 520  
contracting political subdivision or an employee, as so defined, 521  
of a non-contracting political subdivision that is undertaken 522  
with malicious purpose, in bad faith, or in a wanton or reckless 523  
manner. 524

(c) Divisions (G) (3) (a) and (b) of this section do not 525  
affect any immunity or defense that the state and its officers 526  
and employees or a non-contracting political subdivision and its 527  
employees may be entitled to under another section of the 528  
Revised Code or the common law of this state, including, but not 529  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 530

(H) (1) Upon the completion of an out-of-state prisoner's 531  
term of detention at a correctional facility operated by a 532  
private contractor in this state pursuant to a contract entered 533  
into prior to, on, or after March 17, 1998, the operator of the 534  
correctional facility shall transport the prisoner to the out- 535

of-state jurisdiction that imposed the sentence for which the 536  
prisoner was confined before it releases the prisoner from its 537  
custody. 538

(2) No private contractor that operates and manages a 539  
correctional facility housing out-of-state prisoners in this 540  
state pursuant to a contract entered into prior to, on, or after 541  
March 17, 1998, shall fail to comply with division (H) (1) of 542  
this section. 543

(3) Whoever violates division (H) (2) of this section is 544  
guilty of a misdemeanor of the first degree. 545

(I) Except as otherwise provided in this division, the 546  
provisions of divisions (A) to (H) of this section apply in 547  
relation to any correctional facility operated by a private 548  
contractor in this state to house out-of-state prisoners, 549  
regardless of whether the facility is operated pursuant to a 550  
contract entered into prior to, on, or after March 17, 1998. 551  
Division (C) (1) of this section shall not apply in relation to 552  
any correctional facility for housing out-of-state prisoners in 553  
this state that is operated by a private contractor under a 554  
contract entered into with a local public entity prior to March 555  
17, 1998. If a private contractor operates a correctional 556  
facility in this state for the housing of out-of-state prisoners 557  
under a contract entered into with a local public entity prior 558  
to March 17, 1998, no later than thirty days after the effective 559  
date of this amendment, the private contractor shall enter into 560  
a contract with the local public entity that comports to the 561  
requirements and criteria of division (D) of this section. 562

**Sec. 120.03.** (A) The Ohio public defender commission shall 563  
appoint the state public defender, who shall serve at the 564  
pleasure of the commission. 565

(B) The Ohio public defender commission shall establish 566  
rules for the conduct of the offices of the county and joint 567  
county public defenders and for the conduct of county appointed 568  
counsel systems in the state. These rules shall include, but are 569  
not limited to, the following: 570

(1) Standards of indigency and minimum qualifications for 571  
legal representation by a public defender or appointed counsel. 572  
In establishing standards of indigency and determining who is 573  
eligible for legal representation by a public defender or 574  
appointed counsel, the commission shall consider an indigent 575  
person to be an individual who at the time ~~his~~ the person's need 576  
is determined is unable to provide for the payment of an 577  
attorney and all other necessary expenses of representation. 578  
Release on bail shall not prevent a person from being determined 579  
to be indigent. 580

(2) Standards for the hiring of outside counsel; 581

(3) Standards for contracts by a public defender with law 582  
schools, legal aid societies, and nonprofit organizations for 583  
providing counsel; 584

(4) Standards for the qualifications, training, and size 585  
of the legal and supporting staff for a public defender, 586  
facilities, and other requirements needed to maintain and 587  
operate an office of a public defender; 588

(5) Minimum caseload standards; 589

(6) Procedures for the assessment and collection of the 590  
costs of legal representation that is provided by public 591  
defenders or appointed counsel; 592

(7) Standards and guidelines for determining whether a 593  
client is able to make an up-front contribution toward the cost 594

of ~~his~~ the client's legal representation; 595

(8) Procedures for the collection of up-front 596  
contributions from clients who are able to contribute toward the 597  
cost of their legal representation, as determined pursuant to 598  
the standards and guidelines developed under division (B)(7) of 599  
this section. All of such up-front contributions shall be paid 600  
into the appropriate county fund. 601

(9) Standards for contracts between a board of county 602  
commissioners, a county public defender commission, or a joint 603  
county public defender commission and a municipal corporation 604  
for the legal representation of indigent persons charged with 605  
violations of the ordinances of the municipal corporation. 606

(C) The Ohio public defender commission shall adopt rules 607  
prescribing minimum qualifications of counsel appointed pursuant 608  
to this chapter or appointed by the courts. Without limiting its 609  
general authority to prescribe different qualifications for 610  
different categories of appointed counsel, the commission shall 611  
prescribe, by rule, special qualifications for counsel and co- 612  
counsel appointed in capital cases in which the defendant was 613  
sentenced to death before the effective date of this amendment. 614

(D) In administering the office of the Ohio public 615  
defender commission: 616

(1) The commission shall do the following: 617

(a) Approve an annual operating budget; 618

(b) Make an annual report to the governor, the general 619  
assembly, and the supreme court of Ohio on the operation of the 620  
state public defender's office, the county appointed counsel 621  
systems, and the county and joint county public defenders' 622  
offices. 623

(2) The commission may do the following: 624

(a) Accept the services of volunteer workers and 625  
consultants at no compensation other than reimbursement of 626  
actual and necessary expenses; 627

(b) Prepare and publish statistical and case studies and 628  
other data pertinent to the legal representation of indigent 629  
persons; 630

(c) Conduct programs having a general objective of 631  
training and educating attorneys and others in the legal 632  
representation of indigent persons. 633

(E) There is hereby established in the state treasury the 634  
public defender training fund for the deposit of fees received 635  
by the Ohio public defender commission from educational 636  
seminars, and the sale of publications, on topics concerning 637  
criminal law and procedure. Expenditures from this fund shall be 638  
made only for the operation of activities authorized by division 639  
(D) (2) (c) of this section. 640

(F) (1) In accordance with sections 109.02, 109.07, and 641  
109.361 to 109.366 of the Revised Code, but subject to division 642  
(E) of section 120.06 of the Revised Code, the attorney general 643  
shall represent or provide for the representation of the Ohio 644  
public defender commission, the state public defender, assistant 645  
state public defenders, and other employees of the commission or 646  
the state public defender. 647

(2) Subject to division (E) of section 120.06 of the 648  
Revised Code, the attorney general shall represent or provide 649  
for the representation of attorneys described in division (C) of 650  
section 120.41 of the Revised Code in malpractice or other civil 651  
actions or proceedings that arise from alleged actions or 652

omissions related to responsibilities derived pursuant to this 653  
chapter, or in civil actions that are based upon alleged 654  
violations of the constitution or statutes of the United States, 655  
including section 1983 of Title 42 of the United States Code, 93 656  
Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arise 657  
from alleged actions or omissions related to responsibilities 658  
derived pursuant to this chapter. For purposes of the 659  
representation, sections 109.361 to 109.366 of the Revised Code 660  
shall apply to an attorney described in division (C) of section 661  
120.41 of the Revised Code as if ~~he~~ the attorney were an officer 662  
or employee, as defined in section 109.36 of the Revised Code, 663  
and the Ohio public defender commission or the state public 664  
defender, whichever contracted with the attorney, shall be 665  
considered ~~his~~ the attorney's employer. 666

**Sec. 120.041.** (A) In addition to the state public 667  
defender's other duties under this chapter and other Revised 668  
Code provisions, the state public defender shall do all of the 669  
following for each state fiscal year: 670

(1) Determine the total dollar amount of all requests for 671  
reimbursements that were submitted for that fiscal year by 672  
counties under sections 120.18, 120.28, 120.33, ~~120.35~~, and 673  
2941.51 of the Revised Code; 674

(2) Determine the total dollar amount paid to all counties 675  
as reimbursements under the requests described in division (A) 676  
(1) of this section that were submitted for that fiscal year; 677

(3) Determine the percentage of total costs submitted by 678  
counties under the requests described in division (A) (1) of this 679  
section that was paid to all counties as reimbursements for that 680  
fiscal year; 681

(4) Commencing in state fiscal year 2021, determine the	682
increase or decrease in the total dollar amount found under	683
division (A) (2) of this section for that fiscal year from the	684
total dollar amount found under that division for the previous	685
fiscal year;	686
(5) Determine, out of the total dollar amount found under	687
division (A) (2) of this section that was paid to all counties as	688
a reimbursement, the total amount of that money used by all of	689
the counties for each of the following categories of costs in	690
that fiscal year:	691
(a) Costs for appointed counsel;	692
(b) Costs for personnel;	693
(c) Costs for expert witnesses;	694
(d) Costs for investigations;	695
(e) Costs for transcripts;	696
(f) Costs for rent or lease, utilities, furnishings,	697
maintenance, and equipment;	698
(g) Costs for travel;	699
(h) Any other category of costs set by the state public	700
defender.	701
(6) Commencing in state fiscal year 2021, determine the	702
increase or decrease in the amount of money found under division	703
(A) (5) of this section to have been used for each category of	704
costs described in divisions (A) (5) (a) to (h) of this section	705
for that fiscal year from the amount of money found under that	706
division to have been used for each such category of costs for	707
the previous fiscal year;	708



(7) Analyze the cost per each felony, misdemeanor, 709  
traffic, or juvenile delinquency case assigned to a public 710  
defender or counsel pursuant to section 120.06, 120.16, 120.26, 711  
or 120.33 of the Revised Code. 712

(B) For each state fiscal year, the state public defender 713  
shall prepare a report that includes all of its findings and 714  
determinations for that fiscal year and, not later than the 715  
first day of October in the state fiscal year following the 716  
fiscal year covered by the report, shall submit copies of the 717  
report to the president of the senate, the speaker of the house 718  
of representatives, the minority leader of the senate, the 719  
minority leader of the house of representatives, and the 720  
governor. 721

**Sec. 120.06.** (A) (1) The state public defender, when 722  
designated by the court or requested by a county public defender 723  
or joint county public defender, may provide legal 724  
representation in all courts throughout the state to indigent 725  
adults and juveniles who are charged with the commission of an 726  
offense or act for which the penalty or any possible 727  
adjudication includes the potential loss of liberty. 728

(2) The state public defender may provide legal 729  
representation to any indigent person who, while incarcerated in 730  
any state correctional institution, is charged with a felony 731  
offense, for which the penalty or any possible adjudication that 732  
may be imposed by a court upon conviction includes the potential 733  
loss of liberty. 734

(3) The state public defender may provide legal 735  
representation to any person incarcerated in any correctional 736  
institution of the state, in any matter in which the person 737  
asserts the person is unlawfully imprisoned or detained. 738

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

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

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

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

(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the

state public defender, the co-counsel shall receive any 769  
compensation that the court may approve, not to exceed the 770  
amounts provided for in section 2941.51 of the Revised Code. 771

(D) (1) When the state public defender is designated by the 772  
court or requested by a county public defender or joint county 773  
public defender to provide legal representation for an indigent 774  
person in any case, other than pursuant to a contract entered 775  
into under authority of division (C) (7) of section 120.04 of the 776  
Revised Code, the state public defender shall send to the county 777  
in which the case is filed a bill detailing the actual cost of 778  
the representation that separately itemizes legal fees and 779  
expenses. The county, upon receipt of an itemized bill from the 780  
state public defender pursuant to this division, shall pay the 781  
state public defender one hundred per cent of the amount 782  
identified as legal fees and expenses in the itemized bill. 783

(2) Upon payment of the itemized bill under division (D) 784  
(1) of this section, the county may submit the cost of the legal 785  
fees and expenses to the state public defender for reimbursement 786  
pursuant to section 120.33 of the Revised Code. 787

(3) When the state public defender provides investigation 788  
or mitigation services to private appointed counsel or to a 789  
county or joint county public defender as approved by the 790  
appointing court, other than pursuant to a contract entered into 791  
under authority of division (C) (7) of section 120.04 of the 792  
Revised Code, the state public defender shall send to the county 793  
in which the case is filed a bill itemizing the actual cost of 794  
the services provided. The county, upon receipt of an itemized 795  
bill from the state public defender pursuant to this division, 796  
shall pay one hundred per cent of the amount as set forth in the 797  
itemized bill. Upon payment of the itemized bill received 798

pursuant to this division, the county may submit the cost of the 799  
investigation and mitigation services to the state public 800  
defender for reimbursement pursuant to section 120.33 of the 801  
Revised Code. 802

(4) There is hereby created in the state treasury the 803  
county representation fund for the deposit of moneys received 804  
from counties under this division. All moneys credited to the 805  
fund shall be used by the state public defender to provide legal 806  
representation for indigent persons when designated by the court 807  
or requested by a county or joint county public defender or to 808  
provide investigation or mitigation services, including 809  
investigation or mitigation services to private appointed 810  
counsel or a county or joint county public defender, as approved 811  
by the court. 812

(E) (1) Notwithstanding any contrary provision of sections 813  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 814  
Code that pertains to representation by the attorney general, an 815  
assistant attorney general, or special counsel of an officer or 816  
employee, as defined in section 109.36 of the Revised Code, or 817  
of an entity of state government, the state public defender may 818  
elect to contract with, and to have the state pay pursuant to 819  
division (E) (2) of this section for the services of, private 820  
legal counsel to represent the Ohio public defender commission, 821  
the state public defender, assistant state public defenders, 822  
other employees of the commission or the state public defender, 823  
and attorneys described in division (C) of section 120.41 of the 824  
Revised Code in a malpractice or other civil action or 825  
proceeding that arises from alleged actions or omissions related 826  
to responsibilities derived pursuant to this chapter, or in a 827  
civil action that is based upon alleged violations of the 828  
constitution or statutes of the United States, including section 829

1983 of Title 42 of the United States Code, 93 Stat. 1284 830  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 831  
alleged actions or omissions related to responsibilities derived 832  
pursuant to this chapter, if the state public defender 833  
determines, in good faith, that the defendant in the civil 834  
action or proceeding did not act manifestly outside the scope of 835  
the defendant's employment or official responsibilities, with 836  
malicious purpose, in bad faith, or in a wanton or reckless 837  
manner. If the state public defender elects not to contract 838  
pursuant to this division for private legal counsel in a civil 839  
action or proceeding, then, in accordance with sections 109.02, 840  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 841  
attorney general shall represent or provide for the 842  
representation of the Ohio public defender commission, the state 843  
public defender, assistant state public defenders, other 844  
employees of the commission or the state public defender, or 845  
attorneys described in division (C) of section 120.41 of the 846  
Revised Code in the civil action or proceeding. 847

(2) (a) Subject to division (E) (2) (b) of this section, 848  
payment from the state treasury for the services of private 849  
legal counsel with whom the state public defender has contracted 850  
pursuant to division (E) (1) of this section shall be 851  
accomplished only through the following procedure: 852

(i) The private legal counsel shall file with the attorney 853  
general a copy of the contract; a request for an award of legal 854  
fees, court costs, and expenses earned or incurred in connection 855  
with the defense of the Ohio public defender commission, the 856  
state public defender, an assistant state public defender, an 857  
employee, or an attorney in a specified civil action or 858  
proceeding; a written itemization of those fees, costs, and 859  
expenses, including the signature of the state public defender 860

and the state public defender's attestation that the fees, 861  
costs, and expenses were earned or incurred pursuant to division 862  
(E) (1) of this section to the best of the state public 863  
defender's knowledge and information; a written statement 864  
whether the fees, costs, and expenses are for all legal services 865  
to be rendered in connection with that defense, are only for 866  
legal services rendered to the date of the request and 867  
additional legal services likely will have to be provided in 868  
connection with that defense, or are for the final legal 869  
services rendered in connection with that defense; a written 870  
statement indicating whether the private legal counsel 871  
previously submitted a request for an award under division (E) 872  
(2) of this section in connection with that defense and, if so, 873  
the date and the amount of each award granted; and, if the fees, 874  
costs, and expenses are for all legal services to be rendered in 875  
connection with that defense or are for the final legal services 876  
rendered in connection with that defense, a certified copy of 877  
any judgment entry in the civil action or proceeding or a signed 878  
copy of any settlement agreement entered into between the 879  
parties to the civil action or proceeding. 880

(ii) Upon receipt of a request for an award of legal fees, 881  
court costs, and expenses and the requisite supportive 882  
documentation described in division (E) (2) (a) (i) of this 883  
section, the attorney general shall review the request and 884  
documentation; determine whether any of the limitations 885  
specified in division (E) (2) (b) of this section apply to the 886  
request; and, if an award of legal fees, court costs, or 887  
expenses is permissible after applying the limitations, prepare 888  
a document awarding legal fees, court costs, or expenses to the 889  
private legal counsel. The document shall name the private legal 890  
counsel as the recipient of the award; specify the total amount 891

of the award as determined by the attorney general; itemize the 892  
portions of the award that represent legal fees, court costs, 893  
and expenses; specify any limitation applied pursuant to 894  
division (E) (2) (b) of this section to reduce the amount of the 895  
award sought by the private legal counsel; state that the award 896  
is payable from the state treasury pursuant to division (E) (2) 897  
(a) (iii) of this section; and be approved by the inclusion of 898  
the signatures of the attorney general, the state public 899  
defender, and the private legal counsel. 900

(iii) The attorney general shall forward a copy of the 901  
document prepared pursuant to division (E) (2) (a) (ii) of this 902  
section to the director of budget and management. The award of 903  
legal fees, court costs, or expenses shall be paid out of the 904  
state public defender's appropriations, to the extent there is a 905  
sufficient available balance in those appropriations. If the 906  
state public defender does not have a sufficient available 907  
balance in the state public defender's appropriations to pay the 908  
entire award of legal fees, court costs, or expenses, the 909  
director shall make application for a transfer of appropriations 910  
out of the emergency purposes account or any other appropriation 911  
for emergencies or contingencies in an amount equal to the 912  
portion of the award that exceeds the sufficient available 913  
balance in the state public defender's appropriations. A 914  
transfer of appropriations out of the emergency purposes account 915  
or any other appropriation for emergencies or contingencies 916  
shall be authorized if there are sufficient moneys greater than 917  
the sum total of then pending emergency purposes account 918  
requests, or requests for releases from the other appropriation. 919  
If a transfer of appropriations out of the emergency purposes 920  
account or other appropriation for emergencies or contingencies 921  
is made to pay an amount equal to the portion of the award that 922

exceeds the sufficient available balance in the state public 923  
defender's appropriations, the director shall cause the payment 924  
to be made to the private legal counsel. If sufficient moneys do 925  
not exist in the emergency purposes account or other 926  
appropriation for emergencies or contingencies to pay an amount 927  
equal to the portion of the award that exceeds the sufficient 928  
available balance in the state public defender's appropriations, 929  
the private legal counsel shall request the general assembly to 930  
make an appropriation sufficient to pay an amount equal to the 931  
portion of the award that exceeds the sufficient available 932  
balance in the state public defender's appropriations, and no 933  
payment in that amount shall be made until the appropriation has 934  
been made. The private legal counsel shall make the request 935  
during the current biennium and during each succeeding biennium 936  
until a sufficient appropriation is made. 937

(b) An award of legal fees, court costs, and expenses 938  
pursuant to division (E) of this section is subject to the 939  
following limitations: 940

(i) The maximum award or maximum aggregate of a series of 941  
awards of legal fees, court costs, and expenses to the private 942  
legal counsel in connection with the defense of the Ohio public 943  
defender commission, the state public defender, an assistant 944  
state public defender, an employee, or an attorney in a 945  
specified civil action or proceeding shall not exceed fifty 946  
thousand dollars. 947

(ii) The private legal counsel shall not be awarded legal 948  
fees, court costs, or expenses to the extent the fees, costs, or 949  
expenses are covered by a policy of malpractice or other 950  
insurance. 951

(iii) The private legal counsel shall be awarded legal 952



fees and expenses only to the extent that the fees and expenses 953  
are reasonable in light of the legal services rendered by the 954  
private legal counsel in connection with the defense of the Ohio 955  
public defender commission, the state public defender, an 956  
assistant state public defender, an employee, or an attorney in 957  
a specified civil action or proceeding. 958

(c) If, pursuant to division (E)(2)(a) of this section, 959  
the attorney general denies a request for an award of legal 960  
fees, court costs, or expenses to private legal counsel because 961  
of the application of a limitation specified in division (E)(2) 962  
(b) of this section, the attorney general shall notify the 963  
private legal counsel in writing of the denial and of the 964  
limitation applied. 965

(d) If, pursuant to division (E)(2)(c) of this section, a 966  
private legal counsel receives a denial of an award notification 967  
or if a private legal counsel refuses to approve a document 968  
under division (E)(2)(a)(ii) of this section because of the 969  
proposed application of a limitation specified in division (E) 970  
(2)(b) of this section, the private legal counsel may commence a 971  
civil action against the attorney general in the court of claims 972  
to prove the private legal counsel's entitlement to the award 973  
sought, to prove that division (E)(2)(b) of this section does 974  
not prohibit or otherwise limit the award sought, and to recover 975  
a judgment for the amount of the award sought. A civil action 976  
under division (E)(2)(d) of this section shall be commenced no 977  
later than two years after receipt of a denial of award 978  
notification or, if the private legal counsel refused to approve 979  
a document under division (E)(2)(a)(ii) of this section because 980  
of the proposed application of a limitation specified in 981  
division (E)(2)(b) of this section, no later than two years 982  
after the refusal. Any judgment of the court of claims in favor 983

of the private legal counsel shall be paid from the state 984  
treasury in accordance with division (E) (2) (a) of this section. 985

~~(F) If a court appoints the office of the state public 986  
defender to represent a petitioner in a postconviction relief 987  
proceeding under section 2953.21 of the Revised Code, the 988  
petitioner has received a sentence of death, and the proceeding 989  
relates to that sentence, all of the attorneys who represent the 990  
petitioner in the proceeding pursuant to the appointment, 991  
whether an assistant state public defender, the state public 992  
defender, or another attorney, shall be certified under Rule 20- 993  
of the Rules of Superintendence for the Courts of Ohio to 994  
represent indigent defendants charged with or convicted of an 995  
offense for which the death penalty can be or has been imposed. 996~~

~~(G) (1)~~ (F) (1) The state public defender may conduct a 997  
legal assistance referral service for children committed to the 998  
department of youth services relative to conditions of 999  
confinement claims. If the legal assistance referral service 1000  
receives a request for assistance from a child confined in a 1001  
facility operated, or contracted for, by the department of youth 1002  
services and the state public defender determines that the child 1003  
has a conditions of confinement claim that has merit, the state 1004  
public defender may refer the child to a private attorney. If no 1005  
private attorney who the child has been referred to by the state 1006  
public defender accepts the case within a reasonable time, the 1007  
state public defender may prepare, as appropriate, pro se 1008  
pleadings in the form of a complaint regarding the conditions of 1009  
confinement at the facility where the child is confined with a 1010  
motion for appointment of counsel and other applicable pleadings 1011  
necessary for sufficient pro se representation. 1012

(2) Division ~~(G) (1)~~ (F) (1) of this section does not 1013

authorize the state public defender to represent a child 1014  
committed to the department of youth services in general civil 1015  
matters arising solely out of state law. 1016

(3) The state public defender shall not undertake the 1017  
representation of a child in court based on a conditions of 1018  
confinement claim arising under this division. 1019

~~(H)~~ (G) A child's right to representation or services 1020  
under this section is not affected by the child, or another 1021  
person on behalf of the child, previously having paid for 1022  
similar representation or services or having waived legal 1023  
representation. 1024

~~(I)~~ (H) The state public defender shall have reasonable 1025  
access to any child committed to the department of youth 1026  
services, department of youth services institution, and 1027  
department of youth services record as needed to implement this 1028  
section. 1029

~~(J)~~ (I) As used in this section: 1030

(1) "Community control sanction" has the same meaning as 1031  
in section 2929.01 of the Revised Code. 1032

(2) "Conditions of confinement" means any issue involving 1033  
a constitutional right or other civil right related to a child's 1034  
incarceration, including, but not limited to, actions cognizable 1035  
under 42 U.S.C. 1983. 1036

(3) "Post-release control sanction" has the same meaning 1037  
as in section 2967.01 of the Revised Code. 1038

**Sec. 120.14.** (A) (1) Except as provided in division (A) (2) 1039  
of this section, the county public defender commission shall 1040  
appoint the county public defender and may remove ~~him~~ the county 1041

public defender from office only for good cause. 1042

(2) If a county public defender commission contracts with 1043  
the state public defender or with one or more nonprofit 1044  
organizations for the state public defender or the organizations 1045  
to provide all of the services that the county public defender 1046  
is required or permitted to provide by this chapter, the 1047  
commission shall not appoint a county public defender. 1048

(B) The commission shall determine the qualifications and 1049  
size of the supporting staff and facilities and other 1050  
requirements needed to maintain and operate the office of the 1051  
county public defender. 1052

(C) In administering the office of county public defender, 1053  
the commission shall: 1054

(1) Recommend to the county commissioners an annual 1055  
operating budget which is subject to the review, amendment, and 1056  
approval of the board of county commissioners; 1057

(2) (a) Make an annual report to the county commissioners 1058  
and the Ohio public defender commission on the operation of the 1059  
county public defender's office, ~~including complete and detailed~~ 1060  
~~information on finances and costs that separately states costs~~ 1061  
~~and expenses that are reimbursable under section 120.35 of the~~ 1062  
~~Revised Code,~~ and any other data and information requested by 1063  
the state public defender; 1064

(b) Make monthly reports relating to reimbursement and 1065  
associated case data pursuant to the rules of the Ohio public 1066  
defender commission to the board of county commissioners and the 1067  
Ohio public defender commission on the total costs of the public 1068  
defender's office. 1069

(3) Cooperate with the Ohio public defender commission in 1070

maintaining the standards established by rules of the Ohio 1071  
public defender commission pursuant to divisions (B) and (C) of 1072  
section 120.03 of the Revised Code, and cooperate with the state 1073  
public defender in ~~his~~ the state public defender's programs 1074  
providing technical aid and assistance to county systems. 1075

(D) The commission may accept the services of volunteer 1076  
workers and consultants at no compensation except reimbursement 1077  
for actual and necessary expenses. 1078

(E) The commission may contract with any municipal 1079  
corporation, within the county served by the county public 1080  
defender, for the county public defender to provide legal 1081  
representation for indigent persons who are charged with a 1082  
violation of the ordinances of the municipal corporation. 1083

(F) A county public defender commission, with the approval 1084  
of the board of county commissioners regarding all provisions 1085  
that pertain to the financing of defense counsel for indigent 1086  
persons, may contract with the state public defender or with any 1087  
nonprofit organization, the primary purpose of which is to 1088  
provide legal representation to indigent persons, for the state 1089  
public defender or the organization to provide all or any part 1090  
of the services that a county public defender is required or 1091  
permitted to provide by this chapter. A contract entered into 1092  
pursuant to this division may provide for payment for the 1093  
services provided on a per case, hourly, or fixed contract 1094  
basis. The state public defender and any nonprofit organization 1095  
that contracts with a county public defender commission pursuant 1096  
to this division shall do all of the following: 1097

(1) Comply with all standards established by the rules of 1098  
the Ohio public defender commission; 1099

(2) Comply with all standards established by the state 1100  
public defender; 1101

(3) Comply with all statutory duties and other laws 1102  
applicable to county public defenders. 1103

**Sec. 120.16.** (A) (1) The county public defender shall 1104  
provide legal representation to indigent adults and juveniles 1105  
who are charged with the commission of an offense or act that is 1106  
a violation of a state statute and for which the penalty or any 1107  
possible adjudication includes the potential loss of liberty and 1108  
in postconviction proceedings as defined in this section. 1109

(2) The county public defender may provide legal 1110  
representation to indigent adults and juveniles charged with the 1111  
violation of an ordinance of a municipal corporation for which 1112  
the penalty or any possible adjudication includes the potential 1113  
loss of liberty, if the county public defender commission has 1114  
contracted with the municipal corporation to provide legal 1115  
representation for indigent persons charged with a violation of 1116  
an ordinance of the municipal corporation. 1117

(B) The county public defender shall provide the legal 1118  
representation authorized by division (A) of this section at 1119  
every stage of the proceedings following arrest, detention, 1120  
service of summons, or indictment. 1121

(C) The county public defender may request the state 1122  
public defender to prosecute any appeal or other remedy before 1123  
or after conviction that the county public defender decides is 1124  
in the interests of justice, and may provide legal 1125  
representation in parole and probation revocation matters and 1126  
matters relating to the revocation of community control or post- 1127  
release control under a community control sanction or post- 1128

release control sanction. 1129

(D) The county public defender shall not be required to 1130  
prosecute any appeal, postconviction remedy, or other 1131  
proceeding, unless the county public defender is first satisfied 1132  
there is arguable merit to the proceeding. 1133

(E) Nothing in this section shall prevent a court from 1134  
appointing counsel other than the county public defender or from 1135  
allowing an indigent person to select the indigent person's own 1136  
personal counsel to represent the indigent person. A court may 1137  
also appoint counsel or allow an indigent person to select the 1138  
indigent person's own personal counsel to assist the county 1139  
public defender as co-counsel when the interests of justice so 1140  
require. 1141

(F) Information as to the right to legal representation by 1142  
the county public defender or assigned counsel shall be afforded 1143  
to an accused person immediately upon arrest, when brought 1144  
before a magistrate, or when formally charged, whichever occurs 1145  
first. 1146

~~(G) If a court appoints the office of the county public- 1147  
defender to represent a petitioner in a postconviction relief- 1148  
proceeding under section 2953.21 of the Revised Code, the- 1149  
petitioner has received a sentence of death, and the proceeding- 1150  
relates to that sentence, all of the attorneys who represent the 1151  
petitioner in the proceeding pursuant to the appointment,- 1152  
whether an assistant county public defender or the county public 1153  
defender, shall be certified under Rule 20 of the Rules of- 1154  
Superintendence for the Courts of Ohio to represent indigent- 1155  
defendants charged with or convicted of an offense for which the 1156  
death penalty can be or has been imposed. 1157~~

~~(H)~~—As used in this section: 1158

(1) "Community control sanction" has the same meaning as 1159  
in section 2929.01 of the Revised Code. 1160

(2) "Post-release control sanction" has the same meaning 1161  
as in section 2967.01 of the Revised Code. 1162

**Sec. 120.18.** (A) The county public defender commission's 1163  
report to the board of county commissioners shall be audited by 1164  
the county auditor. The board of county commissioners, after 1165  
review and approval of the audited report, may then certify it 1166  
to the state public defender for reimbursement. If a request for 1167  
the reimbursement of any operating expenditure incurred by a 1168  
county public defender office is not received by the state 1169  
public defender within sixty days after the end of the calendar 1170  
month in which the expenditure is incurred, the state public 1171  
defender shall not pay the requested reimbursement, unless the 1172  
county has requested, and the state public defender has granted, 1173  
an extension of the sixty-day time limit. Each request for 1174  
reimbursement shall include a certification by the county public 1175  
defender that the persons provided representation by the county 1176  
public defender's office during the period covered by the report 1177  
were indigent and, for each person provided representation 1178  
during that period, a financial disclosure form completed by the 1179  
person on a form prescribed by the state public defender. The 1180  
state public defender shall also review the report and, in 1181  
accordance with the standards, guidelines, and maximums 1182  
established pursuant to divisions (B) (7) and (8) of section 1183  
120.04 of the Revised Code and the payment determination 1184  
provisions of section 120.34 of the Revised Code, prepare a 1185  
voucher for the cost of each county public defender's office for 1186  
the period of time covered by the certified report ~~and a voucher~~ 1187



~~for the costs and expenses that are reimbursable under section~~ 1188  
~~120.35 of the Revised Code, if any.~~ The amount of payments to be 1189  
included in and made under the voucher shall be determined as 1190  
specified in section 120.34 of the Revised Code. For the 1191  
purposes of this section, "cost" means total expenses minus 1192  
~~costs and expenses reimbursable under section 120.35 of the~~ 1193  
~~Revised Code and~~ any funds received by the county public 1194  
defender commission pursuant to a contract, except a contract 1195  
entered into with a municipal corporation pursuant to division 1196  
(E) of section 120.14 of the Revised Code, gift, or grant. 1197

(B) If the county public defender fails to maintain the 1198  
standards for the conduct of the office established by rules of 1199  
the Ohio public defender commission pursuant to divisions (B) 1200  
and (C) of section 120.03 or the standards established by the 1201  
state public defender pursuant to division (B)(7) of section 1202  
120.04 of the Revised Code, the Ohio public defender commission 1203  
shall notify the county public defender commission and the board 1204  
of county commissioners of the county that the county public 1205  
defender has failed to comply with its rules or the standards of 1206  
the state public defender. Unless the county public defender 1207  
commission or the county public defender corrects the conduct of 1208  
the county public defender's office to comply with the rules and 1209  
standards within ninety days after the date of the notice, the 1210  
state public defender may deny payment of all or part of the 1211  
county's reimbursement from the state provided for in division 1212  
(A) of this section. 1213

**Sec. 120.24.** (A) (1) Except as provided in division (A) (2) 1214  
of this section, the joint county public defender commission 1215  
shall appoint the joint county public defender and may remove 1216  
~~him~~ the joint county public defender from office only for good 1217  
cause. 1218

(2) If a joint county public defender commission contracts 1219  
with the state public defender or with one or more nonprofit 1220  
organizations for the state public defender or the organizations 1221  
to provide all of the services that the joint county public 1222  
defender is required or permitted to provide by this chapter, 1223  
the commission shall not appoint a joint county public defender. 1224

(B) The commission shall determine the qualifications and 1225  
size of the supporting staff and facilities and other 1226  
requirements needed to maintain and operate the office. 1227

(C) In administering the office of joint county public 1228  
defender, the commission shall: 1229

(1) Recommend to the boards of county commissioners in the 1230  
district an annual operating budget which is subject to the 1231  
review, amendment, and approval of the boards of county 1232  
commissioners in the district; 1233

(2) (a) Make an annual report to the boards of county 1234  
commissioners in the district and the Ohio public defender 1235  
commission on the operation of the public defender's office,~~—~~ 1236  
~~including complete and detailed information on finances and~~ 1237  
~~costs that separately states costs and expenses that are~~ 1238  
~~reimbursable under section 120.35 of the Revised Code,~~ and such 1239  
other data and information requested by the state public 1240  
defender; 1241

(b) Make monthly reports relating to reimbursement and 1242  
associated case data pursuant to the rules of the Ohio public 1243  
defender commission to the boards of county commissioners in the 1244  
district and the Ohio public defender commission on the total 1245  
costs of the public defender's office. 1246

(3) Cooperate with the Ohio public defender commission in 1247

maintaining the standards established by rules of the Ohio 1248  
public defender commission pursuant to divisions (B) and (C) of 1249  
section 120.03 of the Revised Code, and cooperate with the state 1250  
public defender in ~~his~~ the state public defender's programs 1251  
providing technical aid and assistance to county systems. 1252

(D) The commission may accept the services of volunteer 1253  
workers and consultants at no compensation except reimbursement 1254  
for actual and necessary expenses. 1255

(E) The commission may contract with any municipal 1256  
corporation, within the counties served by the joint county 1257  
public defender, for the joint county public defender to provide 1258  
legal representation for indigent persons who are charged with a 1259  
violation of the ordinances of the municipal corporation. 1260

(F) A joint county public defender commission, with the 1261  
approval of each participating board of county commissioners 1262  
regarding all provisions that pertain to the financing of 1263  
defense counsel for indigent persons, may contract with the 1264  
state public defender or with any nonprofit organization, the 1265  
primary purpose of which is to provide legal representation to 1266  
indigent persons, for the state public defender or the 1267  
organization to provide all or any part of the services that a 1268  
joint county public defender is required or permitted to provide 1269  
by this chapter. A contract entered into pursuant to this 1270  
division may provide for payment for the services provided on a 1271  
per case, hourly, or fixed contract basis. The state public 1272  
defender and any nonprofit organization that contracts with a 1273  
joint county public defender commission pursuant to this 1274  
division shall do all of the following: 1275

(1) Comply with all standards established by the rules of 1276  
the Ohio public defender commission; 1277

(2) Comply with all standards established by the Ohio public defender;	1278 1279
(3) Comply with all statutory duties and other laws applicable to joint county public defenders.	1280 1281
<b>Sec. 120.26.</b> (A) (1) The joint county public defender shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty and in postconviction proceedings as defined in this section.	1282 1283 1284 1285 1286 1287
(2) The joint county public defender may provide legal representation to indigent adults and juveniles charged with the violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, if the joint county public defender commission has contracted with the municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of the municipal corporation.	1288 1289 1290 1291 1292 1293 1294 1295
(B) The joint county public defender shall provide the legal representation authorized by division (A) of this section at every stage of the proceedings following arrest, detention, service of summons, or indictment.	1296 1297 1298 1299
(C) The joint county public defender may request the Ohio public defender to prosecute any appeal or other remedy before or after conviction that the joint county public defender decides is in the interests of justice and may provide legal representation in parole and probation revocation matters and matters relating to the revocation of community control or post-release control under a community control sanction or post-	1300 1301 1302 1303 1304 1305 1306

release control sanction. 1307

(D) The joint county public defender shall not be required 1308  
to prosecute any appeal, postconviction remedy, or other 1309  
proceeding, unless the joint county public defender is first 1310  
satisfied that there is arguable merit to the proceeding. 1311

(E) Nothing in this section shall prevent a court from 1312  
appointing counsel other than the joint county public defender 1313  
or from allowing an indigent person to select the indigent 1314  
person's own personal counsel to represent the indigent person. 1315  
A court may also appoint counsel or allow an indigent person to 1316  
select the indigent person's own personal counsel to assist the 1317  
joint county public defender as co-counsel when the interests of 1318  
justice so require. 1319

(F) Information as to the right to legal representation by 1320  
the joint county public defender or assigned counsel shall be 1321  
afforded to an accused person immediately upon arrest, when 1322  
brought before a magistrate, or when formally charged, whichever 1323  
occurs first. 1324

~~(G) If a court appoints the office of the joint county 1325  
public defender to represent a petitioner in a postconviction 1326  
relief proceeding under section 2953.21 of the Revised Code, the 1327  
petitioner has received a sentence of death, and the proceeding 1328  
relates to that sentence, all of the attorneys who represent the 1329  
petitioner in the proceeding pursuant to the appointment, 1330  
whether an assistant joint county defender or the joint county 1331  
public defender, shall be certified under Rule 20 of the Rules 1332  
of Superintendence for the Courts of Ohio to represent indigent 1333  
defendants charged with or convicted of an offense for which the 1334  
death penalty can be or has been imposed. 1335~~

~~(H)~~—As used in this section: 1336

(1) "Community control sanction" has the same meaning as 1337  
in section 2929.01 of the Revised Code. 1338

(2) "Post-release control sanction" has the same meaning 1339  
as in section 2967.01 of the Revised Code. 1340

**Sec. 120.28.** (A) The joint county public defender 1341  
commissioner's report to the joint board of county commissioners 1342  
shall be audited by the fiscal officer of the district. The 1343  
joint board of county commissioners, after review and approval 1344  
of the audited report, may then certify it to the state public 1345  
defender for reimbursement. If a request for the reimbursement 1346  
of any operating expenditure incurred by a joint county public 1347  
defender office is not received by the state public defender 1348  
within sixty days after the end of the calendar month in which 1349  
the expenditure is incurred, the state public defender shall not 1350  
pay the requested reimbursement, unless the joint board of 1351  
county commissioners has requested, and the state public 1352  
defender has granted, an extension of the sixty-day time limit. 1353  
Each request for reimbursement shall include a certification by 1354  
the joint county public defender that all persons provided 1355  
representation by the joint county public defender's office 1356  
during the period covered by the request were indigent and, for 1357  
each person provided representation during that period, a 1358  
financial disclosure form completed by the person on a form 1359  
prescribed by the state public defender. The state public 1360  
defender shall also review the report and, in accordance with 1361  
the standards, guidelines, and maximums established pursuant to 1362  
divisions (B) (7) and (8) of section 120.04 of the Revised Code 1363  
and the payment determination provisions of section 120.34 of 1364  
the Revised Code, prepare a voucher for the cost of each joint 1365

county public defender's office for the period of time covered 1366  
by the certified report ~~and a voucher for the costs and expenses~~ 1367  
~~that are reimbursable under section 120.35 of the Revised Code,~~ 1368  
~~if any.~~ The amount of payments to be included in and made under 1369  
the voucher shall be determined as specified in section 120.34 1370  
of the Revised Code. For purposes of this section, "cost" means 1371  
total expenses minus ~~costs and expenses reimbursable under~~ 1372  
~~section 120.35 of the Revised Code and~~ any funds received by the 1373  
joint county public defender commission pursuant to a contract, 1374  
except a contract entered into with a municipal corporation 1375  
pursuant to division (E) of section 120.24 of the Revised Code, 1376  
gift, or grant. Each county in the district shall be entitled to 1377  
a share of such state reimbursement in proportion to the 1378  
percentage of the cost it has agreed to pay. 1379

(B) If the joint county public defender fails to maintain 1380  
the standards for the conduct of the office established by the 1381  
rules of the Ohio public defender commission pursuant to 1382  
divisions (B) and (C) of section 120.03 or the standards 1383  
established by the state public defender pursuant to division 1384  
(B)(7) of section 120.04 of the Revised Code, the Ohio public 1385  
defender commission shall notify the joint county public 1386  
defender commission and the board of county commissioners of 1387  
each county in the district that the joint county public 1388  
defender has failed to comply with its rules or the standards of 1389  
the state public defender. Unless the joint public defender 1390  
commission or the joint county public defender corrects the 1391  
conduct of the joint county public defender's office to comply 1392  
with the rules and standards within ninety days after the date 1393  
of the notice, the state public defender may deny all or part of 1394  
the counties' reimbursement from the state provided for in 1395  
division (A) of this section. 1396

**Sec. 120.33.** (A) In lieu of using a county public defender 1397  
or joint county public defender to represent indigent persons in 1398  
the proceedings set forth in division (A) of section 120.16 of 1399  
the Revised Code, the board of county commissioners of any 1400  
county may adopt a resolution to pay counsel who are either 1401  
personally selected by the indigent person or appointed by the 1402  
court. The resolution shall include those provisions the board 1403  
of county commissioners considers necessary to provide effective 1404  
representation of indigent persons in any proceeding for which 1405  
counsel is provided under this section. The resolution shall 1406  
include provisions for contracts with any municipal corporation 1407  
under which the municipal corporation shall reimburse the county 1408  
for counsel appointed to represent indigent persons charged with 1409  
violations of the ordinances of the municipal corporation. 1410

(1) In a county that adopts a resolution to pay counsel, 1411  
an indigent person shall have the right to do either of the 1412  
following: 1413

(a) To select the person's own personal counsel to 1414  
represent the person in any proceeding included within the 1415  
provisions of the resolution; 1416

(b) To request the court to appoint counsel to represent 1417  
the person in such a proceeding. 1418

(2) The court having jurisdiction over the proceeding in a 1419  
county that adopts a resolution to pay counsel shall, after 1420  
determining that the person is indigent and entitled to legal 1421  
representation under this section, do either of the following: 1422

(a) By signed journal entry recorded on its docket, enter 1423  
the name of the lawyer selected by the indigent person as 1424  
counsel of record; 1425



(b) Appoint counsel for the indigent person if the person 1426  
has requested the court to appoint counsel and, by signed 1427  
journal entry recorded on its dockets, enter the name of the 1428  
lawyer appointed for the indigent person as counsel of record. 1429

(3) The board of county commissioners shall establish a 1430  
schedule of fees by case or on an hourly basis to be paid to 1431  
counsel for legal services provided pursuant to a resolution 1432  
adopted under this section. Prior to establishing the schedule, 1433  
the board of county commissioners shall request the bar 1434  
association or associations of the county to submit a proposed 1435  
~~schedule for cases other than capital cases.~~ The schedule 1436  
submitted shall be subject to the review, amendment, and 1437  
approval of the board of county commissioners, ~~except with~~ 1438  
~~respect to capital cases. With respect to capital cases, the~~ 1439  
~~schedule shall provide for fees by case or on an hourly basis to~~ 1440  
~~be paid to counsel in the amount or at the rate set by the~~ 1441  
~~capital case attorney fee council pursuant to division (D) of~~ 1442  
~~this section, and the board of county commissioners shall~~ 1443  
~~approve that amount or rate.~~ 1444

(4) Counsel selected by the indigent person or appointed 1445  
by the court at the request of an indigent person in a county 1446  
that adopts a resolution to pay counsel, except for counsel 1447  
appointed to represent a person charged with any violation of an 1448  
ordinance of a municipal corporation that has not contracted 1449  
with the county commissioners for the payment of appointed 1450  
counsel, shall be paid by the county and shall receive the 1451  
compensation and expenses the court approves. ~~With respect to~~ 1452  
~~capital cases, the court shall approve compensation and expenses~~ 1453  
~~in accordance with the amount or at the rate set by the capital~~ 1454  
~~case attorney fee council pursuant to division (D) of this~~ 1455  
~~section.~~ Each request for payment shall include a financial 1456

disclosure form completed by the indigent person on a form 1457  
prescribed by the state public defender. Compensation and 1458  
expenses shall not exceed the amounts fixed by the board of 1459  
county commissioners in the schedule adopted pursuant to 1460  
division (A) (3) of this section. No court shall approve 1461  
compensation and expenses that exceed the amount fixed pursuant 1462  
to division (A) (3) of this section. 1463

The fees and expenses approved by the court shall not be 1464  
taxed as part of the costs and shall be paid by the county. 1465  
However, if the person represented has, or may reasonably be 1466  
expected to have, the means to meet some part of the cost of the 1467  
services rendered to the person, the person shall pay the county 1468  
an amount that the person reasonably can be expected to pay. 1469  
Pursuant to section 120.04 of the Revised Code, the county shall 1470  
pay to the state public defender a percentage of the payment 1471  
received from the person in an amount proportionate to the 1472  
percentage of the costs of the person's case that were paid to 1473  
the county by the state public defender pursuant to this 1474  
section. The money paid to the state public defender shall be 1475  
credited to the client payment fund created pursuant to division 1476  
(B) (5) of section 120.04 of the Revised Code. 1477

The county auditor shall draw a warrant on the county 1478  
treasurer for the payment of counsel in the amount fixed by the 1479  
court, plus the expenses the court fixes and certifies to the 1480  
auditor. The county auditor shall report periodically, but not 1481  
less than annually, to the board of county commissioners and to 1482  
the state public defender the amounts paid out pursuant to the 1483  
approval of the court. The board of county commissioners, after 1484  
review and approval of the auditor's report, or the county 1485  
auditor, with permission from and notice to the board of county 1486  
commissioners, may then certify it to the state public defender 1487

for reimbursement. The state public defender may pay a requested 1488  
reimbursement only if the request for reimbursement includes a 1489  
financial disclosure form completed by the indigent person on a 1490  
form prescribed by the state public defender or if the court 1491  
certifies by electronic signature as prescribed by the state 1492  
public defender that a financial disclosure form has been 1493  
completed by the indigent person and is available for 1494  
inspection. If a request for the reimbursement of the cost of 1495  
counsel in any case is not received by the state public defender 1496  
within ninety days after the end of the calendar month in which 1497  
the case is finally disposed of by the court, unless the county 1498  
has requested and the state public defender has granted an 1499  
extension of the ninety-day limit, the state public defender 1500  
shall not pay the requested reimbursement. The state public 1501  
defender shall also review the report and, in accordance with 1502  
the standards, guidelines, and maximums established pursuant to 1503  
divisions (B) (7) and (8) of section 120.04 of the Revised Code 1504  
and the payment determination provisions of section 120.34 of 1505  
the Revised Code, prepare a voucher for the cost of each county 1506  
appointed counsel system in the period of time covered by the 1507  
certified report ~~and a voucher for the costs and expenses that~~ 1508  
~~are reimbursable under section 120.35 of the Revised Code, if~~ 1509  
~~any.~~ The amount of payments to be included in and made under the 1510  
voucher shall be determined as specified in section 120.34 of 1511  
the Revised Code. 1512

(5) If any county appointed counsel system fails to 1513  
maintain the standards for the conduct of the system established 1514  
by the rules of the Ohio public defender commission pursuant to 1515  
divisions (B) and (C) of section 120.03 or the standards 1516  
established by the state public defender pursuant to division 1517  
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1518

defender commission shall notify the board of county 1519  
commissioners of the county that the county appointed counsel 1520  
system has failed to comply with its rules or the standards of 1521  
the state public defender. Unless the board of county 1522  
commissioners corrects the conduct of its appointed counsel 1523  
system to comply with the rules and standards within ninety days 1524  
after the date of the notice, the state public defender may deny 1525  
all or part of the county's reimbursement from the state 1526  
provided for in division (A) (4) of this section. 1527

(B) In lieu of using a county public defender or joint 1528  
county public defender to represent indigent persons in the 1529  
proceedings set forth in division (A) of section 120.16 of the 1530  
Revised Code, and in lieu of adopting the resolution and 1531  
following the procedure described in division (A) of this 1532  
section, the board of county commissioners of any county may 1533  
contract with the state public defender for the state public 1534  
defender's legal representation of indigent persons. A contract 1535  
entered into pursuant to this division may provide for payment 1536  
for the services provided on a per case, hourly, or fixed 1537  
contract basis. 1538

~~(C) If a court appoints an attorney pursuant to this 1539  
section to represent a petitioner in a postconviction relief 1540  
proceeding under section 2953.21 of the Revised Code, the 1541  
petitioner has received a sentence of death, and the proceeding 1542  
relates to that sentence, the attorney who represents the 1543  
petitioner in the proceeding pursuant to the appointment shall 1544  
be certified under Rule 20 of the Rules of Superintendence for 1545  
the Courts of Ohio to represent indigent defendants charged with 1546  
or convicted of an offense for which the death penalty can be or 1547  
has been imposed. 1548~~

~~(D) (1) There is hereby created the capital case attorney fee council, appointed as described in division (D) (2) of this section. The council shall set an amount by case, or a rate on an hourly basis, to be paid under this section to counsel in a capital case.~~ 1549  
1550  
1551  
1552  
1553

~~(2) The capital case attorney fee council shall consist of five members, all of whom shall be active judges serving on one of the district courts of appeals in this state. Terms for council members shall be the lesser of three years or until the member ceases to be an active judge of a district court of appeals. The initial terms shall commence ninety days after September 28, 2016. The chief justice of the supreme court shall appoint the members of the council, and shall make all of the appointments not later than sixty days after September 28, 2016. When any vacancy occurs, the chief justice shall appoint an active judge of a district court of appeals in this state to fill the vacancy for the unexpired term, in the same manner as prescribed in this division. The chief justice shall designate a chairperson from the appointed members of the council. Members of the council shall receive no additional compensation for their service as a member, but may be reimbursed for expenses reasonably incurred in service to the council, to be paid by the supreme court. The supreme court may provide administrative support to the council.~~ 1554  
1555  
1556  
1557  
1558  
1559  
1560  
1561  
1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1570  
1571  
1572

~~(3) The capital case attorney fee council initially shall meet not later than one hundred twenty days after September 28, 2016. Thereafter, the council shall meet not less than annually.~~ 1573  
1574  
1575

~~(4) Upon setting the amount or rate described in division (D) (1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to~~ 1576  
1577  
1578

~~the state public defender of the amount or rate so set. The amount or rate so set shall become effective ninety days after the date on which the chairperson provides that written notice to the state public defender. The council shall specify that effective date in the written notice provided to the state public defender. All amounts or rates set by the council shall be final, subject to modification as described in division (D) (5) of this section, and not subject to appeal.~~

~~(5) The capital case attorney fee council may modify an amount or rate set as described in division (D) (4) of this section. The provisions of that division apply with respect to any such modification of an amount or rate.~~

**Sec. 120.34.** (A) Except as provided in division (D) of this section, the total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, 120.33, ~~120.35,~~ and 2941.51 of the Revised Code for the reimbursement of the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel systems, the counties' costs and expenses of conducting the defense in capital cases, and the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems and for those appointed counsel costs and expenses, and shall be determined as specified in this section. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay the cost in the fiscal year of all county public defender offices, all joint county public defender offices, all county appointed counsel systems, and all costs and expenses of appointed counsel covered by section 2941.51 of the

Revised Code, the amount of money paid in that fiscal year 1610  
pursuant to sections 120.18, 120.28, 120.33, ~~120.35~~, and 2941.51 1611  
of the Revised Code to each county for the fiscal year shall be 1612  
reduced proportionately so that each county is paid an equal 1613  
percentage of its cost in the fiscal year for operating its 1614  
county public defender system, its joint county public defender 1615  
system, and its county appointed counsel system, an equal 1616  
percentage of its costs and expenses of conducting the defense 1617  
in capital cases in the fiscal year, and an equal percentage of 1618  
its costs and expenses of appointed counsel covered by section 1619  
2941.51 of the Revised Code. 1620

(B) If any county receives an amount of money pursuant to 1621  
section 120.18, 120.28, 120.33, ~~120.35~~, or 2941.51 of the 1622  
Revised Code that is in excess of the amount of reimbursement it 1623  
is entitled to receive pursuant to this section, the state 1624  
public defender shall request the board of county commissioners 1625  
to return the excess payment and the board of county 1626  
commissioners, upon receipt of the request, shall direct the 1627  
appropriate county officer to return the excess payment to the 1628  
state. 1629

(C) Within thirty days of the end of each fiscal quarter, 1630  
the state public defender shall provide to the office of budget 1631  
and management and the legislative service commission an 1632  
estimate of the amount of money that will be required for the 1633  
balance of the fiscal year to make the payments required by 1634  
sections 120.18, 120.28, 120.33, ~~120.35~~, and 2941.51 of the 1635  
Revised Code. 1636

(D) No reimbursement shall be made under this section for 1637  
costs of indigent defense to the extent that those costs exceed 1638  
the hourly rate, if any, established by the general assembly. 1639

(E) All payments relating to capital cases that were 1640  
required to be made under the provisions of this chapter or 1641  
section 2941.51 of the Revised Code as those provisions existed 1642  
immediately before the effective date of this amendment shall be 1643  
made for each calendar or fiscal year, as applicable, in 1644  
accordance with those provisions as they existed immediately 1645  
before the effective date of this amendment until each case in 1646  
which a defendant was sentenced to death before the effective 1647  
date of this amendment is finally resolved. 1648

**Sec. 149.43.** (A) As used in this section: 1649

(1) "Public record" means records kept by any public 1650  
office, including, but not limited to, state, county, city, 1651  
village, township, and school district units, and records 1652  
pertaining to the delivery of educational services by an 1653  
alternative school in this state kept by the nonprofit or for- 1654  
profit entity operating the alternative school pursuant to 1655  
section 3313.533 of the Revised Code. "Public record" does not 1656  
mean any of the following: 1657

(a) Medical records; 1658

(b) Records pertaining to probation and parole 1659  
proceedings, to proceedings related to the imposition of 1660  
community control sanctions and post-release control sanctions, 1661  
or to proceedings related to determinations under section 1662  
2967.271 of the Revised Code regarding the release or maintained 1663  
incarceration of an offender to whom that section applies; 1664

(c) Records pertaining to actions under section 2151.85 1665  
and division (C) of section 2919.121 of the Revised Code and to 1666  
appeals of actions arising under those sections; 1667

(d) Records pertaining to adoption proceedings, including 1668



the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	1669 1670
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	1671 1672 1673 1674 1675 1676
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	1677 1678
(g) Trial preparation records;	1679
(h) Confidential law enforcement investigatory records;	1680
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	1681 1682
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1683 1684
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1685 1686 1687 1688
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1689 1690 1691 1692
(m) Intellectual property records;	1693
(n) Donor profile records;	1694
(o) Records maintained by the department of job and family	1695

services pursuant to section 3121.894 of the Revised Code;	1696
(p) Designated public service worker residential and familial information;	1697 1698
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1699 1700 1701 1702 1703
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1704 1705
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	1706 1707 1708 1709 1710 1711 1712 1713 1714 1715 1716 1717
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	1718 1719 1720 1721 1722
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator	1723 1724

that the board of executives of long-term services and supports	1725
administers under section 4751.15 of the Revised Code or	1726
contracts under that section with a private or government entity	1727
to administer;	1728
(v) Records the release of which is prohibited by state or	1729
federal law;	1730
(w) Proprietary information of or relating to any person	1731
that is submitted to or compiled by the Ohio venture capital	1732
authority created under section 150.01 of the Revised Code;	1733
(x) Financial statements and data any person submits for	1734
any purpose to the Ohio housing finance agency or the	1735
controlling board in connection with applying for, receiving, or	1736
accounting for financial assistance from the agency, and	1737
information that identifies any individual who benefits directly	1738
or indirectly from financial assistance from the agency;	1739
(y) Records listed in section 5101.29 of the Revised Code;	1740
(z) Discharges recorded with a county recorder under	1741
section 317.24 of the Revised Code, as specified in division (B)	1742
(2) of that section;	1743
(aa) Usage information including names and addresses of	1744
specific residential and commercial customers of a municipally	1745
owned or operated public utility;	1746
(bb) Records described in division (C) of section 187.04	1747
of the Revised Code that are not designated to be made available	1748
to the public as provided in that division;	1749
(cc) <del>Information and records that are made confidential,</del>	1750
<del>privileged, and not subject to disclosure under divisions (B)</del>	1751
<del>and (C) of section 2949.221 of the Revised Code;</del>	1752

~~(dd)~~ Personal information, as defined in section 149.45 of 1753  
the Revised Code; 1754

~~(ee)~~ (dd) The confidential name, address, and other 1755  
personally identifiable information of a program participant in 1756  
the address confidentiality program established under sections 1757  
111.41 to 111.47 of the Revised Code, including the contents of 1758  
any application for absent voter's ballots, absent voter's 1759  
ballot identification envelope statement of voter, or 1760  
provisional ballot affirmation completed by a program 1761  
participant who has a confidential voter registration record; 1762  
records or portions of records pertaining to that program that 1763  
identify the number of program participants that reside within a 1764  
precinct, ward, township, municipal corporation, county, or any 1765  
other geographic area smaller than the state; and any real 1766  
property confidentiality notice filed under section 111.431 of 1767  
the Revised Code and the information described in division (C) 1768  
of that section. As used in this division, "confidential 1769  
address" and "program participant" have the meaning defined in 1770  
section 111.41 of the Revised Code. 1771

~~(ff)~~ (ee) Orders for active military service of an 1772  
individual serving or with previous service in the armed forces 1773  
of the United States, including a reserve component, or the Ohio 1774  
organized militia, except that, such order becomes a public 1775  
record on the day that is fifteen years after the published date 1776  
or effective date of the call to order; 1777

~~(gg)~~ (ff) The name, address, contact information, or other 1778  
personal information of an individual who is less than eighteen 1779  
years of age that is included in any record related to a traffic 1780  
accident involving a school vehicle in which the individual was 1781  
an occupant at the time of the accident; 1782

~~(hh)~~(gg) Protected health information, as defined in 45 1783  
C.F.R. 160.103, that is in a claim for payment for a health care 1784  
product, service, or procedure, as well as any other health 1785  
claims data in another document that reveals the identity of an 1786  
individual who is the subject of the data or could be used to 1787  
reveal that individual's identity; 1788

~~(ii)~~(hh) Any depiction by photograph, film, videotape, or 1789  
printed or digital image under either of the following 1790  
circumstances: 1791

(i) The depiction is that of a victim of an offense the 1792  
release of which would be, to a reasonable person of ordinary 1793  
sensibilities, an offensive and objectionable intrusion into the 1794  
victim's expectation of bodily privacy and integrity. 1795

(ii) The depiction captures or depicts the victim of a 1796  
sexually oriented offense, as defined in section 2950.01 of the 1797  
Revised Code, at the actual occurrence of that offense. 1798

~~(jj)~~(ii) Restricted portions of a body-worn camera or 1799  
dashboard camera recording; 1800

~~(kk)~~(jj) In the case of a fetal-infant mortality review 1801  
board acting under sections 3707.70 to 3707.77 of the Revised 1802  
Code, records, documents, reports, or other information 1803  
presented to the board or a person abstracting such materials on 1804  
the board's behalf, statements made by review board members 1805  
during board meetings, all work products of the board, and data 1806  
submitted by the board to the department of health or a national 1807  
infant death review database, other than the report prepared 1808  
pursuant to section 3707.77 of the Revised Code. 1809

~~(ll)~~(kk) Records, documents, reports, or other information 1810  
presented to the pregnancy-associated mortality review board 1811

established under section 3738.01 of the Revised Code, 1812  
statements made by board members during board meetings, all work 1813  
products of the board, and data submitted by the board to the 1814  
department of health, other than the biennial reports prepared 1815  
under section 3738.08 of the Revised Code; 1816

~~(mm)~~ (ll) Except as otherwise provided in division ~~(A)(1)~~ 1817  
~~(ee)~~ (A)(1)(nn) of this section, telephone numbers for a victim, 1818  
as defined in section 2930.01 of the Revised Code or a witness 1819  
to a crime that are listed on any law enforcement record or 1820  
report. 1821

~~(nn)~~ (mm) A preneed funeral contract, as defined in section 1822  
4717.01 of the Revised Code, and contract terms and personally 1823  
identifying information of a preneed funeral contract, that is 1824  
contained in a report submitted by or for a funeral home to the 1825  
board of embalmers and funeral directors under division (C) of 1826  
section 4717.13, division (J) of section 4717.31, or section 1827  
4717.41 of the Revised Code. 1828

~~(ee)~~ (nn) Telephone numbers for a party to a motor vehicle 1829  
accident subject to the requirements of section 5502.11 of the 1830  
Revised Code that are listed on any law enforcement record or 1831  
report, except that the telephone numbers described in this 1832  
division are not excluded from the definition of "public record" 1833  
under this division on and after the thirtieth day after the 1834  
occurrence of the motor vehicle accident. 1835

~~(pp)~~ (oo) Records pertaining to individuals who complete 1836  
training under section 5502.703 of the Revised Code to be 1837  
permitted by a school district board of education or governing 1838  
body of a community school established under Chapter 3314. of 1839  
the Revised Code, a STEM school established under Chapter 3326. 1840  
of the Revised Code, or a chartered nonpublic school to convey 1841

deadly weapons or dangerous ordnance into a school safety zone; 1842

~~(qq)~~ (pp) Records, documents, reports, or other information 1843  
presented to a domestic violence fatality review board 1844  
established under section 307.651 of the Revised Code, 1845  
statements made by board members during board meetings, all work 1846  
products of the board, and data submitted by the board to the 1847  
department of health, other than a report prepared pursuant to 1848  
section 307.656 of the Revised Code; 1849

~~(rr)~~ (qq) Records, documents, and information the release 1850  
of which is prohibited under sections 2930.04 and 2930.07 of the 1851  
Revised Code; 1852

~~(ss)~~ (rr) Records of an existing qualified nonprofit 1853  
corporation that creates a special improvement district under 1854  
Chapter 1710. of the Revised Code that do not pertain to a 1855  
purpose for which the district is created; 1856

~~(tt)~~ (ss) Educational support services data, as defined in 1857  
section 3319.325 of the Revised Code. 1858

A record that is not a public record under division (A) (1) 1859  
of this section and that, under law, is permanently retained 1860  
becomes a public record on the day that is seventy-five years 1861  
after the day on which the record was created, except for any 1862  
record protected by the attorney-client privilege, a trial 1863  
preparation record as defined in this section, a statement 1864  
prohibiting the release of identifying information signed under 1865  
section 3107.083 of the Revised Code, a denial of release form 1866  
filed pursuant to section 3107.46 of the Revised Code, or any 1867  
record that is exempt from release or disclosure under section 1868  
149.433 of the Revised Code. If the record is a birth 1869  
certificate and a biological parent's name redaction request 1870

form has been accepted under section 3107.391 of the Revised 1871  
Code, the name of that parent shall be redacted from the birth 1872  
certificate before it is released under this paragraph. If any 1873  
other section of the Revised Code establishes a time period for 1874  
disclosure of a record that conflicts with the time period 1875  
specified in this section, the time period in the other section 1876  
prevails. 1877

(2) "Confidential law enforcement investigatory record" 1878  
means any record that pertains to a law enforcement matter of a 1879  
criminal, quasi-criminal, civil, or administrative nature, but 1880  
only to the extent that the release of the record would create a 1881  
high probability of disclosure of any of the following: 1882

(a) The identity of a suspect who has not been charged 1883  
with the offense to which the record pertains, or of an 1884  
information source or witness to whom confidentiality has been 1885  
reasonably promised; 1886

(b) Information provided by an information source or 1887  
witness to whom confidentiality has been reasonably promised, 1888  
which information would reasonably tend to disclose the source's 1889  
or witness's identity; 1890

(c) Specific confidential investigatory techniques or 1891  
procedures or specific investigatory work product; 1892

(d) Information that would endanger the life or physical 1893  
safety of law enforcement personnel, a crime victim, a witness, 1894  
or a confidential information source. 1895

(3) "Medical record" means any document or combination of 1896  
documents, except births, deaths, and the fact of admission to 1897  
or discharge from a hospital, that pertains to the medical 1898  
history, diagnosis, prognosis, or medical condition of a patient 1899



and that is generated and maintained in the process of medical 1900  
treatment. 1901

(4) "Trial preparation record" means any record that 1902  
contains information that is specifically compiled in reasonable 1903  
anticipation of, or in defense of, a civil or criminal action or 1904  
proceeding, including the independent thought processes and 1905  
personal trial preparation of an attorney. 1906

(5) "Intellectual property record" means a record, other 1907  
than a financial or administrative record, that is produced or 1908  
collected by or for faculty or staff of a state institution of 1909  
higher learning in the conduct of or as a result of study or 1910  
research on an educational, commercial, scientific, artistic, 1911  
technical, or scholarly issue, regardless of whether the study 1912  
or research was sponsored by the institution alone or in 1913  
conjunction with a governmental body or private concern, and 1914  
that has not been publicly released, published, or patented. 1915

(6) "Donor profile record" means all records about donors 1916  
or potential donors to a public institution of higher education 1917  
except the names and reported addresses of the actual donors and 1918  
the date, amount, and conditions of the actual donation. 1919

(7) "Designated public service worker" means a peace 1920  
officer, parole officer, probation officer, bailiff, prosecuting 1921  
attorney, assistant prosecuting attorney, correctional employee, 1922  
county or multicounty corrections officer, community-based 1923  
correctional facility employee, designated Ohio national guard 1924  
member, protective services worker, youth services employee, 1925  
firefighter, EMT, medical director or member of a cooperating 1926  
physician advisory board of an emergency medical service 1927  
organization, state board of pharmacy employee, investigator of 1928  
the bureau of criminal identification and investigation, 1929

emergency service telecommunicator, forensic mental health 1930  
provider, mental health evaluation provider, regional 1931  
psychiatric hospital employee, judge, magistrate, or federal law 1932  
enforcement officer. 1933

(8) "Designated public service worker residential and 1934  
familial information" means any information that discloses any 1935  
of the following about a designated public service worker: 1936

(a) The address of the actual personal residence of a 1937  
designated public service worker, except for the following 1938  
information: 1939

(i) The address of the actual personal residence of a 1940  
prosecuting attorney or judge; and 1941

(ii) The state or political subdivision in which a 1942  
designated public service worker resides. 1943

(b) Information compiled from referral to or participation 1944  
in an employee assistance program; 1945

(c) The social security number, the residential telephone 1946  
number, any bank account, debit card, charge card, or credit 1947  
card number, or the emergency telephone number of, or any 1948  
medical information pertaining to, a designated public service 1949  
worker; 1950

(d) The name of any beneficiary of employment benefits, 1951  
including, but not limited to, life insurance benefits, provided 1952  
to a designated public service worker by the designated public 1953  
service worker's employer; 1954

(e) The identity and amount of any charitable or 1955  
employment benefit deduction made by the designated public 1956  
service worker's employer from the designated public service 1957

worker's compensation, unless the amount of the deduction is 1958  
required by state or federal law; 1959

(f) The name, the residential address, the name of the 1960  
employer, the address of the employer, the social security 1961  
number, the residential telephone number, any bank account, 1962  
debit card, charge card, or credit card number, or the emergency 1963  
telephone number of the spouse, a former spouse, or any child of 1964  
a designated public service worker; 1965

(g) A photograph of a peace officer who holds a position 1966  
or has an assignment that may include undercover or plain 1967  
clothes positions or assignments as determined by the peace 1968  
officer's appointing authority. 1969

(9) As used in divisions (A) (7) and (15) to (17) of this 1970  
section: 1971

"Peace officer" has the meaning defined in section 109.71 1972  
of the Revised Code and also includes the superintendent and 1973  
troopers of the state highway patrol; it does not include the 1974  
sheriff of a county or a supervisory employee who, in the 1975  
absence of the sheriff, is authorized to stand in for, exercise 1976  
the authority of, and perform the duties of the sheriff. 1977

"Correctional employee" means any employee of the 1978  
department of rehabilitation and correction who in the course of 1979  
performing the employee's job duties has or has had contact with 1980  
inmates and persons under supervision. 1981

"County or multicounty corrections officer" means any 1982  
corrections officer employed by any county or multicounty 1983  
correctional facility. 1984

"Designated Ohio national guard member" means a member of 1985  
the Ohio national guard who is participating in duties related 1986

to remotely piloted aircraft, including, but not limited to, 1987  
pilots, sensor operators, and mission intelligence personnel, 1988  
duties related to special forces operations, or duties related 1989  
to cybersecurity, and is designated by the adjutant general as a 1990  
designated public service worker for those purposes. 1991

"Protective services worker" means any employee of a 1992  
county agency who is responsible for child protective services, 1993  
child support services, or adult protective services. 1994

"Youth services employee" means any employee of the 1995  
department of youth services who in the course of performing the 1996  
employee's job duties has or has had contact with children 1997  
committed to the custody of the department of youth services. 1998

"Firefighter" means any regular, paid or volunteer, member 1999  
of a lawfully constituted fire department of a municipal 2000  
corporation, township, fire district, or village. 2001

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2002  
provide emergency medical services for a public emergency 2003  
medical service organization. "Emergency medical service 2004  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2005  
meanings defined in section 4765.01 of the Revised Code. 2006

"Investigator of the bureau of criminal identification and 2007  
investigation" has the meaning defined in section 2903.11 of the 2008  
Revised Code. 2009

"Emergency service telecommunicator" means an individual 2010  
employed by an emergency service provider as defined under 2011  
section 128.01 of the Revised Code, whose primary responsibility 2012  
is to be an operator for the receipt or processing of calls for 2013  
emergency services made by telephone, radio, or other electronic 2014  
means. 2015

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the

age of eighteen or the address or telephone number of that 2045  
person's parent, guardian, custodian, or emergency contact 2046  
person; 2047

(b) The social security number, birth date, or 2048  
photographic image of a person under the age of eighteen; 2049

(c) Any medical record, history, or information pertaining 2050  
to a person under the age of eighteen; 2051

(d) Any additional information sought or required about a 2052  
person under the age of eighteen for the purpose of allowing 2053  
that person to participate in any recreational activity 2054  
conducted or sponsored by a public office or to use or obtain 2055  
admission privileges to any recreational facility owned or 2056  
operated by a public office. 2057

(11) "Community control sanction" has the meaning defined 2058  
in section 2929.01 of the Revised Code. 2059

(12) "Post-release control sanction" has the meaning 2060  
defined in section 2967.01 of the Revised Code. 2061

(13) "Redaction" means obscuring or deleting any 2062  
information that is exempt from the duty to permit public 2063  
inspection or copying from an item that otherwise meets the 2064  
definition of a "record" in section 149.011 of the Revised Code. 2065

(14) "Designee," "elected official," and "future official" 2066  
have the meanings defined in section 109.43 of the Revised Code. 2067

(15) "Body-worn camera" means a visual and audio recording 2068  
device worn on the person of a correctional employee, youth 2069  
services employee, or peace officer while the correctional 2070  
employee, youth services employee, or peace officer is engaged 2071  
in the performance of official duties. 2072

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the

consent of the injured person or the injured person's guardian 2102  
has been obtained; 2103

(e) An act of severe violence against a person that 2104  
results in serious physical harm to the person, unless the act 2105  
and injury was effected by a correctional employee, youth 2106  
services employee, or peace officer or, subject to division (H) 2107  
(1) of this section, the consent of the injured person or the 2108  
injured person's guardian has been obtained; 2109

(f) Grievous bodily harm to a correctional employee, youth 2110  
services employee, peace officer, firefighter, paramedic, or 2111  
other first responder, occurring while the injured person was 2112  
engaged in the performance of official duties, unless, subject 2113  
to division (H) (1) of this section, the consent of the injured 2114  
person or the injured person's guardian has been obtained; 2115

(g) An act of severe violence resulting in serious 2116  
physical harm against a correctional employee, youth services 2117  
employee, peace officer, firefighter, paramedic, or other first 2118  
responder, occurring while the injured person was engaged in the 2119  
performance of official duties, unless, subject to division (H) 2120  
(1) of this section, the consent of the injured person or the 2121  
injured person's guardian has been obtained; 2122

(h) A person's nude body, unless, subject to division (H) 2123  
(1) of this section, the person's consent has been obtained; 2124

(i) Protected health information, the identity of a person 2125  
in a health care facility who is not the subject of a 2126  
correctional, youth services, or law enforcement encounter, or 2127  
any other information in a health care facility that could 2128  
identify a person who is not the subject of a correctional, 2129  
youth services, or law enforcement encounter; 2130



(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	2131 2132
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	2133 2134 2135 2136 2137 2138 2139 2140
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	2141 2142
(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	2143 2144 2145
(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency;	2146 2147 2148 2149 2150
(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;	2151 2152 2153 2154
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;	2155 2156 2157 2158
(q) Any portion of the interior of a private business that	2159

is not open to the public, unless an adversarial encounter with, 2160  
or a use of force by, a correctional employee, youth services 2161  
employee, or peace officer occurs in that location. 2162

As used in division (A) (17) of this section: 2163

"Grievous bodily harm" has the same meaning as in section 2164  
5924.120 of the Revised Code. 2165

"Health care facility" has the same meaning as in section 2166  
1337.11 of the Revised Code. 2167

"Protected health information" has the same meaning as in 2168  
45 C.F.R. 160.103. 2169

"Law enforcement agency" means a government entity that 2170  
employs peace officers to perform law enforcement duties. 2171

"Personal information" means any government-issued 2172  
identification number, date of birth, address, financial 2173  
information, or criminal justice information from the law 2174  
enforcement automated data system or similar databases. 2175

"Sex offense" has the same meaning as in section 2907.10 2176  
of the Revised Code. 2177

"Firefighter," "paramedic," and "first responder" have the 2178  
same meanings as in section 4765.01 of the Revised Code. 2179

(B) (1) Upon request by any person and subject to division 2180  
(B) (8) of this section, all public records responsive to the 2181  
request shall be promptly prepared and made available for 2182  
inspection to the requester at all reasonable times during 2183  
regular business hours. Subject to division (B) (8) of this 2184  
section, upon request by any person, a public office or person 2185  
responsible for public records shall make copies of the 2186  
requested public record available to the requester at cost and 2187

within a reasonable period of time. If a public record contains 2188  
information that is exempt from the duty to permit public 2189  
inspection or to copy the public record, the public office or 2190  
the person responsible for the public record shall make 2191  
available all of the information within the public record that 2192  
is not exempt. When making that public record available for 2193  
public inspection or copying that public record, the public 2194  
office or the person responsible for the public record shall 2195  
notify the requester of any redaction or make the redaction 2196  
plainly visible. A redaction shall be deemed a denial of a 2197  
request to inspect or copy the redacted information, except if 2198  
federal or state law authorizes or requires a public office to 2199  
make the redaction. When the auditor of state receives a request 2200  
to inspect or to make a copy of a record that was provided to 2201  
the auditor of state for purposes of an audit, but the original 2202  
public office has asserted to the auditor of state that the 2203  
record is not a public record, the auditor of state may handle 2204  
the requests by directing the requestor to the original public 2205  
office that provided the record to the auditor of state. 2206

(2) To facilitate broader access to public records, a 2207  
public office or the person responsible for public records shall 2208  
organize and maintain public records in a manner that they can 2209  
be made available for inspection or copying in accordance with 2210  
division (B) of this section. A public office also shall have 2211  
available a copy of its current records retention schedule at a 2212  
location readily available to the public. If a requester makes 2213  
an ambiguous or overly broad request or has difficulty in making 2214  
a request for copies or inspection of public records under this 2215  
section such that the public office or the person responsible 2216  
for the requested public record cannot reasonably identify what 2217  
public records are being requested, the public office or the 2218

person responsible for the requested public record may deny the 2219  
request but shall provide the requester with an opportunity to 2220  
revise the request by informing the requester of the manner in 2221  
which records are maintained by the public office and accessed 2222  
in the ordinary course of the public office's or person's 2223  
duties. 2224

(3) If a request is ultimately denied, in part or in 2225  
whole, the public office or the person responsible for the 2226  
requested public record shall provide the requester with an 2227  
explanation, including legal authority, setting forth why the 2228  
request was denied. If the initial request was provided in 2229  
writing, the explanation also shall be provided to the requester 2230  
in writing. The explanation shall not preclude the public office 2231  
or the person responsible for the requested public record from 2232  
relying upon additional reasons or legal authority in defending 2233  
an action commenced under division (C) of this section. 2234

(4) Unless specifically required or authorized by state or 2235  
federal law or in accordance with division (B) of this section, 2236  
no public office or person responsible for public records may 2237  
limit or condition the availability of public records by 2238  
requiring disclosure of the requester's identity or the intended 2239  
use of the requested public record. Any requirement that the 2240  
requester disclose the requester's identity or the intended use 2241  
of the requested public record constitutes a denial of the 2242  
request. 2243

(5) A public office or person responsible for public 2244  
records may ask a requester to make the request in writing, may 2245  
ask for the requester's identity, and may inquire about the 2246  
intended use of the information requested, but may do so only 2247  
after disclosing to the requester that a written request is not 2248

mandatory, that the requester may decline to reveal the 2249  
requester's identity or the intended use, and when a written 2250  
request or disclosure of the identity or intended use would 2251  
benefit the requester by enhancing the ability of the public 2252  
office or person responsible for public records to identify, 2253  
locate, or deliver the public records sought by the requester. 2254

(6) If any person requests a copy of a public record in 2255  
accordance with division (B) of this section, the public office 2256  
or person responsible for the public record may require the 2257  
requester to pay in advance the cost involved in providing the 2258  
copy of the public record in accordance with the choice made by 2259  
the requester under this division. The public office or the 2260  
person responsible for the public record shall permit the 2261  
requester to choose to have the public record duplicated upon 2262  
paper, upon the same medium upon which the public office or 2263  
person responsible for the public record keeps it, or upon any 2264  
other medium upon which the public office or person responsible 2265  
for the public record determines that it reasonably can be 2266  
duplicated as an integral part of the normal operations of the 2267  
public office or person responsible for the public record. When 2268  
the requester makes a choice under this division, the public 2269  
office or person responsible for the public record shall provide 2270  
a copy of it in accordance with the choice made by the 2271  
requester. Nothing in this section requires a public office or 2272  
person responsible for the public record to allow the requester 2273  
of a copy of the public record to make the copies of the public 2274  
record. 2275

(7) (a) Upon a request made in accordance with division (B) 2276  
of this section and subject to division (B) (6) of this section, 2277  
a public office or person responsible for public records shall 2278  
transmit a copy of a public record to any person by United 2279

States mail or by any other means of delivery or transmission 2280  
within a reasonable period of time after receiving the request 2281  
for the copy. The public office or person responsible for the 2282  
public record may require the person making the request to pay 2283  
in advance the cost of postage if the copy is transmitted by 2284  
United States mail or the cost of delivery if the copy is 2285  
transmitted other than by United States mail, and to pay in 2286  
advance the costs incurred for other supplies used in the 2287  
mailing, delivery, or transmission. 2288

(b) Any public office may adopt a policy and procedures 2289  
that it will follow in transmitting, within a reasonable period 2290  
of time after receiving a request, copies of public records by 2291  
United States mail or by any other means of delivery or 2292  
transmission pursuant to division (B) (7) of this section. A 2293  
public office that adopts a policy and procedures under division 2294  
(B) (7) of this section shall comply with them in performing its 2295  
duties under that division. 2296

(c) In any policy and procedures adopted under division 2297  
(B) (7) of this section: 2298

(i) A public office may limit the number of records 2299  
requested by a person that the office will physically deliver by 2300  
United States mail or by another delivery service to ten per 2301  
month, unless the person certifies to the office in writing that 2302  
the person does not intend to use or forward the requested 2303  
records, or the information contained in them, for commercial 2304  
purposes; 2305

(ii) A public office that chooses to provide some or all 2306  
of its public records on a web site that is fully accessible to 2307  
and searchable by members of the public at all times, other than 2308  
during acts of God outside the public office's control or 2309

maintenance, and that charges no fee to search, access, 2310  
download, or otherwise receive records provided on the web site, 2311  
may limit to ten per month the number of records requested by a 2312  
person that the office will deliver in a digital format, unless 2313  
the requested records are not provided on the web site and 2314  
unless the person certifies to the office in writing that the 2315  
person does not intend to use or forward the requested records, 2316  
or the information contained in them, for commercial purposes. 2317

(iii) For purposes of division (B) (7) of this section, 2318  
"commercial" shall be narrowly construed and does not include 2319  
reporting or gathering news, reporting or gathering information 2320  
to assist citizen oversight or understanding of the operation or 2321  
activities of government, or nonprofit educational research. 2322

(8) A public office or person responsible for public 2323  
records is not required to permit a person who is incarcerated 2324  
pursuant to a criminal conviction or a juvenile adjudication to 2325  
inspect or to obtain a copy of any public record concerning a 2326  
criminal investigation or prosecution or concerning what would 2327  
be a criminal investigation or prosecution if the subject of the 2328  
investigation or prosecution were an adult, unless the request 2329  
to inspect or to obtain a copy of the record is for the purpose 2330  
of acquiring information that is subject to release as a public 2331  
record under this section and the judge who imposed the sentence 2332  
or made the adjudication with respect to the person, or the 2333  
judge's successor in office, finds that the information sought 2334  
in the public record is necessary to support what appears to be 2335  
a justiciable claim of the person. 2336

(9) (a) Upon written request made and signed by a 2337  
journalist, a public office, or person responsible for public 2338  
records, having custody of the records of the agency employing a 2339

specified designated public service worker shall disclose to the 2340  
journalist the address of the actual personal residence of the 2341  
designated public service worker and, if the designated public 2342  
service worker's spouse, former spouse, or child is employed by 2343  
a public office, the name and address of the employer of the 2344  
designated public service worker's spouse, former spouse, or 2345  
child. The request shall include the journalist's name and title 2346  
and the name and address of the journalist's employer and shall 2347  
state that disclosure of the information sought would be in the 2348  
public interest. 2349

(b) Division (B) (9) (a) of this section also applies to 2350  
journalist requests for: 2351

(i) Customer information maintained by a municipally owned 2352  
or operated public utility, other than social security numbers 2353  
and any private financial information such as credit reports, 2354  
payment methods, credit card numbers, and bank account 2355  
information; 2356

(ii) Information about minors involved in a school vehicle 2357  
accident as provided in division ~~(A) (1) (gg)~~ (A) (1) (ff) of this 2358  
section, other than personal information as defined in section 2359  
149.45 of the Revised Code. 2360

(c) As used in division (B) (9) of this section, 2361  
"journalist" means a person engaged in, connected with, or 2362  
employed by any news medium, including a newspaper, magazine, 2363  
press association, news agency, or wire service, a radio or 2364  
television station, or a similar medium, for the purpose of 2365  
gathering, processing, transmitting, compiling, editing, or 2366  
disseminating information for the general public. 2367

(10) Upon a request made by a victim, victim's attorney, 2368



or victim's representative, as that term is used in section 2369  
2930.02 of the Revised Code, a public office or person 2370  
responsible for public records shall transmit a copy of a 2371  
depiction of the victim as described in division ~~(A) (1) (ii)~~ (A)  
(1) (hh) of this section to the victim, victim's attorney, or 2372  
victim's representative. 2373  
2374

(C) (1) If a person allegedly is aggrieved by the failure 2375  
of a public office or the person responsible for public records 2376  
to promptly prepare a public record and to make it available to 2377  
the person for inspection in accordance with division (B) of 2378  
this section or by any other failure of a public office or the 2379  
person responsible for public records to comply with an 2380  
obligation in accordance with division (B) of this section, the 2381  
person allegedly aggrieved may do only one of the following, and 2382  
not both: 2383

(a) File a complaint with the clerk of the court of claims 2384  
or the clerk of the court of common pleas under section 2743.75 2385  
of the Revised Code; 2386

(b) Commence a mandamus action to obtain a judgment that 2387  
orders the public office or the person responsible for the 2388  
public record to comply with division (B) of this section, that 2389  
awards court costs and reasonable attorney's fees to the person 2390  
that instituted the mandamus action, and, if applicable, that 2391  
includes an order fixing statutory damages under division (C) (2) 2392  
of this section. The mandamus action may be commenced in the 2393  
court of common pleas of the county in which division (B) of 2394  
this section allegedly was not complied with, in the supreme 2395  
court pursuant to its original jurisdiction under Section 2 of 2396  
Article IV, Ohio Constitution, or in the court of appeals for 2397  
the appellate district in which division (B) of this section 2398

allegedly was not complied with pursuant to its original 2399  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2400

(2) If a requester transmits a written request by hand 2401  
delivery, electronic submission, or certified mail to inspect or 2402  
receive copies of any public record in a manner that fairly 2403  
describes the public record or class of public records to the 2404  
public office or person responsible for the requested public 2405  
records, except as otherwise provided in this section, the 2406  
requester shall be entitled to recover the amount of statutory 2407  
damages set forth in this division if a court determines that 2408  
the public office or the person responsible for public records 2409  
failed to comply with an obligation in accordance with division 2410  
(B) of this section. 2411

The amount of statutory damages shall be fixed at one 2412  
hundred dollars for each business day during which the public 2413  
office or person responsible for the requested public records 2414  
failed to comply with an obligation in accordance with division 2415  
(B) of this section, beginning with the day on which the 2416  
requester files a mandamus action to recover statutory damages, 2417  
up to a maximum of one thousand dollars. The award of statutory 2418  
damages shall not be construed as a penalty, but as compensation 2419  
for injury arising from lost use of the requested information. 2420  
The existence of this injury shall be conclusively presumed. The 2421  
award of statutory damages shall be in addition to all other 2422  
remedies authorized by this section. 2423

The court may reduce an award of statutory damages or not 2424  
award statutory damages if the court determines both of the 2425  
following: 2426

(a) That, based on the ordinary application of statutory 2427  
law and case law as it existed at the time of the conduct or 2428

threatened conduct of the public office or person responsible 2429  
for the requested public records that allegedly constitutes a 2430  
failure to comply with an obligation in accordance with division 2431  
(B) of this section and that was the basis of the mandamus 2432  
action, a well-informed public office or person responsible for 2433  
the requested public records reasonably would believe that the 2434  
conduct or threatened conduct of the public office or person 2435  
responsible for the requested public records did not constitute 2436  
a failure to comply with an obligation in accordance with 2437  
division (B) of this section; 2438

(b) That a well-informed public office or person 2439  
responsible for the requested public records reasonably would 2440  
believe that the conduct or threatened conduct of the public 2441  
office or person responsible for the requested public records 2442  
would serve the public policy that underlies the authority that 2443  
is asserted as permitting that conduct or threatened conduct. 2444

(3) In a mandamus action filed under division (C) (1) of 2445  
this section, the following apply: 2446

(a) (i) If the court orders the public office or the person 2447  
responsible for the public record to comply with division (B) of 2448  
this section, the court shall determine and award to the relator 2449  
all court costs, which shall be construed as remedial and not 2450  
punitive. 2451

(ii) If the court makes a determination described in 2452  
division (C) (3) (b) (iii) of this section, the court shall 2453  
determine and award to the relator all court costs, which shall 2454  
be construed as remedial and not punitive. 2455

(b) If the court renders a judgment that orders the public 2456  
office or the person responsible for the public record to comply 2457

with division (B) of this section or if the court determines any 2458  
of the following, the court may award reasonable attorney's fees 2459  
to the relator, subject to division (C) (4) of this section: 2460

(i) The public office or the person responsible for the 2461  
public records failed to respond affirmatively or negatively to 2462  
the public records request in accordance with the time allowed 2463  
under division (B) of this section. 2464

(ii) The public office or the person responsible for the 2465  
public records promised to permit the relator to inspect or 2466  
receive copies of the public records requested within a 2467  
specified period of time but failed to fulfill that promise 2468  
within that specified period of time. 2469

(iii) The public office or the person responsible for the 2470  
public records acted in bad faith when the office or person 2471  
voluntarily made the public records available to the relator for 2472  
the first time after the relator commenced the mandamus action, 2473  
but before the court issued any order concluding whether or not 2474  
the public office or person was required to comply with division 2475  
(B) of this section. No discovery may be conducted on the issue 2476  
of the alleged bad faith of the public office or person 2477  
responsible for the public records. This division shall not be 2478  
construed as creating a presumption that the public office or 2479  
the person responsible for the public records acted in bad faith 2480  
when the office or person voluntarily made the public records 2481  
available to the relator for the first time after the relator 2482  
commenced the mandamus action, but before the court issued any 2483  
order described in this division. 2484

(c) The court shall not award attorney's fees to the 2485  
relator if the court determines both of the following: 2486

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 2516

(d) The court may reduce the amount of fees awarded if the 2517  
court determines that, given the factual circumstances involved 2518  
with the specific public records request, an alternative means 2519  
should have been pursued to more effectively and efficiently 2520  
resolve the dispute that was subject to the mandamus action 2521  
filed under division (C) (1) of this section. 2522

(5) If the court does not issue a writ of mandamus under 2523  
division (C) of this section and the court determines at that 2524  
time that the bringing of the mandamus action was frivolous 2525  
conduct as defined in division (A) of section 2323.51 of the 2526  
Revised Code, the court may award to the public office all court 2527  
costs, expenses, and reasonable attorney's fees, as determined 2528  
by the court. 2529

(D) Chapter 1347. of the Revised Code does not limit the 2530  
provisions of this section. 2531

(E) (1) To ensure that all employees of public offices are 2532  
appropriately educated about a public office's obligations under 2533  
division (B) of this section, all elected officials or their 2534  
appropriate designees shall attend training approved by the 2535  
attorney general as provided in section 109.43 of the Revised 2536  
Code. A future official may satisfy the requirements of this 2537  
division by attending the training before taking office, 2538  
provided that the future official may not send a designee in the 2539  
future official's place. 2540

(2) All public offices shall adopt a public records policy 2541  
in compliance with this section for responding to public records 2542  
requests. In adopting a public records policy under this 2543  
division, a public office may obtain guidance from the model 2544

public records policy developed and provided to the public 2545  
office by the attorney general under section 109.43 of the 2546  
Revised Code. Except as otherwise provided in this section, the 2547  
policy may not limit the number of public records that the 2548  
public office will make available to a single person, may not 2549  
limit the number of public records that it will make available 2550  
during a fixed period of time, and may not establish a fixed 2551  
period of time before it will respond to a request for 2552  
inspection or copying of public records, unless that period is 2553  
less than eight hours. 2554

The public office shall distribute the public records 2555  
policy adopted by the public office under this division to the 2556  
employee of the public office who is the records custodian or 2557  
records manager or otherwise has custody of the records of that 2558  
office. The public office shall require that employee to 2559  
acknowledge receipt of the copy of the public records policy. 2560  
The public office shall create a poster that describes its 2561  
public records policy and shall post the poster in a conspicuous 2562  
place in the public office and in all locations where the public 2563  
office has branch offices. The public office may post its public 2564  
records policy on the internet web site of the public office if 2565  
the public office maintains an internet web site. A public 2566  
office that has established a manual or handbook of its general 2567  
policies and procedures for all employees of the public office 2568  
shall include the public records policy of the public office in 2569  
the manual or handbook. 2570

(F) (1) The bureau of motor vehicles may adopt rules 2571  
pursuant to Chapter 119. of the Revised Code to reasonably limit 2572  
the number of bulk commercial special extraction requests made 2573  
by a person for the same records or for updated records during a 2574  
calendar year. The rules may include provisions for charges to 2575

be made for bulk commercial special extraction requests for the 2576  
actual cost of the bureau, plus special extraction costs, plus 2577  
ten per cent. The bureau may charge for expenses for redacting 2578  
information, the release of which is prohibited by law. 2579

(2) As used in division (F)(1) of this section: 2580

(a) "Actual cost" means the cost of depleted supplies, 2581  
records storage media costs, actual mailing and alternative 2582  
delivery costs, or other transmitting costs, and any direct 2583  
equipment operating and maintenance costs, including actual 2584  
costs paid to private contractors for copying services. 2585

(b) "Bulk commercial special extraction request" means a 2586  
request for copies of a record for information in a format other 2587  
than the format already available, or information that cannot be 2588  
extracted without examination of all items in a records series, 2589  
class of records, or database by a person who intends to use or 2590  
forward the copies for surveys, marketing, solicitation, or 2591  
resale for commercial purposes. "Bulk commercial special 2592  
extraction request" does not include a request by a person who 2593  
gives assurance to the bureau that the person making the request 2594  
does not intend to use or forward the requested copies for 2595  
surveys, marketing, solicitation, or resale for commercial 2596  
purposes. 2597

(c) "Commercial" means profit-seeking production, buying, 2598  
or selling of any good, service, or other product. 2599

(d) "Special extraction costs" means the cost of the time 2600  
spent by the lowest paid employee competent to perform the task, 2601  
the actual amount paid to outside private contractors employed 2602  
by the bureau, or the actual cost incurred to create computer 2603  
programs to make the special extraction. "Special extraction 2604



costs" include any charges paid to a public agency for computer 2605  
or records services. 2606

(3) For purposes of divisions (F) (1) and (2) of this 2607  
section, "surveys, marketing, solicitation, or resale for 2608  
commercial purposes" shall be narrowly construed and does not 2609  
include reporting or gathering news, reporting or gathering 2610  
information to assist citizen oversight or understanding of the 2611  
operation or activities of government, or nonprofit educational 2612  
research. 2613

(G) A request by a defendant, counsel of a defendant, or 2614  
any agent of a defendant in a criminal action that public 2615  
records related to that action be made available under this 2616  
section shall be considered a demand for discovery pursuant to 2617  
the Criminal Rules, except to the extent that the Criminal Rules 2618  
plainly indicate a contrary intent. The defendant, counsel of 2619  
the defendant, or agent of the defendant making a request under 2620  
this division shall serve a copy of the request on the 2621  
prosecuting attorney, director of law, or other chief legal 2622  
officer responsible for prosecuting the action. 2623

(H) (1) Any portion of a body-worn camera or dashboard 2624  
camera recording described in divisions (A) (17) (b) to (h) of 2625  
this section may be released by consent of the subject of the 2626  
recording or a representative of that person, as specified in 2627  
those divisions, only if either of the following applies: 2628

(a) The recording will not be used in connection with any 2629  
probable or pending criminal proceedings; 2630

(b) The recording has been used in connection with a 2631  
criminal proceeding that was dismissed or for which a judgment 2632  
has been entered pursuant to Rule 32 of the Rules of Criminal 2633

Procedure, and will not be used again in connection with any 2634  
probable or pending criminal proceedings. 2635

(2) If a public office denies a request to release a 2636  
restricted portion of a body-worn camera or dashboard camera 2637  
recording, as defined in division (A)(17) of this section, any 2638  
person may file a mandamus action pursuant to this section or a 2639  
complaint with the clerk of the court of claims pursuant to 2640  
section 2743.75 of the Revised Code, requesting the court to 2641  
order the release of all or portions of the recording. If the 2642  
court considering the request determines that the filing 2643  
articulates by clear and convincing evidence that the public 2644  
interest in the recording substantially outweighs privacy 2645  
interests and other interests asserted to deny release, the 2646  
court shall order the public office to release the recording. 2647

**Sec. 149.436.** Notwithstanding division ~~(A)(1)(gg)~~ (A)(1) 2648  
(ff) of section 149.43 of the Revised Code, upon written request 2649  
made and signed by the parent or guardian of an individual who 2650  
is less than eighteen years of age and was an occupant of a 2651  
school vehicle involved in a traffic accident, a public office 2652  
or person responsible for public records, having custody of any 2653  
record related to the traffic accident containing the personal 2654  
information of the individual, shall transmit a copy of that 2655  
record to the recipient identified in the request. 2656

The written request shall identify the individual on whose 2657  
behalf the record is requested and the person to whom the record 2658  
shall be transmitted. The record shall be transmitted only to 2659  
the person identified in the written request as the recipient of 2660  
the record. 2661

A public office or person responsible for records 2662  
responding to a request under this section shall redact any 2663

personal information contained in the record of any individual 2664  
less than eighteen years of age who is not the subject of the 2665  
request, before providing the record to the recipient. 2666

**Sec. 1901.183.** In addition to jurisdiction otherwise 2667  
granted in this chapter, the environmental division of a 2668  
municipal court shall have jurisdiction within its territory in 2669  
all of the following actions or proceedings and to perform all 2670  
of the following functions: 2671

(A) Notwithstanding any monetary limitations in section 2672  
1901.17 of the Revised Code, in all actions and proceedings for 2673  
the sale of real or personal property under lien of a judgment 2674  
of the environmental division of the municipal court, or a lien 2675  
for machinery, material, fuel furnished, or labor performed, 2676  
irrespective of amount, and, in those cases, the environmental 2677  
division may proceed to foreclose and marshal all liens and all 2678  
vested or contingent rights, to appoint a receiver, and to 2679  
render personal judgment irrespective of amount in favor of any 2680  
party; 2681

(B) When in aid of execution of a judgment of the 2682  
environmental division of the municipal court, in all actions 2683  
for the foreclosure of a mortgage on real property given to 2684  
secure the payment of money, or the enforcement of a specific 2685  
lien for money or other encumbrance or charge on real property, 2686  
when the real property is situated within the territory, and, in 2687  
those cases, the environmental division may proceed to foreclose 2688  
all liens and all vested and contingent rights and proceed to 2689  
render judgments, and make findings and orders, between the 2690  
parties, in the same manner and to the same extent as in similar 2691  
cases in the court of common pleas; 2692

(C) When in aid of execution of a judgment of the 2693

environmental division of the municipal court, in all actions 2694  
for the recovery of real property situated within the territory 2695  
to the same extent as courts of common pleas have jurisdiction; 2696

(D) In all actions for injunction to prevent or terminate 2697  
violations of the ordinances and regulations of any municipal 2698  
corporation within its territory enacted or promulgated under 2699  
the police power of that municipal corporation pursuant to 2700  
Section 3 of Article XVIII, Ohio Constitution, over which the 2701  
court of common pleas has or may have jurisdiction, and, in 2702  
those cases, the environmental division of the municipal court 2703  
may proceed to render judgments, and make findings and orders, 2704  
in the same manner and to the same extent as in similar cases in 2705  
the court of common pleas; 2706

(E) In all actions for injunction to prevent or terminate 2707  
violations of the resolutions and regulations of any political 2708  
subdivision within its territory enacted or promulgated under 2709  
the power of that political subdivision pursuant to Article X of 2710  
the Ohio Constitution, over which the court of common pleas has 2711  
or may have jurisdiction, and, in those cases, the environmental 2712  
division of the municipal court may proceed to render judgments, 2713  
and make findings and orders, in the same manner and to the same 2714  
extent as in similar cases in the court of common pleas; 2715

(F) In any civil action to enforce any provision of 2716  
Chapter 3704., 3714., 3734., 3737., 3767., or 6111. of the 2717  
Revised Code over which the court of common pleas has or may 2718  
have jurisdiction, and, in those actions, the environmental 2719  
division of the municipal court may proceed to render judgments, 2720  
and make findings and orders, in the same manner and to the same 2721  
extent as in similar actions in the court of common pleas; 2722

(G) In all actions and proceedings in the nature of 2723

creditors' bills, and in aid of execution to subject the 2724  
interests of a judgment debtor in real or personal property to 2725  
the payment of a judgment of the division, and, in those actions 2726  
and proceedings, the environmental division may proceed to 2727  
marshal and foreclose all liens on the property irrespective of 2728  
the amount of the lien, and all vested or contingent rights in 2729  
the property; 2730

(H) Concurrent jurisdiction with the court of common pleas 2731  
of all criminal actions or proceedings related to the pollution 2732  
of the air, ground, or water within the territory of the 2733  
environmental division of the municipal court, ~~for which a~~ 2734  
~~sentence of death cannot be imposed under Chapter 2903. of the~~ 2735  
~~Revised Code;~~ 2736

(I) In any review or appeal of any final order of any 2737  
administrative officer, agency, board, department, tribunal, 2738  
commission, or other instrumentality that relates to a local 2739  
building, housing, air pollution, sanitation, health, fire, 2740  
zoning, or safety code, ordinance, or regulation, in the same 2741  
manner and to the same extent as in similar appeals in the court 2742  
of common pleas; 2743

(J) With respect to the environmental division of the 2744  
Franklin county municipal court, to hear appeals from 2745  
adjudication hearings conducted under Chapter 956. of the 2746  
Revised Code. 2747

**Sec. 2152.13.** (A) A juvenile court shall impose a serious 2748  
youthful dispositional sentence on a child when required under 2749  
division (B) (3) of section 2152.121 of the Revised Code. In such 2750  
a case, the remaining provisions of this division and divisions 2751  
(B) and (C) do not apply to the child, and the court shall 2752  
impose the mandatory serious youthful dispositional sentence 2753

under division (D) (1) of this section. 2754

In all other cases, a juvenile court may impose a serious 2755  
youthful offender dispositional sentence on a child only if the 2756  
prosecuting attorney of the county in which the delinquent act 2757  
allegedly occurred initiates the process against the child in 2758  
accordance with this division, and the child is an alleged 2759  
delinquent child who is eligible for the dispositional sentence. 2760  
The prosecuting attorney may initiate the process in any of the 2761  
following ways: 2762

(1) Obtaining an indictment of the child as a serious 2763  
youthful offender; 2764

(2) The child waives the right to indictment, charging the 2765  
child in a bill of information as a serious youthful offender; 2766

(3) Until an indictment or information is obtained, 2767  
requesting a serious youthful offender dispositional sentence in 2768  
the original complaint alleging that the child is a delinquent 2769  
child; 2770

(4) Until an indictment or information is obtained, if the 2771  
original complaint does not request a serious youthful offender 2772  
dispositional sentence, filing with the juvenile court a written 2773  
notice of intent to seek a serious youthful offender 2774  
dispositional sentence within twenty days after the later of the 2775  
following, unless the time is extended by the juvenile court for 2776  
good cause shown: 2777

(a) The date of the child's first juvenile court hearing 2778  
regarding the complaint; 2779

(b) The date the juvenile court determines not to transfer 2780  
the case under section 2152.12 of the Revised Code. 2781

After a written notice is filed under division (A) (4) of 2782  
this section, the juvenile court shall serve a copy of the 2783  
notice on the child and advise the child of the prosecuting 2784  
attorney's intent to seek a serious youthful offender 2785  
dispositional sentence in the case. 2786

(B) If an alleged delinquent child is not indicted or 2787  
charged by information as described in division (A) (1) or (2) of 2788  
this section and if a notice or complaint as described in 2789  
division (A) (3) or (4) of this section indicates that the 2790  
prosecuting attorney intends to pursue a serious youthful 2791  
offender dispositional sentence in the case, the juvenile court 2792  
shall hold a preliminary hearing to determine if there is 2793  
probable cause that the child committed the act charged and is 2794  
by age eligible for, or required to receive, a serious youthful 2795  
offender dispositional sentence. 2796

(C) (1) A child for whom a serious youthful offender 2797  
dispositional sentence is sought by a prosecuting attorney has 2798  
the right to a grand jury determination of probable cause that 2799  
the child committed the act charged and that the child is 2800  
eligible by age for a serious youthful offender dispositional 2801  
sentence. The grand jury may be impaneled by the court of common 2802  
pleas or the juvenile court. 2803

Once a child is indicted, or charged by information or the 2804  
juvenile court determines that the child is eligible for a 2805  
serious youthful offender dispositional sentence, the child is 2806  
entitled to an open and speedy trial by jury in juvenile court 2807  
and to be provided with a transcript of the proceedings. The 2808  
time within which the trial is to be held under Title XXIX of 2809  
the Revised Code commences on whichever of the following dates 2810  
is applicable: 2811

(a) If the child is indicted or charged by information, on	2812
the date of the filing of the indictment or information.	2813
(b) If the child is charged by an original complaint that	2814
requests a serious youthful offender dispositional sentence, on	2815
the date of the filing of the complaint.	2816
(c) If the child is not charged by an original complaint	2817
that requests a serious youthful offender dispositional	2818
sentence, on the date that the prosecuting attorney files the	2819
written notice of intent to seek a serious youthful offender	2820
dispositional sentence.	2821
(2) If the child is detained awaiting adjudication, upon	2822
indictment or being charged by information, the child has the	2823
same right to bail as an adult charged with the offense the	2824
alleged delinquent act would be if committed by an adult. Except	2825
as provided in division (D) of section 2152.14 of the Revised	2826
Code, all provisions of Title XXIX of the Revised Code and the	2827
Criminal Rules shall apply in the case and to the child. The	2828
juvenile court shall afford the child all rights afforded a	2829
person who is prosecuted for committing a crime including the	2830
right to counsel and the right to raise the issue of competency.	2831
The child may not waive the right to counsel.	2832
(D) (1) If a child is adjudicated a delinquent child for	2833
committing an act under circumstances that require the juvenile	2834
court to impose upon the child a serious youthful offender	2835
dispositional sentence under section 2152.11 of the Revised	2836
Code, all of the following apply:	2837
(a) The juvenile court shall impose upon the child a	2838
sentence available for the violation, as if the child were an	2839
adult, under Chapter 2929. of the Revised Code, except that the	2840



juvenile court shall not impose on the child a sentence of ~~death~~ 2841  
~~or~~ life imprisonment without parole. 2842

(b) The juvenile court also shall impose upon the child 2843  
one or more traditional juvenile dispositions under sections 2844  
2152.16, 2152.19, and 2152.20, and, if applicable, section 2845  
2152.17 of the Revised Code. 2846

(c) The juvenile court shall stay the adult portion of the 2847  
serious youthful offender dispositional sentence pending the 2848  
successful completion of the traditional juvenile dispositions 2849  
imposed. 2850

(2) (a) If a child is adjudicated a delinquent child for 2851  
committing an act under circumstances that allow, but do not 2852  
require, the juvenile court to impose on the child a serious 2853  
youthful offender dispositional sentence under section 2152.11 2854  
of the Revised Code, all of the following apply: 2855

(i) If the juvenile court on the record makes a finding 2856  
that, given the nature and circumstances of the violation and 2857  
the history of the child, the length of time, level of security, 2858  
and types of programming and resources available in the juvenile 2859  
system alone are not adequate to provide the juvenile court with 2860  
a reasonable expectation that the purposes set forth in section 2861  
2152.01 of the Revised Code will be met, the juvenile court may 2862  
impose upon the child a sentence available for the violation, as 2863  
if the child were an adult, under Chapter 2929. of the Revised 2864  
Code, except that the juvenile court shall not impose on the 2865  
child a sentence of ~~death or~~ life imprisonment without parole. 2866

(ii) If a sentence is imposed under division (D) (2) (a) (i) 2867  
of this section, the juvenile court also shall impose upon the 2868  
child one or more traditional juvenile dispositions under 2869

sections 2152.16, 2152.19, and 2152.20 and, if applicable, 2870  
section 2152.17 of the Revised Code. 2871

(iii) The juvenile court shall stay the adult portion of 2872  
the serious youthful offender dispositional sentence pending the 2873  
successful completion of the traditional juvenile dispositions 2874  
imposed. 2875

(b) If the juvenile court does not find that a sentence 2876  
should be imposed under division (D) (2) (a) (i) of this section, 2877  
the juvenile court may impose one or more traditional juvenile 2878  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 2879  
applicable, section 2152.17 of the Revised Code. 2880

(3) A child upon whom a serious youthful offender 2881  
dispositional sentence is imposed under division (D) (1) or (2) 2882  
of this section has a right to appeal under division (A) (1), 2883  
(3), (4), or (5) of section 2953.08 of the Revised Code the 2884  
adult portion of the serious youthful offender dispositional 2885  
sentence when any of those divisions apply. The child may appeal 2886  
the adult portion, and the court shall consider the appeal as if 2887  
the adult portion were not stayed. 2888

**Sec. 2152.67.** Any adult who is arrested or charged under 2889  
any provision in this chapter and who is charged with a crime 2890  
may demand a trial by jury, or the juvenile judge upon the 2891  
judge's own motion may call a jury. A demand for a jury trial 2892  
shall be made in writing in not less than three days before the 2893  
date set for trial, or within three days after counsel has been 2894  
retained, whichever is later. Sections 2945.17 and 2945.23 to 2895  
2945.36 of the Revised Code, relating to the drawing and 2896  
impaneling of jurors in criminal cases in the court of common 2897  
pleas, ~~other than in capital cases,~~ shall apply to a jury trial 2898  
under this section. The compensation of jurors and costs of the 2899

clerk and sheriff shall be taxed and paid in the same manner as 2900  
in criminal cases in the court of common pleas. 2901

**Sec. 2301.20.** All civil and criminal actions in the court 2902  
of common pleas shall be recorded. The reporter shall take 2903  
accurate notes of or electronically record the oral testimony. 2904  
The notes and electronic records shall be filed in the office of 2905  
the official reporter and carefully preserved for either of the 2906  
following periods of time: 2907

(A) If the action is not a ~~capital~~ case in which a 2908  
sentence of life imprisonment has been imposed or a case in 2909  
which, prior to the effective date of this amendment, a sentence 2910  
of death was imposed, the notes and electronic records shall be 2911  
preserved for the period of time specified by the court of 2912  
common pleas, which period of time shall not be longer than the 2913  
period of time that the other records of the particular action 2914  
are required to be kept. 2915

(B) If the action is a ~~capital~~ case, in which a sentence 2916  
of life imprisonment has been imposed or a case in which, prior 2917  
to the effective date of this amendment, a sentence of death has 2918  
been imposed the notes and electronic records shall be preserved 2919  
for the longer of ten years or until the final disposition of 2920  
the action and exhaustion of all appeals. 2921

**Sec. 2307.60.** (A) (1) Anyone injured in person or property 2922  
by a criminal act has, and may recover full damages in, a civil 2923  
action unless specifically excepted by law, may recover the 2924  
costs of maintaining the civil action and attorney's fees if 2925  
authorized by any provision of the Rules of Civil Procedure or 2926  
another section of the Revised Code or under the common law of 2927  
this state, and may recover punitive or exemplary damages if 2928  
authorized by section 2315.21 or another section of the Revised 2929

Code. 2930

(2) A final judgment of a trial court that has not been 2931  
reversed on appeal or otherwise set aside, nullified, or 2932  
vacated, entered after a trial or upon a plea of guilty, but not 2933  
upon a plea of no contest or the equivalent plea from another 2934  
jurisdiction, that adjudges an offender guilty of an offense of 2935  
violence punishable by ~~death or~~ imprisonment in excess of one 2936  
year, when entered as evidence in any subsequent civil 2937  
proceeding based on the criminal act, shall preclude the 2938  
offender from denying in the subsequent civil proceeding any 2939  
fact essential to sustaining that judgment, unless the offender 2940  
can demonstrate that extraordinary circumstances prevented the 2941  
offender from having a full and fair opportunity to litigate the 2942  
issue in the criminal proceeding or other extraordinary 2943  
circumstances justify affording the offender an opportunity to 2944  
relitigate the issue. The offender may introduce evidence of the 2945  
offender's pending appeal of the final judgment of the trial 2946  
court, if applicable, and the court may consider that evidence 2947  
in determining the liability of the offender. 2948

(B) (1) As used in division (B) of this section: 2949

(a) "Tort action" means a civil action for damages for 2950  
injury, death, or loss to person or property other than a civil 2951  
action for damages for a breach of contract or another agreement 2952  
between persons. "Tort action" includes, but is not limited to, 2953  
a product liability claim, as defined in section 2307.71 of the 2954  
Revised Code, and an asbestos claim, as defined in section 2955  
2307.91 of the Revised Code, an action for wrongful death under 2956  
Chapter 2125. of the Revised Code, and an action based on 2957  
derivative claims for relief. 2958

(b) "Residence" has the same meaning as in section 2901.05 2959

of the Revised Code. 2960

(2) Recovery on a claim for relief in a tort action is 2961  
barred to any person or the person's legal representative if any 2962  
of the following apply: 2963

(a) The person has been convicted of or has pleaded guilty 2964  
to a felony, or to a misdemeanor that is an offense of violence, 2965  
arising out of criminal conduct that was a proximate cause of 2966  
the injury or loss for which relief is claimed in the tort 2967  
action. 2968

(b) The person engaged in conduct that, if prosecuted, 2969  
would constitute a felony, a misdemeanor that is an offense of 2970  
violence, an attempt to commit a felony, or an attempt to commit 2971  
a misdemeanor that is an offense of violence and that conduct 2972  
was a proximate cause of the injury or loss for which relief is 2973  
claimed in the tort action, regardless of whether the person has 2974  
been convicted of or pleaded guilty to or has been charged with 2975  
committing the felony, the misdemeanor, or the attempt to commit 2976  
the felony or misdemeanor. 2977

(c) The person suffered the injury or loss for which 2978  
relief is claimed in the tort action as a proximate result of 2979  
the victim of conduct that, if prosecuted, would constitute a 2980  
felony, a misdemeanor that is an offense of violence, an attempt 2981  
to commit a felony, or an attempt to commit a misdemeanor that 2982  
is an offense of violence acting against the person in self- 2983  
defense, defense of another, or defense of the victim's 2984  
residence, regardless of whether the person has been convicted 2985  
of or pleaded guilty to or has been charged with committing the 2986  
felony, the misdemeanor, or the attempt to commit the felony or 2987  
misdemeanor. Division (B) (2) (c) of this section does not apply 2988  
if the person who suffered the injury or loss, at the time of 2989

the victim's act of self-defense, defense of another, or defense 2990  
of residence, was an innocent bystander who had no connection 2991  
with the underlying conduct that prompted the victim's exercise 2992  
of self-defense, defense of another, or defense of residence. 2993

(3) Recovery against a victim of conduct that, if 2994  
prosecuted, would constitute a felony, a misdemeanor that is an 2995  
offense of violence, an attempt to commit a felony, or an 2996  
attempt to commit a misdemeanor that is an offense of violence, 2997  
on a claim for relief in a tort action is barred to any person 2998  
or the person's legal representative if conduct the person 2999  
engaged in against that victim was a proximate cause of the 3000  
injury or loss for which relief is claimed in the tort action 3001  
and that conduct, if prosecuted, would constitute a felony, a 3002  
misdemeanor that is an offense of violence, an attempt to commit 3003  
a felony, or an attempt to commit a misdemeanor that is an 3004  
offense of violence, regardless of whether the person has been 3005  
convicted of or pleaded guilty to or has been charged with 3006  
committing the felony, the misdemeanor, or the attempt to commit 3007  
the felony or misdemeanor. 3008

(4) Divisions (B)(1) to (3) of this section do not apply 3009  
to civil claims based upon alleged intentionally tortious 3010  
conduct, alleged violations of the United States Constitution, 3011  
or alleged violations of statutes of the United States 3012  
pertaining to civil rights. For purposes of division (B)(4) of 3013  
this section, a person's act of self-defense, defense of 3014  
another, or defense of the person's residence does not 3015  
constitute intentionally tortious conduct. 3016

**Sec. 2317.02.** The following persons shall not testify in 3017  
certain respects: 3018

(A)(1) An attorney, concerning a communication made to the 3019

attorney by a client in that relation or concerning the 3020  
attorney's advice to a client, except that the attorney may 3021  
testify by express consent of the client or, if the client is 3022  
deceased, by the express consent of the surviving spouse or the 3023  
executor or administrator of the estate of the deceased client. 3024  
However, if the client voluntarily reveals the substance of 3025  
attorney-client communications in a nonprivileged context or is 3026  
deemed by section 2151.421 of the Revised Code to have waived 3027  
any testimonial privilege under this division, the attorney may 3028  
be compelled to testify on the same subject. 3029

The testimonial privilege established under this division 3030  
does not apply concerning ~~either of the following:~~ 3031

~~(a) A communication between a client in a capital case, as 3032  
defined in section 2901.02 of the Revised Code, and the client's 3033  
attorney if the communication is relevant to a subsequent 3034  
ineffective assistance of counsel claim by the client alleging 3035  
that the attorney did not effectively represent the client in 3036  
the case;~~ 3037

~~(b) A a communication between a client who has since died 3038  
and the deceased client's attorney if the communication is 3039  
relevant to a dispute between parties who claim through that 3040  
deceased client, regardless of whether the claims are by testate 3041  
or intestate succession or by inter vivos transaction, and the 3042  
dispute addresses the competency of the deceased client when the 3043  
deceased client executed a document that is the basis of the 3044  
dispute or whether the deceased client was a victim of fraud, 3045  
undue influence, or duress when the deceased client executed a 3046  
document that is the basis of the dispute. 3047~~

(2) An attorney, concerning a communication made to the 3048  
attorney by a client in that relationship or the attorney's 3049

advice to a client, except that if the client is an insurance 3050  
company, the attorney may be compelled to testify, subject to an 3051  
in camera inspection by a court, about communications made by 3052  
the client to the attorney or by the attorney to the client that 3053  
are related to the attorney's aiding or furthering an ongoing or 3054  
future commission of bad faith by the client, if the party 3055  
seeking disclosure of the communications has made a prima-facie 3056  
showing of bad faith, fraud, or criminal misconduct by the 3057  
client. 3058

(B) (1) A physician, advanced practice registered nurse, or 3059  
dentist concerning a communication made to the physician, 3060  
advanced practice registered nurse, or dentist by a patient in 3061  
that relation or the advice of a physician, advanced practice 3062  
registered nurse, or dentist given to a patient, except as 3063  
otherwise provided in this division, division (B) (2), and 3064  
division (B) (3) of this section, and except that, if the patient 3065  
is deemed by section 2151.421 of the Revised Code to have waived 3066  
any testimonial privilege under this division, the physician or 3067  
advanced practice registered nurse may be compelled to testify 3068  
on the same subject. 3069

The testimonial privilege established under this division 3070  
does not apply, and a physician, advanced practice registered 3071  
nurse, or dentist may testify or may be compelled to testify, in 3072  
any of the following circumstances: 3073

(a) In any civil action, in accordance with the discovery 3074  
provisions of the Rules of Civil Procedure in connection with a 3075  
civil action, or in connection with a claim under Chapter 4123. 3076  
of the Revised Code, under any of the following circumstances: 3077

(i) If the patient or the guardian or other legal 3078  
representative of the patient gives express consent; 3079



(ii) If the patient is deceased, the spouse of the patient 3080  
or the executor or administrator of the patient's estate gives 3081  
express consent; 3082

(iii) If a medical claim, dental claim, chiropractic 3083  
claim, or optometric claim, as defined in section 2305.113 of 3084  
the Revised Code, an action for wrongful death, any other type 3085  
of civil action, or a claim under Chapter 4123. of the Revised 3086  
Code is filed by the patient, the personal representative of the 3087  
estate of the patient if deceased, or the patient's guardian or 3088  
other legal representative. 3089

(b) In any civil action concerning court-ordered treatment 3090  
or services received by a patient, if the court-ordered 3091  
treatment or services were ordered as part of a case plan 3092  
journalized under section 2151.412 of the Revised Code or the 3093  
court-ordered treatment or services are necessary or relevant to 3094  
dependency, neglect, or abuse or temporary or permanent custody 3095  
proceedings under Chapter 2151. of the Revised Code. 3096

(c) In any criminal action concerning any test or the 3097  
results of any test that determines the presence or 3098  
concentration of alcohol, a drug of abuse, a combination of 3099  
them, a controlled substance, or a metabolite of a controlled 3100  
substance in the patient's whole blood, blood serum or plasma, 3101  
breath, urine, or other bodily substance at any time relevant to 3102  
the criminal offense in question. 3103

(d) In any criminal action against a physician, advanced 3104  
practice registered nurse, or dentist. In such an action, the 3105  
testimonial privilege established under this division does not 3106  
prohibit the admission into evidence, in accordance with the 3107  
Rules of Evidence, of a patient's medical or dental records or 3108  
other communications between a patient and the physician, 3109

advanced practice registered nurse, or dentist that are related 3110  
to the action and obtained by subpoena, search warrant, or other 3111  
lawful means. A court that permits or compels a physician, 3112  
advanced practice registered nurse, or dentist to testify in 3113  
such an action or permits the introduction into evidence of 3114  
patient records or other communications in such an action shall 3115  
require that appropriate measures be taken to ensure that the 3116  
confidentiality of any patient named or otherwise identified in 3117  
the records is maintained. Measures to ensure confidentiality 3118  
that may be taken by the court include sealing its records or 3119  
deleting specific information from its records. 3120

(e) (i) If the communication was between a patient who has 3121  
since died and the deceased patient's physician, advanced 3122  
practice registered nurse, or dentist, the communication is 3123  
relevant to a dispute between parties who claim through that 3124  
deceased patient, regardless of whether the claims are by 3125  
testate or intestate succession or by inter vivos transaction, 3126  
and the dispute addresses the competency of the deceased patient 3127  
when the deceased patient executed a document that is the basis 3128  
of the dispute or whether the deceased patient was a victim of 3129  
fraud, undue influence, or duress when the deceased patient 3130  
executed a document that is the basis of the dispute. 3131

(ii) If neither the spouse of a patient nor the executor 3132  
or administrator of that patient's estate gives consent under 3133  
division (B) (1) (a) (ii) of this section, testimony or the 3134  
disclosure of the patient's medical records by a physician, 3135  
advanced practice registered nurse, dentist, or other health 3136  
care provider under division (B) (1) (e) (i) of this section is a 3137  
permitted use or disclosure of protected health information, as 3138  
defined in 45 C.F.R. 160.103, and an authorization or 3139  
opportunity to be heard shall not be required. 3140

(iii) Division (B) (1) (e) (i) of this section does not 3141  
require a mental health professional to disclose psychotherapy 3142  
notes, as defined in 45 C.F.R. 164.501. 3143

(iv) An interested person who objects to testimony or 3144  
disclosure under division (B) (1) (e) (i) of this section may seek 3145  
a protective order pursuant to Civil Rule 26. 3146

(v) A person to whom protected health information is 3147  
disclosed under division (B) (1) (e) (i) of this section shall not 3148  
use or disclose the protected health information for any purpose 3149  
other than the litigation or proceeding for which the 3150  
information was requested and shall return the protected health 3151  
information to the covered entity or destroy the protected 3152  
health information, including all copies made, at the conclusion 3153  
of the litigation or proceeding. 3154

(2) (a) If any law enforcement officer submits a written 3155  
statement to a health care provider that states that an official 3156  
criminal investigation has begun regarding a specified person or 3157  
that a criminal action or proceeding has been commenced against 3158  
a specified person, that requests the provider to supply to the 3159  
officer copies of any records the provider possesses that 3160  
pertain to any test or the results of any test administered to 3161  
the specified person to determine the presence or concentration 3162  
of alcohol, a drug of abuse, a combination of them, a controlled 3163  
substance, or a metabolite of a controlled substance in the 3164  
person's whole blood, blood serum or plasma, breath, or urine at 3165  
any time relevant to the criminal offense in question, and that 3166  
conforms to section 2317.022 of the Revised Code, the provider, 3167  
except to the extent specifically prohibited by any law of this 3168  
state or of the United States, shall supply to the officer a 3169  
copy of any of the requested records the provider possesses. If 3170

the health care provider does not possess any of the requested 3171  
records, the provider shall give the officer a written statement 3172  
that indicates that the provider does not possess any of the 3173  
requested records. 3174

(b) If a health care provider possesses any records of the 3175  
type described in division (B) (2) (a) of this section regarding 3176  
the person in question at any time relevant to the criminal 3177  
offense in question, in lieu of personally testifying as to the 3178  
results of the test in question, the custodian of the records 3179  
may submit a certified copy of the records, and, upon its 3180  
submission, the certified copy is qualified as authentic 3181  
evidence and may be admitted as evidence in accordance with the 3182  
Rules of Evidence. Division (A) of section 2317.422 of the 3183  
Revised Code does not apply to any certified copy of records 3184  
submitted in accordance with this division. Nothing in this 3185  
division shall be construed to limit the right of any party to 3186  
call as a witness the person who administered the test to which 3187  
the records pertain, the person under whose supervision the test 3188  
was administered, the custodian of the records, the person who 3189  
made the records, or the person under whose supervision the 3190  
records were made. 3191

(3) (a) If the testimonial privilege described in division 3192  
(B) (1) of this section does not apply as provided in division 3193  
(B) (1) (a) (iii) of this section, a physician, advanced practice 3194  
registered nurse, or dentist may be compelled to testify or to 3195  
submit to discovery under the Rules of Civil Procedure only as 3196  
to a communication made to the physician, advanced practice 3197  
registered nurse, or dentist by the patient in question in that 3198  
relation, or the advice of the physician, advanced practice 3199  
registered nurse, or dentist given to the patient in question, 3200  
that related causally or historically to physical or mental 3201

injuries that are relevant to issues in the medical claim, 3202  
dental claim, chiropractic claim, or optometric claim, action 3203  
for wrongful death, other civil action, or claim under Chapter 3204  
4123. of the Revised Code. 3205

(b) If the testimonial privilege described in division (B) 3206  
(1) of this section does not apply to a physician, advanced 3207  
practice registered nurse, or dentist as provided in division 3208  
(B) (1) (c) of this section, the physician, advanced practice 3209  
registered nurse, or dentist, in lieu of personally testifying 3210  
as to the results of the test in question, may submit a 3211  
certified copy of those results, and, upon its submission, the 3212  
certified copy is qualified as authentic evidence and may be 3213  
admitted as evidence in accordance with the Rules of Evidence. 3214  
Division (A) of section 2317.422 of the Revised Code does not 3215  
apply to any certified copy of results submitted in accordance 3216  
with this division. Nothing in this division shall be construed 3217  
to limit the right of any party to call as a witness the person 3218  
who administered the test in question, the person under whose 3219  
supervision the test was administered, the custodian of the 3220  
results of the test, the person who compiled the results, or the 3221  
person under whose supervision the results were compiled. 3222

(4) The testimonial privilege described in division (B) (1) 3223  
of this section is not waived when a communication is made by a 3224  
physician or advanced practice registered nurse to a pharmacist 3225  
or when there is communication between a patient and a 3226  
pharmacist in furtherance of the physician-patient or advanced 3227  
practice registered nurse-patient relation. 3228

(5) (a) As used in divisions (B) (1) to (4) of this section, 3229  
"communication" means acquiring, recording, or transmitting any 3230  
information, in any manner, concerning any facts, opinions, or 3231

statements necessary to enable a physician, advanced practice 3232  
registered nurse, or dentist to diagnose, treat, prescribe, or 3233  
act for a patient. A "communication" may include, but is not 3234  
limited to, any medical or dental, office, or hospital 3235  
communication such as a record, chart, letter, memorandum, 3236  
laboratory test and results, x-ray, photograph, financial 3237  
statement, diagnosis, or prognosis. 3238

(b) As used in division (B) (2) of this section, "health 3239  
care provider" means a hospital, ambulatory care facility, long- 3240  
term care facility, pharmacy, emergency facility, or health care 3241  
practitioner. 3242

(c) As used in division (B) (5) (b) of this section: 3243

(i) "Ambulatory care facility" means a facility that 3244  
provides medical, diagnostic, or surgical treatment to patients 3245  
who do not require hospitalization, including a dialysis center, 3246  
ambulatory surgical facility, cardiac catheterization facility, 3247  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3248  
center, home health agency, inpatient hospice, birthing center, 3249  
radiation therapy center, emergency facility, and an urgent care 3250  
center. "Ambulatory health care facility" does not include the 3251  
private office of a physician, advanced practice registered 3252  
nurse, or dentist, whether the office is for an individual or 3253  
group practice. 3254

(ii) "Emergency facility" means a hospital emergency 3255  
department or any other facility that provides emergency medical 3256  
services. 3257

(iii) "Health care practitioner" has the same meaning as 3258  
in section 4769.01 of the Revised Code. 3259

(iv) "Hospital" has the same meaning as in section 3727.01 3260

of the Revised Code. 3261

(v) "Long-term care facility" means a nursing home, 3262  
residential care facility, or home for the aging, as those terms 3263  
are defined in section 3721.01 of the Revised Code; a 3264  
residential facility licensed under section 5119.34 of the 3265  
Revised Code that provides accommodations, supervision, and 3266  
personal care services for three to sixteen unrelated adults; a 3267  
nursing facility, as defined in section 5165.01 of the Revised 3268  
Code; a skilled nursing facility, as defined in section 5165.01 3269  
of the Revised Code; and an intermediate care facility for 3270  
individuals with intellectual disabilities, as defined in 3271  
section 5124.01 of the Revised Code. 3272

(vi) "Pharmacy" has the same meaning as in section 4729.01 3273  
of the Revised Code. 3274

(d) As used in divisions (B) (1) and (2) of this section, 3275  
"drug of abuse" has the same meaning as in section 4506.01 of 3276  
the Revised Code. 3277

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 3278  
section apply to doctors of medicine, doctors of osteopathic 3279  
medicine, doctors of podiatry, advanced practice registered 3280  
nurses, and dentists. 3281

(7) Nothing in divisions (B) (1) to (6) of this section 3282  
affects, or shall be construed as affecting, the immunity from 3283  
civil liability conferred by section 307.628 of the Revised Code 3284  
or the immunity from civil liability conferred by section 3285  
2305.33 of the Revised Code upon physicians or advanced practice 3286  
registered nurses who report an employee's use of a drug of 3287  
abuse, or a condition of an employee other than one involving 3288  
the use of a drug of abuse, to the employer of the employee in 3289

accordance with division (B) of that section. As used in 3290  
division (B) (7) of this section, "employee," "employer," and 3291  
"physician" have the same meanings as in section 2305.33 of the 3292  
Revised Code and "advanced practice registered nurse" has the 3293  
same meaning as in section 4723.01 of the Revised Code. 3294

(C) (1) A cleric, when the cleric remains accountable to 3295  
the authority of that cleric's church, denomination, or sect, 3296  
concerning a confession made, or any information confidentially 3297  
communicated, to the cleric for a religious counseling purpose 3298  
in the cleric's professional character. The cleric may testify 3299  
by express consent of the person making the communication, 3300  
except when the disclosure of the information is in violation of 3301  
a sacred trust and except that, if the person voluntarily 3302  
testifies or is deemed by division (A) (4) (c) of section 2151.421 3303  
of the Revised Code to have waived any testimonial privilege 3304  
under this division, the cleric may be compelled to testify on 3305  
the same subject except when disclosure of the information is in 3306  
violation of a sacred trust. 3307

(2) As used in division (C) of this section: 3308

(a) "Cleric" means a member of the clergy, rabbi, priest, 3309  
Christian Science practitioner, or regularly ordained, 3310  
accredited, or licensed minister of an established and legally 3311  
cognizable church, denomination, or sect. 3312

(b) "Sacred trust" means a confession or confidential 3313  
communication made to a cleric in the cleric's ecclesiastical 3314  
capacity in the course of discipline enjoined by the church to 3315  
which the cleric belongs, including, but not limited to, the 3316  
Catholic Church, if both of the following apply: 3317

(i) The confession or confidential communication was made 3318



directly to the cleric. 3319

(ii) The confession or confidential communication was made 3320  
in the manner and context that places the cleric specifically 3321  
and strictly under a level of confidentiality that is considered 3322  
inviolable by canon law or church doctrine. 3323

(D) Husband or wife, concerning any communication made by 3324  
one to the other, or an act done by either in the presence of 3325  
the other, during coverture, unless the communication was made, 3326  
or act done, in the known presence or hearing of a third person 3327  
competent to be a witness; and such rule is the same if the 3328  
marital relation has ceased to exist; 3329

(E) A person who assigns a claim or interest, concerning 3330  
any matter in respect to which the person would not, if a party, 3331  
be permitted to testify; 3332

(F) A person who, if a party, would be restricted under 3333  
section 2317.03 of the Revised Code, when the property or thing 3334  
is sold or transferred by an executor, administrator, guardian, 3335  
trustee, heir, devisee, or legatee, shall be restricted in the 3336  
same manner in any action or proceeding concerning the property 3337  
or thing. 3338

(G) (1) A school guidance counselor who holds a valid 3339  
educator license from the state board of education as provided 3340  
for in section 3319.22 of the Revised Code, a person licensed 3341  
under Chapter 4757. of the Revised Code as a licensed 3342  
professional clinical counselor, licensed professional 3343  
counselor, social worker, independent social worker, marriage 3344  
and family therapist or independent marriage and family 3345  
therapist, or registered under Chapter 4757. of the Revised Code 3346  
as a social work assistant concerning a confidential 3347

communication received from a client in that relation or the 3348  
person's advice to a client unless any of the following applies: 3349

(a) The communication or advice indicates clear and 3350  
present danger to the client or other persons. For the purposes 3351  
of this division, cases in which there are indications of 3352  
present or past child abuse or neglect of the client constitute 3353  
a clear and present danger. 3354

(b) The client gives express consent to the testimony. 3355

(c) If the client is deceased, the surviving spouse or the 3356  
executor or administrator of the estate of the deceased client 3357  
gives express consent. 3358

(d) The client voluntarily testifies, in which case the 3359  
school guidance counselor or person licensed or registered under 3360  
Chapter 4757. of the Revised Code may be compelled to testify on 3361  
the same subject. 3362

(e) The court in camera determines that the information 3363  
communicated by the client is not germane to the counselor- 3364  
client, marriage and family therapist-client, or social worker- 3365  
client relationship. 3366

(f) A court, in an action brought against a school, its 3367  
administration, or any of its personnel by the client, rules 3368  
after an in-camera inspection that the testimony of the school 3369  
guidance counselor is relevant to that action. 3370

(g) The testimony is sought in a civil action and concerns 3371  
court-ordered treatment or services received by a patient as 3372  
part of a case plan journalized under section 2151.412 of the 3373  
Revised Code or the court-ordered treatment or services are 3374  
necessary or relevant to dependency, neglect, or abuse or 3375  
temporary or permanent custody proceedings under Chapter 2151. 3376

of the Revised Code. 3377

(2) Nothing in division (G)(1) of this section shall 3378  
relieve a school guidance counselor or a person licensed or 3379  
registered under Chapter 4757. of the Revised Code from the 3380  
requirement to report information concerning child abuse or 3381  
neglect under section 2151.421 of the Revised Code. 3382

(H) A mediator acting under a mediation order issued under 3383  
division (A) of section 3109.052 of the Revised Code or 3384  
otherwise issued in any proceeding for divorce, dissolution, 3385  
legal separation, annulment, or the allocation of parental 3386  
rights and responsibilities for the care of children, in any 3387  
action or proceeding, other than a criminal, delinquency, child 3388  
abuse, child neglect, or dependent child action or proceeding, 3389  
that is brought by or against either parent who takes part in 3390  
mediation in accordance with the order and that pertains to the 3391  
mediation process, to any information discussed or presented in 3392  
the mediation process, to the allocation of parental rights and 3393  
responsibilities for the care of the parents' children, or to 3394  
the awarding of parenting time rights in relation to their 3395  
children; 3396

(I) A communications assistant, acting within the scope of 3397  
the communication assistant's authority, when providing 3398  
telecommunications relay service pursuant to section 4931.06 of 3399  
the Revised Code or Title II of the "Communications Act of 3400  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 3401  
communication made through a telecommunications relay service. 3402  
Nothing in this section shall limit the obligation of a 3403  
communications assistant to divulge information or testify when 3404  
mandated by federal law or regulation or pursuant to subpoena in 3405  
a criminal proceeding. 3406

Nothing in this section shall limit any immunity or 3407  
privilege granted under federal law or regulation. 3408

(J) (1) A chiropractor in a civil proceeding concerning a 3409  
communication made to the chiropractor by a patient in that 3410  
relation or the chiropractor's advice to a patient, except as 3411  
otherwise provided in this division. The testimonial privilege 3412  
established under this division does not apply, and a 3413  
chiropractor may testify or may be compelled to testify, in any 3414  
civil action, in accordance with the discovery provisions of the 3415  
Rules of Civil Procedure in connection with a civil action, or 3416  
in connection with a claim under Chapter 4123. of the Revised 3417  
Code, under any of the following circumstances: 3418

(a) If the patient or the guardian or other legal 3419  
representative of the patient gives express consent. 3420

(b) If the patient is deceased, the spouse of the patient 3421  
or the executor or administrator of the patient's estate gives 3422  
express consent. 3423

(c) If a medical claim, dental claim, chiropractic claim, 3424  
or optometric claim, as defined in section 2305.113 of the 3425  
Revised Code, an action for wrongful death, any other type of 3426  
civil action, or a claim under Chapter 4123. of the Revised Code 3427  
is filed by the patient, the personal representative of the 3428  
estate of the patient if deceased, or the patient's guardian or 3429  
other legal representative. 3430

(2) If the testimonial privilege described in division (J) 3431  
(1) of this section does not apply as provided in division (J) 3432  
(1)(c) of this section, a chiropractor may be compelled to 3433  
testify or to submit to discovery under the Rules of Civil 3434  
Procedure only as to a communication made to the chiropractor by 3435

the patient in question in that relation, or the chiropractor's 3436  
advice to the patient in question, that related causally or 3437  
historically to physical or mental injuries that are relevant to 3438  
issues in the medical claim, dental claim, chiropractic claim, 3439  
or optometric claim, action for wrongful death, other civil 3440  
action, or claim under Chapter 4123. of the Revised Code. 3441

(3) The testimonial privilege established under this 3442  
division does not apply, and a chiropractor may testify or be 3443  
compelled to testify, in any criminal action or administrative 3444  
proceeding. 3445

(4) As used in this division, "communication" means 3446  
acquiring, recording, or transmitting any information, in any 3447  
manner, concerning any facts, opinions, or statements necessary 3448  
to enable a chiropractor to diagnose, treat, or act for a 3449  
patient. A communication may include, but is not limited to, any 3450  
chiropractic, office, or hospital communication such as a 3451  
record, chart, letter, memorandum, laboratory test and results, 3452  
x-ray, photograph, financial statement, diagnosis, or prognosis. 3453

(K) (1) Except as provided under division (K) (2) of this 3454  
section, a critical incident stress management team member 3455  
concerning a communication received from an individual who 3456  
receives crisis response services from the team member, or the 3457  
team member's advice to the individual, during a debriefing 3458  
session. 3459

(2) The testimonial privilege established under division 3460  
(K) (1) of this section does not apply if any of the following 3461  
are true: 3462

(a) The communication or advice indicates clear and 3463  
present danger to the individual who receives crisis response 3464

services or to other persons. For purposes of this division, 3465  
cases in which there are indications of present or past child 3466  
abuse or neglect of the individual constitute a clear and 3467  
present danger. 3468

(b) The individual who received crisis response services 3469  
gives express consent to the testimony. 3470

(c) If the individual who received crisis response 3471  
services is deceased, the surviving spouse or the executor or 3472  
administrator of the estate of the deceased individual gives 3473  
express consent. 3474

(d) The individual who received crisis response services 3475  
voluntarily testifies, in which case the team member may be 3476  
compelled to testify on the same subject. 3477

(e) The court in camera determines that the information 3478  
communicated by the individual who received crisis response 3479  
services is not germane to the relationship between the 3480  
individual and the team member. 3481

(f) The communication or advice pertains or is related to 3482  
any criminal act. 3483

(3) As used in division (K) of this section: 3484

(a) "Crisis response services" means consultation, risk 3485  
assessment, referral, and on-site crisis intervention services 3486  
provided by a critical incident stress management team to 3487  
individuals affected by crisis or disaster. 3488

(b) "Critical incident stress management team member" or 3489  
"team member" means an individual specially trained to provide 3490  
crisis response services as a member of an organized community 3491  
or local crisis response team that holds membership in the Ohio 3492

critical incident stress management network. 3493

(c) "Debriefing session" means a session at which crisis 3494  
response services are rendered by a critical incident stress 3495  
management team member during or after a crisis or disaster. 3496

(L) (1) Subject to division (L) (2) of this section and 3497  
except as provided in division (L) (3) of this section, an 3498  
employee assistance professional, concerning a communication 3499  
made to the employee assistance professional by a client in the 3500  
employee assistance professional's official capacity as an 3501  
employee assistance professional. 3502

(2) Division (L) (1) of this section applies to an employee 3503  
assistance professional who meets either or both of the 3504  
following requirements: 3505

(a) Is certified by the employee assistance certification 3506  
commission to engage in the employee assistance profession; 3507

(b) Has education, training, and experience in all of the 3508  
following: 3509

(i) Providing workplace-based services designed to address 3510  
employer and employee productivity issues; 3511

(ii) Providing assistance to employees and employees' 3512  
dependents in identifying and finding the means to resolve 3513  
personal problems that affect the employees or the employees' 3514  
performance; 3515

(iii) Identifying and resolving productivity problems 3516  
associated with an employee's concerns about any of the 3517  
following matters: health, marriage, family, finances, substance 3518  
abuse or other addiction, workplace, law, and emotional issues; 3519

(iv) Selecting and evaluating available community 3520

resources;	3521
(v) Making appropriate referrals;	3522
(vi) Local and national employee assistance agreements;	3523
(vii) Client confidentiality.	3524
(3) Division (L) (1) of this section does not apply to any of the following:	3525 3526
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	3527 3528 3529 3530 3531
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	3532 3533 3534
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	3535 3536 3537 3538
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	3539 3540 3541
(e) A civil or criminal malpractice action brought against the employee assistance professional;	3542 3543
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	3544 3545 3546
(g) When the testimonial privilege otherwise provided by	3547



division (L) (1) of this section is abrogated under law. 3548

**Sec. 2701.07.** When, in the opinion of the court, the 3549  
business thereof so requires, each court of common pleas, court 3550  
of appeals, and, in counties having at the last or any future 3551  
federal census more than seventy thousand inhabitants, the 3552  
probate court, may appoint one or more constables to preserve 3553  
order, attend the assignment of cases in counties where more 3554  
than two judges of the court of common pleas regularly hold 3555  
court at the same time, and discharge such other duties as the 3556  
court requires. When so directed by the court, each constable 3557  
has the same powers as sheriffs to call and impanel jurors, ~~—~~ 3558  
~~except in capital cases.~~ 3559

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of 3560  
the Revised Code: 3561

(A) "Claimant" means both of the following categories of 3562  
persons: 3563

(1) Any of the following persons who claim an award of 3564  
reparations under sections 2743.51 to 2743.72 of the Revised 3565  
Code: 3566

(a) A victim who was one of the following at the time of 3567  
the criminally injurious conduct: 3568

(i) A resident of the United States; 3569

(ii) A resident of a foreign country the laws of which 3570  
permit residents of this state to recover compensation as 3571  
victims of offenses committed in that country. 3572

(b) A dependent of a deceased victim who is described in 3573  
division (A) (1) (a) of this section; 3574

(c) A third person, other than a collateral source, who 3575

legally assumes or voluntarily pays the obligations of a victim, 3576  
or of a dependent of a victim, who is described in division (A) 3577  
(1) (a) of this section, which obligations are incurred as a 3578  
result of the criminally injurious conduct that is the subject 3579  
of the claim and may include, but are not limited to, medical or 3580  
burial expenses; 3581

(d) A person who is authorized to act on behalf of any 3582  
person who is described in division (A) (1) (a), (b), or (c) of 3583  
this section; 3584

(e) The estate of a deceased victim who is described in 3585  
division (A) (1) (a) of this section. 3586

(2) Any of the following persons who claim an award of 3587  
reparations under sections 2743.51 to 2743.72 of the Revised 3588  
Code: 3589

(a) A victim who had a permanent place of residence within 3590  
this state at the time of the criminally injurious conduct and 3591  
who, at the time of the criminally injurious conduct, complied 3592  
with any one of the following: 3593

(i) Had a permanent place of employment in this state; 3594

(ii) Was a member of the regular armed forces of the 3595  
United States or of the United States coast guard or was a full- 3596  
time member of the Ohio organized militia or of the United 3597  
States army reserve, naval reserve, or air force reserve; 3598

(iii) Was retired and receiving social security or any 3599  
other retirement income; 3600

(iv) Was sixty years of age or older; 3601

(v) Was temporarily in another state for the purpose of 3602  
receiving medical treatment; 3603

(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;

(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;

(viii) Was a full-time student at an academic institution, college, or university located in another state;

(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.

(b) A dependent of a deceased victim who is described in division (A) (2) (a) of this section;

(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (2) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;

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

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

(B) "Collateral source" means a source of benefits or 3633  
advantages for economic loss otherwise reparable that the victim 3634  
or claimant has received, or that is readily available to the 3635  
victim or claimant, from any of the following sources: 3636

(1) The offender; 3637

(2) The government of the United States or any of its 3638  
agencies, a state or any of its political subdivisions, or an 3639  
instrumentality of two or more states, unless the law providing 3640  
for the benefits or advantages makes them excess or secondary to 3641  
benefits under sections 2743.51 to 2743.72 of the Revised Code; 3642

(3) Social security, medicare, and medicaid; 3643

(4) State-required, temporary, nonoccupational disability 3644  
insurance; 3645

(5) Workers' compensation; 3646

(6) Wage continuation programs of any employer; 3647

(7) Proceeds of a contract of insurance payable to the 3648  
victim for loss that the victim sustained because of the 3649  
criminally injurious conduct; 3650

(8) A contract providing prepaid hospital and other health 3651  
care services, or benefits for disability; 3652

(9) That portion of the proceeds of all contracts of 3653  
insurance payable to the claimant on account of the death of the 3654  
victim that exceeds fifty thousand dollars; 3655

(10) Any compensation recovered or recoverable under the 3656  
laws of another state, district, territory, or foreign country 3657  
because the victim was the victim of an offense committed in 3658  
that state, district, territory, or country. 3659

"Collateral source" does not include any money, or the 3660  
monetary value of any property, that is subject to sections 3661  
2969.01 to 2969.06 of the Revised Code or that is received as a 3662  
benefit from the Ohio public safety officers death benefit fund 3663  
created by section 742.62 of the Revised Code. 3664

(C) "Criminally injurious conduct" means one of the 3665  
following: 3666

(1) For the purposes of any person described in division 3667  
(A)(1) of this section, any conduct that occurs or is attempted 3668  
in this state; poses a substantial threat of personal injury or 3669  
death; and is punishable by fine, or imprisonment, ~~or death,~~ or 3670  
would be so punishable but for the fact that the person engaging 3671  
in the conduct lacked capacity to commit the crime under the 3672  
laws of this state. Criminally injurious conduct does not 3673  
include conduct arising out of the ownership, maintenance, or 3674  
use of a motor vehicle, except when any of the following 3675  
applies: 3676

(a) The person engaging in the conduct intended to cause 3677  
personal injury or death; 3678

(b) The person engaging in the conduct was using the 3679  
vehicle to flee immediately after committing a felony or an act 3680  
that would constitute a felony but for the fact that the person 3681  
engaging in the conduct lacked the capacity to commit the felony 3682  
under the laws of this state; 3683

(c) The person engaging in the conduct was using the 3684  
vehicle in a manner that constitutes an OVI violation; 3685

(d) The conduct occurred on or after July 25, 1990, and 3686  
the person engaging in the conduct was using the vehicle in a 3687  
manner that constitutes a violation of section 2903.08 of the 3688

Revised Code; 3689

(e) The person engaging in the conduct acted in a manner 3690  
that caused serious physical harm to a person and that 3691  
constituted a violation of section 4549.02 or 4549.021 of the 3692  
Revised Code. 3693

(2) For the purposes of any person described in division 3694  
(A) (2) of this section, any conduct that occurs or is attempted 3695  
in another state, district, territory, or foreign country; poses 3696  
a substantial threat of personal injury or death; and is 3697  
punishable by fine, imprisonment, or death, or would be so 3698  
punishable but for the fact that the person engaging in the 3699  
conduct lacked capacity to commit the crime under the laws of 3700  
the state, district, territory, or foreign country in which the 3701  
conduct occurred or was attempted. Criminally injurious conduct 3702  
does not include conduct arising out of the ownership, 3703  
maintenance, or use of a motor vehicle, except when any of the 3704  
following applies: 3705

(a) The person engaging in the conduct intended to cause 3706  
personal injury or death; 3707

(b) The person engaging in the conduct was using the 3708  
vehicle to flee immediately after committing a felony or an act 3709  
that would constitute a felony but for the fact that the person 3710  
engaging in the conduct lacked the capacity to commit the felony 3711  
under the laws of the state, district, territory, or foreign 3712  
country in which the conduct occurred or was attempted; 3713

(c) The person engaging in the conduct was using the 3714  
vehicle in a manner that constitutes an OVI violation; 3715

(d) The conduct occurred on or after July 25, 1990, the 3716  
person engaging in the conduct was using the vehicle in a manner 3717

that constitutes a violation of any law of the state, district, 3718  
territory, or foreign country in which the conduct occurred, and 3719  
that law is substantially similar to a violation of section 3720  
2903.08 of the Revised Code; 3721

(e) The person engaging in the conduct acted in a manner 3722  
that caused serious physical harm to a person and that 3723  
constituted a violation of any law of the state, district, 3724  
territory, or foreign country in which the conduct occurred, and 3725  
that law is substantially similar to section 4549.02 or 4549.021 3726  
of the Revised Code. 3727

(3) For the purposes of any person described in division 3728  
(A) (1) or (2) of this section, terrorism that occurs within or 3729  
outside the territorial jurisdiction of the United States. 3730

(D) "Dependent" means an individual wholly or partially 3731  
dependent upon the victim for care and support, and includes a 3732  
child of the victim born after the victim's death. 3733

(E) "Economic loss" means economic detriment consisting 3734  
only of allowable expense, work loss, funeral expense, 3735  
unemployment benefits loss, replacement services loss, cost of 3736  
crime scene cleanup, and cost of evidence replacement. If 3737  
criminally injurious conduct causes death, economic loss 3738  
includes a dependent's economic loss and a dependent's 3739  
replacement services loss. Noneconomic detriment is not economic 3740  
loss; however, economic loss may be caused by pain and suffering 3741  
or physical impairment. 3742

(F) (1) For a victim described in division (L) (1) of this 3743  
section, "allowable expense" means reasonable charges incurred 3744  
for reasonably needed products, services, and accommodations, 3745  
including those for medical care, rehabilitation, rehabilitative 3746

occupational training, and other remedial treatment and care and 3747  
including replacement costs for hearing aids; dentures, 3748  
retainers, and other dental appliances; canes, walkers, and 3749  
other mobility tools; and eyeglasses and other corrective 3750  
lenses. It does not include that portion of a charge for a room 3751  
in a hospital, clinic, convalescent home, nursing home, or any 3752  
other institution engaged in providing nursing care and related 3753  
services in excess of a reasonable and customary charge for 3754  
semiprivate accommodations, unless accommodations other than 3755  
semiprivate accommodations are medically required. 3756

(2) For a victim described in division (L)(2) of this 3757  
section, "allowable expense" means reasonable charges incurred 3758  
for psychiatric care or counseling reasonably needed as a result 3759  
of the criminally injurious conduct. No other type of expense is 3760  
compensable under section 2743.51 to 2743.72 of the Revised Code 3761  
for a victim of that type. 3762

(3) For a victim described in division (L)(3) of this 3763  
section, "allowable expense" means work loss and reasonable 3764  
charges incurred for psychiatric care or counseling reasonably 3765  
needed as a result of the criminally injurious conduct. No other 3766  
type of expense is compensable under sections 2743.51 to 2743.72 3767  
of the Revised Code for a victim of that type. 3768

(4) A family member of a victim who died as a proximate 3769  
result of criminally injurious conduct may be reimbursed as an 3770  
allowable expense through the victim's application for wages 3771  
lost and travel expenses incurred in order to attend criminal 3772  
justice proceedings arising from the criminally injurious 3773  
conduct. The cumulative allowable expense for wages lost and 3774  
travel expenses incurred by a family member to attend criminal 3775  
justice proceedings shall not exceed five hundred dollars for 3776



each family member of the victim and two thousand dollars in the 3777  
aggregate for all family members of the victim. 3778

(5) For a victim described in division (L)(1) of this 3779  
section, "allowable expense" includes both of the following: 3780

(a) Reasonable expenses and fees necessary to obtain a 3781  
guardian's bond pursuant to section 2109.04 of the Revised Code 3782  
when the bond is required to pay an award to a fiduciary on 3783  
behalf of a minor or other incompetent; 3784

(b) Attorney's fees not exceeding one thousand dollars, at 3785  
a rate not exceeding one hundred dollars per hour, incurred to 3786  
successfully obtain a restraining order, custody order, or other 3787  
order to physically separate a victim from an offender. 3788  
Attorney's fees for the services described in this division may 3789  
include an amount for reasonable travel time incurred to attend 3790  
court hearings, not exceeding three hours' round-trip for each 3791  
court hearing, assessed at a rate not exceeding thirty dollars 3792  
per hour. 3793

(G) "Work loss" means loss of income from work that the 3794  
injured person would have performed if the person had not been 3795  
injured and expenses reasonably incurred by the person to obtain 3796  
services in lieu of those the person would have performed for 3797  
income, reduced by any income from substitute work actually 3798  
performed by the person, or by income the person would have 3799  
earned in available appropriate substitute work that the person 3800  
was capable of performing but unreasonably failed to undertake. 3801

(H) "Replacement services loss" means expenses reasonably 3802  
incurred in obtaining ordinary and necessary services in lieu of 3803  
those the injured person would have performed, not for income, 3804  
but for the benefit of the person's self or family, if the 3805

person had not been injured. 3806

(I) "Dependent's economic loss" means loss after a 3807  
victim's death of contributions of things of economic value to 3808  
the victim's dependents, not including services they would have 3809  
received from the victim if the victim had not suffered the 3810  
fatal injury, less expenses of the dependents avoided by reason 3811  
of the victim's death. If a minor child of a victim is adopted 3812  
after the victim's death, the minor child continues after the 3813  
adoption to incur a dependent's economic loss as a result of the 3814  
victim's death. If the surviving spouse of a victim remarries, 3815  
the surviving spouse continues after the remarriage to incur a 3816  
dependent's economic loss as a result of the victim's death. 3817

(J) "Dependent's replacement services loss" means loss 3818  
reasonably incurred by dependents after a victim's death in 3819  
obtaining ordinary and necessary services in lieu of those the 3820  
victim would have performed for their benefit if the victim had 3821  
not suffered the fatal injury, less expenses of the dependents 3822  
avoided by reason of the victim's death and not subtracted in 3823  
calculating the dependent's economic loss. If a minor child of a 3824  
victim is adopted after the victim's death, the minor child 3825  
continues after the adoption to incur a dependent's replacement 3826  
services loss as a result of the victim's death. If the 3827  
surviving spouse of a victim remarries, the surviving spouse 3828  
continues after the remarriage to incur a dependent's 3829  
replacement services loss as a result of the victim's death. 3830

(K) "Noneconomic detriment" means pain, suffering, 3831  
inconvenience, physical impairment, or other nonpecuniary 3832  
damage. 3833

(L) "Victim" means one of the following: 3834

(1) A person who suffers personal injury or death as a	3835
result of any of the following:	3836
(a) Criminally injurious conduct;	3837
(b) The good faith effort of any person to prevent	3838
criminally injurious conduct;	3839
(c) The good faith effort of any person to apprehend a	3840
person suspected of engaging in criminally injurious conduct.	3841
(2) A person who is an immediate family member of a victim	3842
of criminally injurious conduct that consists of a homicide, a	3843
sexual assault, domestic violence, or a severe and permanently	3844
incapacitating injury resulting in paraplegia or a similar life-	3845
altering condition, who requires psychiatric care or counseling	3846
as a result of the criminally injurious conduct;	3847
(3) A person who suffers trauma so severe that it impedes	3848
or prohibits a person from participating in normal daily	3849
activities and who is either of the following:	3850
(a) A family member of a victim of criminally injurious	3851
conduct that consists of a homicide, or a family member of a	3852
victim who, as a result of criminally injurious conduct, has	3853
sustained a severe and permanently incapacitating injury	3854
resulting in paraplegia or a similar life-altering condition,	3855
and who can demonstrate either of the following by a	3856
preponderance of the evidence:	3857
(i) The person witnessed the criminally injurious conduct.	3858
(ii) The person arrived at the crime scene in its	3859
immediate aftermath.	3860
(b) An immediate family member who is a caretaker of a	3861
dependent victim of criminally injurious conduct that consists	3862

of a sexual assault. 3863

(M) "Contributory misconduct" means any conduct of the 3864  
claimant or of the victim through whom the claimant claims an 3865  
award of reparations that is unlawful or intentionally tortious 3866  
and to which all of the following apply: 3867

(1) The conduct occurred at the time of the criminally 3868  
injurious conduct that is the basis of the claim. 3869

(2) The conduct itself caused or posed a substantial and 3870  
imminent threat of causing serious physical harm or death to 3871  
another. 3872

(3) The conduct instigated or proximately caused the 3873  
criminally injurious conduct that is the basis of the claim. 3874

(N) (1) "Funeral expense" means any reasonable charges that 3875  
are not in excess of seven thousand five hundred dollars per 3876  
funeral and that are incurred for expenses directly related to a 3877  
victim's funeral, cremation, or burial and any wages lost or 3878  
travel expenses incurred by a family member of a victim in order 3879  
to attend the victim's funeral, cremation, or burial. 3880

(2) An award for funeral expenses shall be applied first 3881  
to expenses directly related to the victim's funeral, cremation, 3882  
or burial. An award for wages lost or travel expenses incurred 3883  
by a family member of the victim shall not exceed five hundred 3884  
dollars for each family member and shall not exceed in the 3885  
aggregate the difference between seven thousand five hundred 3886  
dollars and expenses that are reimbursed by the program and that 3887  
are directly related to the victim's funeral, cremation, or 3888  
burial. 3889

(O) "Unemployment benefits loss" means a loss of 3890  
unemployment benefits pursuant to Chapter 4141. of the Revised 3891

Code when the loss arises solely from the inability of a victim 3892  
to meet the able to work, available for suitable work, or the 3893  
actively seeking suitable work requirements of division (A) (4) 3894  
(a) of section 4141.29 of the Revised Code. 3895

(P) "OVI violation" means any of the following: 3896

(1) A violation of section 4511.19 of the Revised Code, of 3897  
any municipal ordinance prohibiting the operation of a vehicle 3898  
while under the influence of alcohol, a drug of abuse, or a 3899  
combination of them, or of any municipal ordinance prohibiting 3900  
the operation of a vehicle with a prohibited concentration of 3901  
alcohol, a controlled substance, or a metabolite of a controlled 3902  
substance in the whole blood, blood serum or plasma, breath, or 3903  
urine; 3904

(2) A violation of division (A) (1) of section 2903.06 of 3905  
the Revised Code; 3906

(3) A violation of division (A) (2), (3), or (4) of section 3907  
2903.06 of the Revised Code or of a municipal ordinance 3908  
substantially similar to any of those divisions, if the offender 3909  
was under the influence of alcohol, a drug of abuse, or a 3910  
combination of them, at the time of the commission of the 3911  
offense; 3912

(4) For purposes of any person described in division (A) 3913  
(2) of this section, a violation of any law of the state, 3914  
district, territory, or foreign country in which the criminally 3915  
injurious conduct occurred, if that law is substantially similar 3916  
to a violation described in division (P) (1) or (2) of this 3917  
section or if that law is substantially similar to a violation 3918  
described in division (P) (3) of this section and the offender 3919  
was under the influence of alcohol, a drug of abuse, or a 3920

combination of them, at the time of the commission of the 3921  
offense. 3922

(Q) "Pendency of the claim" for an original reparations 3923  
application or supplemental reparations application means the 3924  
period of time from the date the criminally injurious conduct 3925  
upon which the application is based occurred until the date a 3926  
final decision, order, or judgment concerning that original 3927  
reparations application or supplemental reparations application 3928  
is issued. 3929

(R) "Terrorism" means any activity to which all of the 3930  
following apply: 3931

(1) The activity involves a violent act or an act that is 3932  
dangerous to human life. 3933

(2) The act described in division (R)(1) of this section 3934  
is committed within the territorial jurisdiction of the United 3935  
States and is a violation of the criminal laws of the United 3936  
States, this state, or any other state or the act described in 3937  
division (R)(1) of this section is committed outside the 3938  
territorial jurisdiction of the United States and would be a 3939  
violation of the criminal laws of the United States, this state, 3940  
or any other state if committed within the territorial 3941  
jurisdiction of the United States. 3942

(3) The activity appears to be intended to do any of the 3943  
following: 3944

(a) Intimidate or coerce a civilian population; 3945

(b) Influence the policy of any government by intimidation 3946  
or coercion; 3947

(c) Affect the conduct of any government by assassination 3948

or kidnapping. 3949

(4) The activity occurs primarily outside the territorial 3950  
jurisdiction of the United States or transcends the national 3951  
boundaries of the United States in terms of the means by which 3952  
the activity is accomplished, the person or persons that the 3953  
activity appears intended to intimidate or coerce, or the area 3954  
or locale in which the perpetrator or perpetrators of the 3955  
activity operate or seek asylum. 3956

(S) "Transcends the national boundaries of the United 3957  
States" means occurring outside the territorial jurisdiction of 3958  
the United States in addition to occurring within the 3959  
territorial jurisdiction of the United States. 3960

(T) "Cost of crime scene cleanup" means any of the 3961  
following: 3962

(1) The replacement cost for items of clothing removed 3963  
from a victim in order to make an assessment of possible 3964  
physical harm or to treat physical harm; 3965

(2) Reasonable and necessary costs of cleaning the scene 3966  
and repairing, for the purpose of personal security, property 3967  
damaged at the scene where the criminally injurious conduct 3968  
occurred, not to exceed seven hundred fifty dollars in the 3969  
aggregate per claim. 3970

(U) "Cost of evidence replacement" means costs for 3971  
replacement of property confiscated for evidentiary purposes 3972  
related to the criminally injurious conduct, not to exceed seven 3973  
hundred fifty dollars in the aggregate per claim. 3974

(V) "Provider" means any person who provides a victim or 3975  
claimant with a product, service, or accommodations that are an 3976  
allowable expense or a funeral expense. 3977

(W) "Immediate family member" means an individual who 3978  
resided in the same permanent household as a victim at the time 3979  
of the criminally injurious conduct and who is related to the 3980  
victim by affinity or consanguinity. 3981

(X) "Family member" means an individual who is related to 3982  
a victim by affinity or consanguinity. 3983

**Sec. 2901.02.** As used in the Revised Code: 3984

(A) Offenses include aggravated murder, murder, felonies 3985  
of the first, second, third, fourth, and fifth degree, 3986  
misdemeanors of the first, second, third, and fourth degree, 3987  
minor misdemeanors, and offenses not specifically classified. 3988

~~(B) Aggravated murder when the indictment or the count in 3989  
the indictment charging aggravated murder contains one or more 3990  
specifications of aggravating circumstances listed in division 3991  
(A) of section 2929.04 of Revised Code, and any other offense 3992  
for which death may be imposed as a penalty, is a capital 3993  
offense. 3994~~

~~(C) Aggravated murder and murder are felonies. 3995~~

~~(D) (C) Regardless of the penalty that may be imposed, any 3996  
offense specifically classified as a felony is a felony, and any 3997  
offense specifically classified as a misdemeanor is a 3998  
misdemeanor. 3999~~

~~(E) (D) Any offense not specifically classified is a 4000  
felony if imprisonment for more than one year may be imposed as 4001  
a penalty. 4002~~

~~(F) (E) Any offense not specifically classified is a 4003  
misdemeanor if imprisonment for not more than one year may be 4004  
imposed as a penalty. 4005~~



~~(G)~~—(F) Any offense not specifically classified is a minor 4006  
misdemeanor if the only penalty that may be imposed is one of 4007  
the following: 4008

(1) For an offense committed prior to January 1, 2004, a 4009  
fine not exceeding one hundred dollars; 4010

(2) For an offense committed on or after January 1, 2004, 4011  
a fine not exceeding one hundred fifty dollars, community 4012  
service under division (D) of section 2929.27 of the Revised 4013  
Code, or a financial sanction other than a fine under section 4014  
2929.28 of the Revised Code. 4015

**Sec. 2909.24.** (A) No person shall commit a specified 4016  
offense with purpose to do any of the following: 4017

(1) Intimidate or coerce a civilian population; 4018

(2) Influence the policy of any government by intimidation 4019  
or coercion; 4020

(3) Affect the conduct of any government by the specified 4021  
offense. 4022

(B) (1) Whoever violates this section is guilty of 4023  
terrorism. 4024

(2) Except as otherwise provided in divisions (B) (3) and 4025  
(4) of this section, terrorism is an offense one degree higher 4026  
than the most serious underlying specified offense the defendant 4027  
committed. 4028

(3) Except as provided in division (B) (6) of this section, 4029  
if the most serious underlying specified offense the defendant 4030  
committed is a felony of the first degree or murder, the person 4031  
shall be sentenced to life imprisonment without parole. 4032

(4) Except as provided in division (B)(6) of this section, 4033  
if the most serious underlying specified offense the defendant 4034  
committed is aggravated murder, the offender shall be sentenced 4035  
to life imprisonment without parole ~~or death pursuant to~~ 4036  
~~sections 2929.02 to 2929.06 of the Revised Code.~~ 4037

(5) Section 2909.25 of the Revised Code applies regarding 4038  
an offender who is convicted of or pleads guilty to a violation 4039  
of this section. 4040

(6) If a person commits a violation of this section, if 4041  
the most serious underlying specified offense the offender 4042  
committed is aggravated murder, murder, or a felony of the first 4043  
degree, and if the offender was under eighteen years of age at 4044  
the time of the violation, the offender shall not be sentenced 4045  
to life imprisonment without parole, but instead the offender 4046  
shall be sentenced to an indefinite prison term of thirty years 4047  
to life. 4048

**Sec. 2929.02.** (A) ~~Whoever~~ Except as provided in division 4049  
(C) of this section, whoever is convicted of or pleads guilty to 4050  
aggravated murder in violation of section 2903.01 of the Revised 4051  
Code shall ~~suffer death or be imprisoned for life, as determined~~ 4052  
~~pursuant to sections 2929.022, 2929.03, and 2929.04 of the~~ 4053  
~~Revised Codes~~ sentenced to life imprisonment with parole 4054  
eligibility after serving twenty full years of imprisonment, 4055  
life imprisonment with parole eligibility after serving thirty 4056  
full years of imprisonment, or life imprisonment without parole, 4057  
except that no person who is not found to have been eighteen 4058  
years of age or older at the time of the commission of the 4059  
offense shall be imprisoned for life without parole, ~~and that no~~ 4060  
~~person who raises the matter of age pursuant to section 2929.023~~ 4061  
~~of the Revised Code and who is not found to have been eighteen~~ 4062

~~years of age or older at the time of the commission of the~~ 4063  
~~offense and no person who raises the matter of the person's~~ 4064  
~~serious mental illness at the time of the alleged commission of~~ 4065  
~~the offense pursuant to section 2929.025 of the Revised Code and~~ 4066  
~~is found under that section to be ineligible for a sentence of~~ 4067  
~~death due to serious mental illness shall suffer death. In~~ 4068  
~~addition, the offender may be fined an amount fixed by the~~ 4069  
~~court, but not more than twenty five thousand dollars.~~ 4070

~~(B)(1)~~ (B) Except as otherwise provided in division ~~(B)(2)~~ 4071  
~~or (3)~~ (C) of this section, whoever is convicted of or pleads 4072  
guilty to murder in violation of section 2903.02 of the Revised 4073  
Code shall be imprisoned for an indefinite term of fifteen years 4074  
to life. 4075

~~(2)~~ (C)(1) Except as otherwise provided in division ~~(B)(3)~~ 4076  
(C)(2) of this section, if a person is convicted of or pleads 4077  
guilty to aggravated murder in violation of section 2903.01 of 4078  
the Revised Code or to murder in violation of section 2903.02 of 4079  
the Revised Code, the victim of the offense was less than 4080  
thirteen years of age, and the offender also is convicted of or 4081  
pleads guilty to a sexual motivation specification that was 4082  
included in the indictment, count in the indictment, or 4083  
information charging the offense, the court shall impose an 4084  
indefinite prison term of thirty years to life pursuant to 4085  
division (B)(3) of section 2971.03 of the Revised Code. 4086

~~(3)~~ (2) Except as otherwise provided in this division, if a 4087  
person is convicted of or pleads guilty to aggravated murder in 4088  
violation of section 2903.01 of the Revised Code or to murder in 4089  
violation of section 2903.02 of the Revised Code and also is 4090  
convicted of or pleads guilty to a sexual motivation 4091  
specification and a sexually violent predator specification that 4092

were included in the indictment, count in the indictment, or 4093  
information that charged the murder, the court shall impose upon 4094  
the offender a term of life imprisonment without parole that 4095  
shall be served pursuant to section 2971.03 of the Revised Code. 4096  
If the offender was under eighteen years of age at the time of 4097  
the offense, the court shall impose an indefinite prison term of 4098  
thirty years to life. 4099

~~(4)~~ (D) In addition to the prison term imposed under this 4100  
section, the offender may be fined an amount fixed by the court, 4101  
but not more than twenty-five thousand dollars for aggravated 4102  
murder or fifteen thousand dollars for murder. 4103

~~(C)~~ (E) If an offender receives or received a sentence of 4104  
life imprisonment without parole, a sentence of life 4105  
imprisonment, a definite sentence, or a sentence to an 4106  
indefinite prison term under this chapter for an aggravated 4107  
murder or murder that was committed when the offender was under 4108  
eighteen years of age, the offender's parole eligibility shall 4109  
be determined under section 2967.132 of the Revised Code. 4110

~~(D)~~ (F) The court shall not impose a fine or fines for 4111  
aggravated murder or murder ~~which~~ that, in the aggregate and to 4112  
the extent not suspended by the court, exceeds the amount ~~which~~ 4113  
that the offender is or will be able to pay by the method and 4114  
within the time allowed without undue hardship to the offender 4115  
or to the dependents of the offender, or will prevent the 4116  
offender from making reparation for the victim's wrongful death. 4117

~~(E)~~ ~~(1)~~ (G) (1) In addition to any other sanctions imposed 4118  
for a violation of section 2903.01 or 2903.02 of the Revised 4119  
Code, if the offender used a motor vehicle as the means to 4120  
commit the violation, the court shall impose upon the offender a 4121  
class two suspension of the offender's driver's license, 4122

commercial driver's license, temporary instruction permit, 4123  
probationary license, or nonresident operating privilege as 4124  
specified in division (A) (2) of section 4510.02 of the Revised 4125  
Code. 4126

(2) As used in division ~~(E)~~ (G) of this section, "motor 4127  
vehicle" has the same meaning as in section 4501.01 of the 4128  
Revised Code. 4129

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 4130  
or (G) of this section and unless a specific sanction is 4131  
required to be imposed or is precluded from being imposed 4132  
pursuant to law, a court that imposes a sentence upon an 4133  
offender for a felony may impose any sanction or combination of 4134  
sanctions on the offender that are provided in sections 2929.14 4135  
to 2929.18 of the Revised Code. 4136

If the offender is eligible to be sentenced to community 4137  
control sanctions, the court shall consider the appropriateness 4138  
of imposing a financial sanction pursuant to section 2929.18 of 4139  
the Revised Code or a sanction of community service pursuant to 4140  
section 2929.17 of the Revised Code as the sole sanction for the 4141  
offense. Except as otherwise provided in this division, if the 4142  
court is required to impose a mandatory prison term for the 4143  
offense for which sentence is being imposed, the court also 4144  
shall impose any financial sanction pursuant to section 2929.18 4145  
of the Revised Code that is required for the offense and may 4146  
impose any other financial sanction pursuant to that section but 4147  
may not impose any additional sanction or combination of 4148  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4149

If the offender is being sentenced for a fourth degree 4150  
felony OVI offense or for a third degree felony OVI offense, in 4151  
addition to the mandatory term of local incarceration or the 4152

mandatory prison term required for the offense by division (G) 4153  
(1) or (2) of this section, the court shall impose upon the 4154  
offender a mandatory fine in accordance with division (B) (3) of 4155  
section 2929.18 of the Revised Code and may impose whichever of 4156  
the following is applicable: 4157

(1) For a fourth degree felony OVI offense for which 4158  
sentence is imposed under division (G) (1) of this section, an 4159  
additional community control sanction or combination of 4160  
community control sanctions under section 2929.16 or 2929.17 of 4161  
the Revised Code. If the court imposes upon the offender a 4162  
community control sanction and the offender violates any 4163  
condition of the community control sanction, the court may take 4164  
any action prescribed in division (B) of section 2929.15 of the 4165  
Revised Code relative to the offender, including imposing a 4166  
prison term on the offender pursuant to that division. 4167

(2) For a third or fourth degree felony OVI offense for 4168  
which sentence is imposed under division (G) (2) of this section, 4169  
an additional prison term as described in division (B) (4) of 4170  
section 2929.14 of the Revised Code or a community control 4171  
sanction as described in division (G) (2) of this section. 4172

(B) (1) (a) Except as provided in division (B) (1) (b) of this 4173  
section, if an offender is convicted of or pleads guilty to a 4174  
felony of the fourth or fifth degree that is not an offense of 4175  
violence or that is a qualifying assault offense, the court 4176  
shall sentence the offender to a community control sanction or 4177  
combination of community control sanctions if all of the 4178  
following apply: 4179

(i) The offender previously has not been convicted of or 4180  
pleaded guilty to a felony offense. 4181

(ii) The most serious charge against the offender at the 4182  
time of sentencing is a felony of the fourth or fifth degree. 4183

(iii) The offender previously has not been convicted of or 4184  
pleaded guilty to a misdemeanor offense of violence that the 4185  
offender committed within two years prior to the offense for 4186  
which sentence is being imposed. 4187

(b) The court has discretion to impose a prison term upon 4188  
an offender who is convicted of or pleads guilty to a felony of 4189  
the fourth or fifth degree that is not an offense of violence or 4190  
that is a qualifying assault offense if any of the following 4191  
apply: 4192

(i) The offender committed the offense while having a 4193  
firearm on or about the offender's person or under the 4194  
offender's control. 4195

(ii) If the offense is a qualifying assault offense, the 4196  
offender caused serious physical harm to another person while 4197  
committing the offense, and, if the offense is not a qualifying 4198  
assault offense, the offender caused physical harm to another 4199  
person while committing the offense. 4200

(iii) The offender violated a term of the conditions of 4201  
bond as set by the court. 4202

(iv) The offense is a sex offense that is a fourth or 4203  
fifth degree felony violation of any provision of Chapter 2907. 4204  
of the Revised Code. 4205

(v) In committing the offense, the offender attempted to 4206  
cause or made an actual threat of physical harm to a person with 4207  
a deadly weapon. 4208

(vi) In committing the offense, the offender attempted to 4209

cause or made an actual threat of physical harm to a person, and 4210  
the offender previously was convicted of an offense that caused 4211  
physical harm to a person. 4212

(vii) The offender held a public office or position of 4213  
trust, and the offense related to that office or position; the 4214  
offender's position obliged the offender to prevent the offense 4215  
or to bring those committing it to justice; or the offender's 4216  
professional reputation or position facilitated the offense or 4217  
was likely to influence the future conduct of others. 4218

(viii) The offender committed the offense for hire or as 4219  
part of an organized criminal activity. 4220

(ix) The offender at the time of the offense was serving, 4221  
or the offender previously had served, a prison term. 4222

(x) The offender committed the offense while under a 4223  
community control sanction, while on probation, or while 4224  
released from custody on a bond or personal recognizance. 4225

(c) A sentencing court may impose an additional penalty 4226  
under division (B) of section 2929.15 of the Revised Code upon 4227  
an offender sentenced to a community control sanction under 4228  
division (B)(1)(a) of this section if the offender violates the 4229  
conditions of the community control sanction, violates a law, or 4230  
leaves the state without the permission of the court or the 4231  
offender's probation officer. 4232

(2) If division (B)(1) of this section does not apply, 4233  
except as provided in division (E), (F), or (G) of this section, 4234  
in determining whether to impose a prison term as a sanction for 4235  
a felony of the fourth or fifth degree, the sentencing court 4236  
shall comply with the purposes and principles of sentencing 4237  
under section 2929.11 of the Revised Code and with section 4238



2929.12 of the Revised Code. 4239

(C) Except as provided in division (D), (E), (F), or (G) 4240  
of this section, in determining whether to impose a prison term 4241  
as a sanction for a felony of the third degree or a felony drug 4242  
offense that is a violation of a provision of Chapter 2925. of 4243  
the Revised Code and that is specified as being subject to this 4244  
division for purposes of sentencing, the sentencing court shall 4245  
comply with the purposes and principles of sentencing under 4246  
section 2929.11 of the Revised Code and with section 2929.12 of 4247  
the Revised Code. 4248

(D) (1) Except as provided in division (E) or (F) of this 4249  
section, for a felony of the first or second degree, for a 4250  
felony drug offense that is a violation of any provision of 4251  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4252  
presumption in favor of a prison term is specified as being 4253  
applicable, and for a violation of division (A) (4) or (B) of 4254  
section 2907.05 of the Revised Code for which a presumption in 4255  
favor of a prison term is specified as being applicable, it is 4256  
presumed that a prison term is necessary in order to comply with 4257  
the purposes and principles of sentencing under section 2929.11 4258  
of the Revised Code. Division (D) (2) of this section does not 4259  
apply to a presumption established under this division for a 4260  
violation of division (A) (4) of section 2907.05 of the Revised 4261  
Code. 4262

(2) Notwithstanding the presumption established under 4263  
division (D) (1) of this section for the offenses listed in that 4264  
division other than a violation of division (A) (4) or (B) of 4265  
section 2907.05 of the Revised Code, the sentencing court may 4266  
impose a community control sanction or a combination of 4267  
community control sanctions instead of a prison term on an 4268

offender for a felony of the first or second degree or for a 4269  
felony drug offense that is a violation of any provision of 4270  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4271  
presumption in favor of a prison term is specified as being 4272  
applicable if it makes both of the following findings: 4273

(a) A community control sanction or a combination of 4274  
community control sanctions would adequately punish the offender 4275  
and protect the public from future crime, because the applicable 4276  
factors under section 2929.12 of the Revised Code indicating a 4277  
lesser likelihood of recidivism outweigh the applicable factors 4278  
under that section indicating a greater likelihood of 4279  
recidivism. 4280

(b) A community control sanction or a combination of 4281  
community control sanctions would not demean the seriousness of 4282  
the offense, because one or more factors under section 2929.12 4283  
of the Revised Code that indicate that the offender's conduct 4284  
was less serious than conduct normally constituting the offense 4285  
are applicable, and they outweigh the applicable factors under 4286  
that section that indicate that the offender's conduct was more 4287  
serious than conduct normally constituting the offense. 4288

(E) (1) Except as provided in division (F) of this section, 4289  
for any drug offense that is a violation of any provision of 4290  
Chapter 2925. of the Revised Code and that is a felony of the 4291  
third, fourth, or fifth degree, the applicability of a 4292  
presumption under division (D) of this section in favor of a 4293  
prison term or of division (B) or (C) of this section in 4294  
determining whether to impose a prison term for the offense 4295  
shall be determined as specified in section 2925.02, 2925.03, 4296  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 4297  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 4298

regarding the violation. 4299

(2) If an offender who was convicted of or pleaded guilty 4300  
to a felony violates the conditions of a community control 4301  
sanction imposed for the offense solely by reason of producing 4302  
positive results on a drug test, the court, as punishment for 4303  
the violation of the sanction, shall not order that the offender 4304  
be imprisoned unless the court determines on the record either 4305  
of the following: 4306

(a) The offender had been ordered as a sanction for the 4307  
felony to participate in a drug treatment program, in a drug 4308  
education program, or in narcotics anonymous or a similar 4309  
program, and the offender continued to use illegal drugs after a 4310  
reasonable period of participation in the program. 4311

(b) The imprisonment of the offender for the violation is 4312  
consistent with the purposes and principles of sentencing set 4313  
forth in section 2929.11 of the Revised Code. 4314

(3) A court that sentences an offender for a drug abuse 4315  
offense that is a felony of the third, fourth, or fifth degree 4316  
may require that the offender be assessed by a properly 4317  
credentialed professional within a specified period of time. The 4318  
court shall require the professional to file a written 4319  
assessment of the offender with the court. If the offender is 4320  
eligible for a community control sanction and after considering 4321  
the written assessment, the court may impose a community control 4322  
sanction that includes addiction services and recovery supports 4323  
included in a community-based continuum of care established 4324  
under section 340.032 of the Revised Code. If the court imposes 4325  
addiction services and recovery supports as a community control 4326  
sanction, the court shall direct the level and type of addiction 4327  
services and recovery supports after considering the assessment 4328

and recommendation of community addiction services providers. 4329

(F) Notwithstanding divisions (A) to (E) of this section, 4330  
the court shall impose a prison term or terms under ~~sections~~ 4331  
section 2929.02 to 2929.06, section 2929.14, section 2929.142, 4332  
or ~~section~~ 2971.03 of the Revised Code and except as 4333  
specifically provided in section 2929.20, or section 2967.191 of 4334  
the Revised Code or when parole is authorized for the offense 4335  
under section 2967.13 of the Revised Code shall not reduce the 4336  
term or terms pursuant to section 2929.20, division (A) (2) or 4337  
(3) of section 2967.193 or 2967.194, or any other provision of 4338  
Chapter 2967. or Chapter 5120. of the Revised Code for any of 4339  
the following offenses: 4340

(1) Aggravated murder ~~when death is not imposed~~ or murder; 4341

(2) Any rape, regardless of whether force was involved and 4342  
regardless of the age of the victim, or an attempt to commit 4343  
rape if, had the offender completed the rape that was attempted, 4344  
the offender would have been guilty of a violation of division 4345  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4346  
sentenced under section 2971.03 of the Revised Code; 4347

(3) Gross sexual imposition or sexual battery, if the 4348  
victim is less than thirteen years of age and if any of the 4349  
following applies: 4350

(a) Regarding gross sexual imposition, the offender 4351  
previously was convicted of or pleaded guilty to rape, the 4352  
former offense of felonious sexual penetration, gross sexual 4353  
imposition, or sexual battery, and the victim of the previous 4354  
offense was less than thirteen years of age; 4355

(b) Regarding gross sexual imposition, the offense was 4356  
committed on or after August 3, 2006, and evidence other than 4357

the testimony of the victim was admitted in the case 4358  
corroborating the violation. 4359

(c) Regarding sexual battery, either of the following 4360  
applies: 4361

(i) The offense was committed prior to August 3, 2006, the 4362  
offender previously was convicted of or pleaded guilty to rape, 4363  
the former offense of felonious sexual penetration, or sexual 4364  
battery, and the victim of the previous offense was less than 4365  
thirteen years of age. 4366

(ii) The offense was committed on or after August 3, 2006. 4367

(4) A felony violation of section 2903.04, 2903.06, 4368  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4369  
or 2923.132 of the Revised Code if the section requires the 4370  
imposition of a prison term; 4371

(5) A first, second, or third degree felony drug offense 4372  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4373  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 4374  
or 4729.99 of the Revised Code, whichever is applicable 4375  
regarding the violation, requires the imposition of a mandatory 4376  
prison term; 4377

(6) Any offense that is a first or second degree felony 4378  
and that is not set forth in division (F)(1), (2), (3), or (4) 4379  
of this section, if the offender previously was convicted of or 4380  
pleaded guilty to aggravated murder, murder, any first or second 4381  
degree felony, or an offense under an existing or former law of 4382  
this state, another state, or the United States that is or was 4383  
substantially equivalent to one of those offenses; 4384

(7) Any offense that is a third degree felony and either 4385  
is a violation of section 2903.04 of the Revised Code or an 4386

attempt to commit a felony of the second degree that is an 4387  
offense of violence and involved an attempt to cause serious 4388  
physical harm to a person or that resulted in serious physical 4389  
harm to a person if the offender previously was convicted of or 4390  
pleaded guilty to any of the following offenses: 4391

(a) Aggravated murder, murder, involuntary manslaughter, 4392  
rape, felonious sexual penetration as it existed under section 4393  
2907.12 of the Revised Code prior to September 3, 1996, a felony 4394  
of the first or second degree that resulted in the death of a 4395  
person or in physical harm to a person, or complicity in or an 4396  
attempt to commit any of those offenses; 4397

(b) An offense under an existing or former law of this 4398  
state, another state, or the United States that is or was 4399  
substantially equivalent to an offense listed in division (F) (7) 4400  
(a) of this section that resulted in the death of a person or in 4401  
physical harm to a person. 4402

(8) Any offense, other than a violation of section 2923.12 4403  
of the Revised Code, that is a felony, if the offender had a 4404  
firearm on or about the offender's person or under the 4405  
offender's control while committing the felony, with respect to 4406  
a portion of the sentence imposed pursuant to division (B) (1) (a) 4407  
of section 2929.14 of the Revised Code for having the firearm; 4408

(9) Any offense of violence that is a felony, if the 4409  
offender wore or carried body armor while committing the felony 4410  
offense of violence, with respect to the portion of the sentence 4411  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4412  
Revised Code for wearing or carrying the body armor; 4413

(10) Corrupt activity in violation of section 2923.32 of 4414  
the Revised Code when the most serious offense in the pattern of 4415

corrupt activity that is the basis of the offense is a felony of 4416  
the first degree; 4417

(11) Any violent sex offense or designated homicide, 4418  
assault, or kidnapping offense if, in relation to that offense, 4419  
the offender is adjudicated a sexually violent predator; 4420

(12) A violation of division (A) (1) or (2) of section 4421  
2921.36 of the Revised Code, or a violation of division (C) of 4422  
that section involving an item listed in division (A) (1) or (2) 4423  
of that section, if the offender is an officer or employee of 4424  
the department of rehabilitation and correction; 4425

(13) A violation of division (A) (1) or (2) of section 4426  
2903.06 of the Revised Code if the victim of the offense is a 4427  
peace officer, as defined in section 2935.01 of the Revised 4428  
Code, or an investigator of the bureau of criminal 4429  
identification and investigation, as defined in section 2903.11 4430  
of the Revised Code, with respect to the portion of the sentence 4431  
imposed pursuant to division (B) (5) of section 2929.14 of the 4432  
Revised Code; 4433

(14) A violation of division (A) (1) or (2) of section 4434  
2903.06 of the Revised Code if the offender has been convicted 4435  
of or pleaded guilty to three or more violations of division (A) 4436  
of section 4511.19 of the Revised Code or an equivalent offense, 4437  
as defined in section 2941.1415 of the Revised Code, or three or 4438  
more violations of any combination of those offenses, with 4439  
respect to the portion of the sentence imposed pursuant to 4440  
division (B) (6) of section 2929.14 of the Revised Code; 4441

(15) Kidnapping, in the circumstances specified in section 4442  
2971.03 of the Revised Code and when no other provision of 4443  
division (F) of this section applies; 4444

(16) Kidnapping, abduction, compelling prostitution, 4445  
promoting prostitution, engaging in a pattern of corrupt 4446  
activity, a violation of division (A) (1) or (2) of section 4447  
2907.323 of the Revised Code that involves a minor, or 4448  
endangering children in violation of division (B) (1), (2), (3), 4449  
(4), or (5) of section 2919.22 of the Revised Code, if the 4450  
offender is convicted of or pleads guilty to a specification as 4451  
described in section 2941.1422 of the Revised Code that was 4452  
included in the indictment, count in the indictment, or 4453  
information charging the offense; 4454

(17) A felony violation of division (A) or (B) of section 4455  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4456  
that section, and division (D) (6) of that section, require the 4457  
imposition of a prison term; 4458

(18) A felony violation of section 2903.11, 2903.12, or 4459  
2903.13 of the Revised Code, if the victim of the offense was a 4460  
woman that the offender knew was pregnant at the time of the 4461  
violation, with respect to a portion of the sentence imposed 4462  
pursuant to division (B) (8) of section 2929.14 of the Revised 4463  
Code; 4464

(19) (a) Any violent felony offense if the offender is a 4465  
violent career criminal and had a firearm on or about the 4466  
offender's person or under the offender's control during the 4467  
commission of the violent felony offense and displayed or 4468  
brandished the firearm, indicated that the offender possessed a 4469  
firearm, or used the firearm to facilitate the offense, with 4470  
respect to the portion of the sentence imposed under division 4471  
(K) of section 2929.14 of the Revised Code. 4472

(b) As used in division (F) (19) (a) of this section, 4473  
"violent career criminal" and "violent felony offense" have the 4474



same meanings as in section 2923.132 of the Revised Code. 4475

(20) Any violation of division (A) (1) of section 2903.11 4476  
of the Revised Code if the offender used an accelerant in 4477  
committing the violation and the serious physical harm to 4478  
another or another's unborn caused by the violation resulted in 4479  
a permanent, serious disfigurement or permanent, substantial 4480  
incapacity or any violation of division (A) (2) of that section 4481  
if the offender used an accelerant in committing the violation, 4482  
the violation caused physical harm to another or another's 4483  
unborn, and the physical harm resulted in a permanent, serious 4484  
disfigurement or permanent, substantial incapacity, with respect 4485  
to a portion of the sentence imposed pursuant to division (B) (9) 4486  
of section 2929.14 of the Revised Code. The provisions of this 4487  
division and of division (D) (2) of section 2903.11, divisions 4488  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4489  
the Revised Code shall be known as "Judy's Law." 4490

(21) Any violation of division (A) of section 2903.11 of 4491  
the Revised Code if the victim of the offense suffered permanent 4492  
disabling harm as a result of the offense and the victim was 4493  
under ten years of age at the time of the offense, with respect 4494  
to a portion of the sentence imposed pursuant to division (B) 4495  
(10) of section 2929.14 of the Revised Code. 4496

(22) A felony violation of section 2925.03, 2925.05, or 4497  
2925.11 of the Revised Code, if the drug involved in the 4498  
violation is a fentanyl-related compound or a compound, mixture, 4499  
preparation, or substance containing a fentanyl-related compound 4500  
and the offender is convicted of or pleads guilty to a 4501  
specification of the type described in division (B) of section 4502  
2941.1410 of the Revised Code that was included in the 4503  
indictment, count in the indictment, or information charging the 4504

offense, with respect to the portion of the sentence imposed 4505  
under division (B) (11) of section 2929.14 of the Revised Code. 4506

(G) Notwithstanding divisions (A) to (E) of this section, 4507  
if an offender is being sentenced for a fourth degree felony OVI 4508  
offense or for a third degree felony OVI offense, the court 4509  
shall impose upon the offender a mandatory term of local 4510  
incarceration or a mandatory prison term in accordance with the 4511  
following: 4512

(1) If the offender is being sentenced for a fourth degree 4513  
felony OVI offense and if the offender has not been convicted of 4514  
and has not pleaded guilty to a specification of the type 4515  
described in section 2941.1413 of the Revised Code, the court 4516  
may impose upon the offender a mandatory term of local 4517  
incarceration of sixty days or one hundred twenty days as 4518  
specified in division (G) (1) (d) of section 4511.19 of the 4519  
Revised Code. The court shall not reduce the term pursuant to 4520  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 4521  
2967.194, or any other provision of the Revised Code. The court 4522  
that imposes a mandatory term of local incarceration under this 4523  
division shall specify whether the term is to be served in a 4524  
jail, a community-based correctional facility, a halfway house, 4525  
or an alternative residential facility, and the offender shall 4526  
serve the term in the type of facility specified by the court. A 4527  
mandatory term of local incarceration imposed under division (G) 4528  
(1) of this section is not subject to any other Revised Code 4529  
provision that pertains to a prison term except as provided in 4530  
division (A) (1) of this section. 4531

(2) If the offender is being sentenced for a third degree 4532  
felony OVI offense, or if the offender is being sentenced for a 4533  
fourth degree felony OVI offense and the court does not impose a 4534

mandatory term of local incarceration under division (G) (1) of 4535  
this section, the court shall impose upon the offender a 4536  
mandatory prison term of one, two, three, four, or five years if 4537  
the offender also is convicted of or also pleads guilty to a 4538  
specification of the type described in section 2941.1413 of the 4539  
Revised Code or shall impose upon the offender a mandatory 4540  
prison term of sixty days or one hundred twenty days as 4541  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 4542  
Revised Code if the offender has not been convicted of and has 4543  
not pleaded guilty to a specification of that type. The court 4544  
shall not reduce the term pursuant to section 2929.20, division 4545  
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 4546  
provision of the Revised Code. The offender shall serve the 4547  
one-, two-, three-, four-, or five-year mandatory prison term 4548  
consecutively to and prior to the prison term imposed for the 4549  
underlying offense and consecutively to any other mandatory 4550  
prison term imposed in relation to the offense. In no case shall 4551  
an offender who once has been sentenced to a mandatory term of 4552  
local incarceration pursuant to division (G) (1) of this section 4553  
for a fourth degree felony OVI offense be sentenced to another 4554  
mandatory term of local incarceration under that division for 4555  
any violation of division (A) of section 4511.19 of the Revised 4556  
Code. In addition to the mandatory prison term described in 4557  
division (G) (2) of this section, the court may sentence the 4558  
offender to a community control sanction under section 2929.16 4559  
or 2929.17 of the Revised Code, but the offender shall serve the 4560  
prison term prior to serving the community control sanction. The 4561  
department of rehabilitation and correction may place an 4562  
offender sentenced to a mandatory prison term under this 4563  
division in an intensive program prison established pursuant to 4564  
section 5120.033 of the Revised Code if the department gave the 4565  
sentencing judge prior notice of its intent to place the 4566

offender in an intensive program prison established under that 4567  
section and if the judge did not notify the department that the 4568  
judge disapproved the placement. Upon the establishment of the 4569  
initial intensive program prison pursuant to section 5120.033 of 4570  
the Revised Code that is privately operated and managed by a 4571  
contractor pursuant to a contract entered into under section 4572  
9.06 of the Revised Code, both of the following apply: 4573

(a) The department of rehabilitation and correction shall 4574  
make a reasonable effort to ensure that a sufficient number of 4575  
offenders sentenced to a mandatory prison term under this 4576  
division are placed in the privately operated and managed prison 4577  
so that the privately operated and managed prison has full 4578  
occupancy. 4579

(b) Unless the privately operated and managed prison has 4580  
full occupancy, the department of rehabilitation and correction 4581  
shall not place any offender sentenced to a mandatory prison 4582  
term under this division in any intensive program prison 4583  
established pursuant to section 5120.033 of the Revised Code 4584  
other than the privately operated and managed prison. 4585

(H) If an offender is being sentenced for a sexually 4586  
oriented offense or child-victim oriented offense that is a 4587  
felony committed on or after January 1, 1997, the judge shall 4588  
require the offender to submit to a DNA specimen collection 4589  
procedure pursuant to section 2901.07 of the Revised Code. 4590

(I) If an offender is being sentenced for a sexually 4591  
oriented offense or a child-victim oriented offense committed on 4592  
or after January 1, 1997, the judge shall include in the 4593  
sentence a summary of the offender's duties imposed under 4594  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4595  
Code and the duration of the duties. The judge shall inform the 4596

offender, at the time of sentencing, of those duties and of 4597  
their duration. If required under division (A) (2) of section 4598  
2950.03 of the Revised Code, the judge shall perform the duties 4599  
specified in that section, or, if required under division (A) (6) 4600  
of section 2950.03 of the Revised Code, the judge shall perform 4601  
the duties specified in that division. 4602

(J) (1) Except as provided in division (J) (2) of this 4603  
section, when considering sentencing factors under this section 4604  
in relation to an offender who is convicted of or pleads guilty 4605  
to an attempt to commit an offense in violation of section 4606  
2923.02 of the Revised Code, the sentencing court shall consider 4607  
the factors applicable to the felony category of the violation 4608  
of section 2923.02 of the Revised Code instead of the factors 4609  
applicable to the felony category of the offense attempted. 4610

(2) When considering sentencing factors under this section 4611  
in relation to an offender who is convicted of or pleads guilty 4612  
to an attempt to commit a drug abuse offense for which the 4613  
penalty is determined by the amount or number of unit doses of 4614  
the controlled substance involved in the drug abuse offense, the 4615  
sentencing court shall consider the factors applicable to the 4616  
felony category that the drug abuse offense attempted would be 4617  
if that drug abuse offense had been committed and had involved 4618  
an amount or number of unit doses of the controlled substance 4619  
that is within the next lower range of controlled substance 4620  
amounts than was involved in the attempt. 4621

(K) As used in this section: 4622

(1) "Community addiction services provider" has the same 4623  
meaning as in section 5119.01 of the Revised Code. 4624

(2) "Drug abuse offense" has the same meaning as in 4625

section 2925.01 of the Revised Code. 4626

(3) "Minor drug possession offense" has the same meaning 4627  
as in section 2925.11 of the Revised Code. 4628

(4) "Qualifying assault offense" means a violation of 4629  
section 2903.13 of the Revised Code for which the penalty 4630  
provision in division (C) (8) (b) or (C) (9) (b) of that section 4631  
applies. 4632

(L) At the time of sentencing an offender for any sexually 4633  
oriented offense, if the offender is a tier III sex 4634  
offender/child-victim offender relative to that offense and the 4635  
offender does not serve a prison term or jail term, the court 4636  
may require that the offender be monitored by means of a global 4637  
positioning device. If the court requires such monitoring, the 4638  
cost of monitoring shall be borne by the offender. If the 4639  
offender is indigent, the cost of compliance shall be paid by 4640  
the crime victims reparations fund. 4641

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 4642  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4643  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4644  
in division (D) (6) of section 2919.25 of the Revised Code and 4645  
except in relation to an offense for which a sentence of ~~death-~~ 4646  
~~or~~-life imprisonment is to be imposed, if the court imposing a 4647  
sentence upon an offender for a felony elects or is required to 4648  
impose a prison term on the offender pursuant to this chapter, 4649  
the court shall impose a prison term that shall be one of the 4650  
following: 4651

(1) (a) For a felony of the first degree committed on or 4652  
after March 22, 2019, the prison term shall be an indefinite 4653  
prison term with a stated minimum term selected by the court of 4654

three, four, five, six, seven, eight, nine, ten, or eleven years 4655  
and a maximum term that is determined pursuant to section 4656  
2929.144 of the Revised Code, except that if the section that 4657  
criminalizes the conduct constituting the felony specifies a 4658  
different minimum term or penalty for the offense, the specific 4659  
language of that section shall control in determining the 4660  
minimum term or otherwise sentencing the offender but the 4661  
minimum term or sentence imposed under that specific language 4662  
shall be considered for purposes of the Revised Code as if it 4663  
had been imposed under this division. 4664

(b) For a felony of the first degree committed prior to 4665  
March 22, 2019, the prison term shall be a definite prison term 4666  
of three, four, five, six, seven, eight, nine, ten, or eleven 4667  
years. 4668

(2) (a) For a felony of the second degree committed on or 4669  
after March 22, 2019, the prison term shall be an indefinite 4670  
prison term with a stated minimum term selected by the court of 4671  
two, three, four, five, six, seven, or eight years and a maximum 4672  
term that is determined pursuant to section 2929.144 of the 4673  
Revised Code, except that if the section that criminalizes the 4674  
conduct constituting the felony specifies a different minimum 4675  
term or penalty for the offense, the specific language of that 4676  
section shall control in determining the minimum term or 4677  
otherwise sentencing the offender but the minimum term or 4678  
sentence imposed under that specific language shall be 4679  
considered for purposes of the Revised Code as if it had been 4680  
imposed under this division. 4681

(b) For a felony of the second degree committed prior to 4682  
March 22, 2019, the prison term shall be a definite term of two, 4683  
three, four, five, six, seven, or eight years. 4684

(3) (a) For a felony of the third degree that is a 4685  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4686  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4687  
Code, that is a violation of division (A) of section 4511.19 of 4688  
the Revised Code if the offender previously has been convicted 4689  
of or pleaded guilty to a violation of division (A) of that 4690  
section that was a felony, that is a violation of section 4691  
2911.02 or 2911.12 of the Revised Code if the offender 4692  
previously has been convicted of or pleaded guilty in two or 4693  
more separate proceedings to two or more violations of section 4694  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 4695  
that is a violation of division (B) of section 2921.331 of the 4696  
Revised Code if division (C) (5) of that section applies, the 4697  
prison term shall be a definite term of twelve, eighteen, 4698  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 4699  
four, or sixty months. 4700

(b) For a felony of the third degree that is not an 4701  
offense for which division (A) (3) (a) of this section applies, 4702  
the prison term shall be a definite term of nine, twelve, 4703  
eighteen, twenty-four, thirty, or thirty-six months. 4704

(4) For a felony of the fourth degree, the prison term 4705  
shall be a definite term of six, seven, eight, nine, ten, 4706  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4707  
or eighteen months. 4708

(5) For a felony of the fifth degree, the prison term 4709  
shall be a definite term of six, seven, eight, nine, ten, 4710  
eleven, or twelve months. 4711

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4712  
section, if an offender who is convicted of or pleads guilty to 4713  
a felony also is convicted of or pleads guilty to a 4714



specification of the type described in section 2941.141, 4715  
2941.144, or 2941.145 of the Revised Code, the court shall 4716  
impose on the offender one of the following prison terms: 4717

(i) A prison term of six years if the specification is of 4718  
the type described in division (A) of section 2941.144 of the 4719  
Revised Code that charges the offender with having a firearm 4720  
that is an automatic firearm or that was equipped with a firearm 4721  
muffler or suppressor on or about the offender's person or under 4722  
the offender's control while committing the offense; 4723

(ii) A prison term of three years if the specification is 4724  
of the type described in division (A) of section 2941.145 of the 4725  
Revised Code that charges the offender with having a firearm on 4726  
or about the offender's person or under the offender's control 4727  
while committing the offense and displaying the firearm, 4728  
brandishing the firearm, indicating that the offender possessed 4729  
the firearm, or using it to facilitate the offense; 4730

(iii) A prison term of one year if the specification is of 4731  
the type described in division (A) of section 2941.141 of the 4732  
Revised Code that charges the offender with having a firearm on 4733  
or about the offender's person or under the offender's control 4734  
while committing the offense; 4735

(iv) A prison term of nine years if the specification is 4736  
of the type described in division (D) of section 2941.144 of the 4737  
Revised Code that charges the offender with having a firearm 4738  
that is an automatic firearm or that was equipped with a firearm 4739  
muffler or suppressor on or about the offender's person or under 4740  
the offender's control while committing the offense and 4741  
specifies that the offender previously has been convicted of or 4742  
pleaded guilty to a specification of the type described in 4743  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4744

the Revised Code; 4745

(v) A prison term of fifty-four months if the 4746  
specification is of the type described in division (D) of 4747  
section 2941.145 of the Revised Code that charges the offender 4748  
with having a firearm on or about the offender's person or under 4749  
the offender's control while committing the offense and 4750  
displaying the firearm, brandishing the firearm, indicating that 4751  
the offender possessed the firearm, or using the firearm to 4752  
facilitate the offense and that the offender previously has been 4753  
convicted of or pleaded guilty to a specification of the type 4754  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4755  
2941.1412 of the Revised Code; 4756

(vi) A prison term of eighteen months if the specification 4757  
is of the type described in division (D) of section 2941.141 of 4758  
the Revised Code that charges the offender with having a firearm 4759  
on or about the offender's person or under the offender's 4760  
control while committing the offense and that the offender 4761  
previously has been convicted of or pleaded guilty to a 4762  
specification of the type described in section 2941.141, 4763  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4764

(b) If a court imposes a prison term on an offender under 4765  
division (B)(1)(a) of this section, the prison term shall not be 4766  
reduced pursuant to section 2929.20, division (A)(2) or (3) of 4767  
section 2967.193 or 2967.194, or any other provision of Chapter 4768  
2967. or Chapter 5120. of the Revised Code. Except as provided 4769  
in division (B)(1)(g) of this section, a court shall not impose 4770  
more than one prison term on an offender under division (B)(1) 4771  
(a) of this section for felonies committed as part of the same 4772  
act or transaction. 4773

(c)(i) Except as provided in division (B)(1)(e) of this 4774

section, if an offender who is convicted of or pleads guilty to 4775  
a violation of section 2923.161 of the Revised Code or to a 4776  
felony that includes, as an essential element, purposely or 4777  
knowingly causing or attempting to cause the death of or 4778  
physical harm to another, also is convicted of or pleads guilty 4779  
to a specification of the type described in division (A) of 4780  
section 2941.146 of the Revised Code that charges the offender 4781  
with committing the offense by discharging a firearm from a 4782  
motor vehicle other than a manufactured home, the court, after 4783  
imposing a prison term on the offender for the violation of 4784  
section 2923.161 of the Revised Code or for the other felony 4785  
offense under division (A), (B) (2), or (B) (3) of this section, 4786  
shall impose an additional prison term of five years upon the 4787  
offender that shall not be reduced pursuant to section 2929.20, 4788  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4789  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4790  
Code. 4791

(ii) Except as provided in division (B) (1) (e) of this 4792  
section, if an offender who is convicted of or pleads guilty to 4793  
a violation of section 2923.161 of the Revised Code or to a 4794  
felony that includes, as an essential element, purposely or 4795  
knowingly causing or attempting to cause the death of or 4796  
physical harm to another, also is convicted of or pleads guilty 4797  
to a specification of the type described in division (C) of 4798  
section 2941.146 of the Revised Code that charges the offender 4799  
with committing the offense by discharging a firearm from a 4800  
motor vehicle other than a manufactured home and that the 4801  
offender previously has been convicted of or pleaded guilty to a 4802  
specification of the type described in section 2941.141, 4803  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4804  
the court, after imposing a prison term on the offender for the 4805

violation of section 2923.161 of the Revised Code or for the 4806  
other felony offense under division (A), (B) (2), or (3) of this 4807  
section, shall impose an additional prison term of ninety months 4808  
upon the offender that shall not be reduced pursuant to section 4809  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4810  
or any other provision of Chapter 2967. or Chapter 5120. of the 4811  
Revised Code. 4812

(iii) A court shall not impose more than one additional 4813  
prison term on an offender under division (B) (1) (c) of this 4814  
section for felonies committed as part of the same act or 4815  
transaction. If a court imposes an additional prison term on an 4816  
offender under division (B) (1) (c) of this section relative to an 4817  
offense, the court also shall impose a prison term under 4818  
division (B) (1) (a) of this section relative to the same offense, 4819  
provided the criteria specified in that division for imposing an 4820  
additional prison term are satisfied relative to the offender 4821  
and the offense. 4822

(d) If an offender who is convicted of or pleads guilty to 4823  
an offense of violence that is a felony also is convicted of or 4824  
pleads guilty to a specification of the type described in 4825  
section 2941.1411 of the Revised Code that charges the offender 4826  
with wearing or carrying body armor while committing the felony 4827  
offense of violence, the court shall impose on the offender an 4828  
additional prison term of two years. The prison term so imposed 4829  
shall not be reduced pursuant to section 2929.20, division (A) 4830  
(2) or (3) of section 2967.193 or 2967.194, or any other 4831  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4832  
A court shall not impose more than one prison term on an 4833  
offender under division (B) (1) (d) of this section for felonies 4834  
committed as part of the same act or transaction. If a court 4835  
imposes an additional prison term under division (B) (1) (a) or 4836

(c) of this section, the court is not precluded from imposing an 4837  
additional prison term under division (B) (1) (d) of this section. 4838

(e) The court shall not impose any of the prison terms 4839  
described in division (B) (1) (a) of this section or any of the 4840  
additional prison terms described in division (B) (1) (c) of this 4841  
section upon an offender for a violation of section 2923.12 or 4842  
2923.123 of the Revised Code. The court shall not impose any of 4843  
the prison terms described in division (B) (1) (a) or (b) of this 4844  
section upon an offender for a violation of section 2923.122 4845  
that involves a deadly weapon that is a firearm other than a 4846  
dangerous ordnance, section 2923.16, or section 2923.121 of the 4847  
Revised Code. The court shall not impose any of the prison terms 4848  
described in division (B) (1) (a) of this section or any of the 4849  
additional prison terms described in division (B) (1) (c) of this 4850  
section upon an offender for a violation of section 2923.13 of 4851  
the Revised Code unless all of the following apply: 4852

(i) The offender previously has been convicted of 4853  
aggravated murder, murder, or any felony of the first or second 4854  
degree. 4855

(ii) Less than five years have passed since the offender 4856  
was released from prison or post-release control, whichever is 4857  
later, for the prior offense. 4858

(f) (i) If an offender is convicted of or pleads guilty to 4859  
a felony that includes, as an essential element, causing or 4860  
attempting to cause the death of or physical harm to another and 4861  
also is convicted of or pleads guilty to a specification of the 4862  
type described in division (A) of section 2941.1412 of the 4863  
Revised Code that charges the offender with committing the 4864  
offense by discharging a firearm at a peace officer as defined 4865  
in section 2935.01 of the Revised Code or a corrections officer, 4866

as defined in section 2941.1412 of the Revised Code, the court, 4867  
after imposing a prison term on the offender for the felony 4868  
offense under division (A), (B) (2), or (B) (3) of this section, 4869  
shall impose an additional prison term of seven years upon the 4870  
offender that shall not be reduced pursuant to section 2929.20, 4871  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4872  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4873  
Code. 4874

(ii) If an offender is convicted of or pleads guilty to a 4875  
felony that includes, as an essential element, causing or 4876  
attempting to cause the death of or physical harm to another and 4877  
also is convicted of or pleads guilty to a specification of the 4878  
type described in division (B) of section 2941.1412 of the 4879  
Revised Code that charges the offender with committing the 4880  
offense by discharging a firearm at a peace officer, as defined 4881  
in section 2935.01 of the Revised Code, or a corrections 4882  
officer, as defined in section 2941.1412 of the Revised Code, 4883  
and that the offender previously has been convicted of or 4884  
pleaded guilty to a specification of the type described in 4885  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4886  
the Revised Code, the court, after imposing a prison term on the 4887  
offender for the felony offense under division (A), (B) (2), or 4888  
(3) of this section, shall impose an additional prison term of 4889  
one hundred twenty-six months upon the offender that shall not 4890  
be reduced pursuant to section 2929.20, division (A) (2) or (3) 4891  
of section 2967.193 or 2967.194, or any other provision of 4892  
Chapter 2967. or 5120. of the Revised Code. 4893

(iii) If an offender is convicted of or pleads guilty to 4894  
two or more felonies that include, as an essential element, 4895  
causing or attempting to cause the death or physical harm to 4896  
another and also is convicted of or pleads guilty to a 4897

specification of the type described under division (B) (1) (f) of 4898  
this section in connection with two or more of the felonies of 4899  
which the offender is convicted or to which the offender pleads 4900  
guilty, the sentencing court shall impose on the offender the 4901  
prison term specified under division (B) (1) (f) of this section 4902  
for each of two of the specifications of which the offender is 4903  
convicted or to which the offender pleads guilty and, in its 4904  
discretion, also may impose on the offender the prison term 4905  
specified under that division for any or all of the remaining 4906  
specifications. If a court imposes an additional prison term on 4907  
an offender under division (B) (1) (f) of this section relative to 4908  
an offense, the court shall not impose a prison term under 4909  
division (B) (1) (a) or (c) of this section relative to the same 4910  
offense. 4911

(g) If an offender is convicted of or pleads guilty to two 4912  
or more felonies, if one or more of those felonies are 4913  
aggravated murder, murder, attempted aggravated murder, 4914  
attempted murder, aggravated robbery, felonious assault, or 4915  
rape, and if the offender is convicted of or pleads guilty to a 4916  
specification of the type described under division (B) (1) (a) of 4917  
this section in connection with two or more of the felonies, the 4918  
sentencing court shall impose on the offender the prison term 4919  
specified under division (B) (1) (a) of this section for each of 4920  
the two most serious specifications of which the offender is 4921  
convicted or to which the offender pleads guilty and, in its 4922  
discretion, also may impose on the offender the prison term 4923  
specified under that division for any or all of the remaining 4924  
specifications. 4925

(2) (a) If division (B) (2) (b) of this section does not 4926  
apply, the court may impose on an offender, in addition to the 4927  
longest prison term authorized or required for the offense or, 4928

for offenses for which division (A) (1) (a) or (2) (a) of this 4929  
section applies, in addition to the longest minimum prison term 4930  
authorized or required for the offense, an additional definite 4931  
prison term of one, two, three, four, five, six, seven, eight, 4932  
nine, or ten years if all of the following criteria are met: 4933

(i) The offender is convicted of or pleads guilty to a 4934  
specification of the type described in section 2941.149 of the 4935  
Revised Code that the offender is a repeat violent offender. 4936

(ii) The offense of which the offender currently is 4937  
convicted or to which the offender currently pleads guilty is 4938  
aggravated murder and the court does not impose a sentence of 4939  
~~death or~~ life imprisonment without parole, murder, terrorism and 4940  
the court does not impose a sentence of life imprisonment 4941  
without parole, any felony of the first degree that is an 4942  
offense of violence and the court does not impose a sentence of 4943  
life imprisonment without parole, or any felony of the second 4944  
degree that is an offense of violence and the trier of fact 4945  
finds that the offense involved an attempt to cause or a threat 4946  
to cause serious physical harm to a person or resulted in 4947  
serious physical harm to a person. 4948

(iii) The court imposes the longest prison term for the 4949  
offense or the longest minimum prison term for the offense, 4950  
whichever is applicable, that is not life imprisonment without 4951  
parole. 4952

(iv) The court finds that the prison terms imposed 4953  
pursuant to division (B) (2) (a) (iii) of this section and, if 4954  
applicable, division (B) (1) or (3) of this section are 4955  
inadequate to punish the offender and protect the public from 4956  
future crime, because the applicable factors under section 4957  
2929.12 of the Revised Code indicating a greater likelihood of 4958



recidivism outweigh the applicable factors under that section 4959  
indicating a lesser likelihood of recidivism. 4960

(v) The court finds that the prison terms imposed pursuant 4961  
to division (B) (2) (a) (iii) of this section and, if applicable, 4962  
division (B) (1) or (3) of this section are demeaning to the 4963  
seriousness of the offense, because one or more of the factors 4964  
under section 2929.12 of the Revised Code indicating that the 4965  
offender's conduct is more serious than conduct normally 4966  
constituting the offense are present, and they outweigh the 4967  
applicable factors under that section indicating that the 4968  
offender's conduct is less serious than conduct normally 4969  
constituting the offense. 4970

(b) The court shall impose on an offender the longest 4971  
prison term authorized or required for the offense or, for 4972  
offenses for which division (A) (1) (a) or (2) (a) of this section 4973  
applies, the longest minimum prison term authorized or required 4974  
for the offense, and shall impose on the offender an additional 4975  
definite prison term of one, two, three, four, five, six, seven, 4976  
eight, nine, or ten years if all of the following criteria are 4977  
met: 4978

(i) The offender is convicted of or pleads guilty to a 4979  
specification of the type described in section 2941.149 of the 4980  
Revised Code that the offender is a repeat violent offender. 4981

(ii) The offender within the preceding twenty years has 4982  
been convicted of or pleaded guilty to three or more offenses 4983  
described in division (CC) (1) of section 2929.01 of the Revised 4984  
Code, including all offenses described in that division of which 4985  
the offender is convicted or to which the offender pleads guilty 4986  
in the current prosecution and all offenses described in that 4987  
division of which the offender previously has been convicted or 4988

to which the offender previously pleaded guilty, whether 4989  
prosecuted together or separately. 4990

(iii) The offense or offenses of which the offender 4991  
currently is convicted or to which the offender currently pleads 4992  
guilty is aggravated murder and the court does not impose a 4993  
sentence of ~~death or~~ life imprisonment without parole, murder, 4994  
terrorism and the court does not impose a sentence of life 4995  
imprisonment without parole, any felony of the first degree that 4996  
is an offense of violence and the court does not impose a 4997  
sentence of life imprisonment without parole, or any felony of 4998  
the second degree that is an offense of violence and the trier 4999  
of fact finds that the offense involved an attempt to cause or a 5000  
threat to cause serious physical harm to a person or resulted in 5001  
serious physical harm to a person. 5002

(c) For purposes of division (B) (2) (b) of this section, 5003  
two or more offenses committed at the same time or as part of 5004  
the same act or event shall be considered one offense, and that 5005  
one offense shall be the offense with the greatest penalty. 5006

(d) A sentence imposed under division (B) (2) (a) or (b) of 5007  
this section shall not be reduced pursuant to section 2929.20, 5008  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 5009  
other provision of Chapter 2967. or Chapter 5120. of the Revised 5010  
Code. The offender shall serve an additional prison term imposed 5011  
under division (B) (2) (a) or (b) of this section consecutively to 5012  
and prior to the prison term imposed for the underlying offense. 5013

(e) When imposing a sentence pursuant to division (B) (2) 5014  
(a) or (b) of this section, the court shall state its findings 5015  
explaining the imposed sentence. 5016

(3) Except when an offender commits a violation of section 5017

2903.01 or 2907.02 of the Revised Code and the penalty imposed 5018  
for the violation is life imprisonment or commits a violation of 5019  
section 2903.02 of the Revised Code, if the offender commits a 5020  
violation of section 2925.03 or 2925.11 of the Revised Code and 5021  
that section classifies the offender as a major drug offender, 5022  
if the offender commits a violation of section 2925.05 of the 5023  
Revised Code and division (E)(1) of that section classifies the 5024  
offender as a major drug offender, if the offender commits a 5025  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 5026  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5027  
division (C) or (D) of section 3719.172, division (E) of section 5028  
4729.51, or division (J) of section 4729.54 of the Revised Code 5029  
that includes the sale, offer to sell, or possession of a 5030  
schedule I or II controlled substance, with the exception of 5031  
marihuana, and the court imposing sentence upon the offender 5032  
finds that the offender is guilty of a specification of the type 5033  
described in division (A) of section 2941.1410 of the Revised 5034  
Code charging that the offender is a major drug offender, if the 5035  
court imposing sentence upon an offender for a felony finds that 5036  
the offender is guilty of corrupt activity with the most serious 5037  
offense in the pattern of corrupt activity being a felony of the 5038  
first degree, or if the offender is guilty of an attempted 5039  
violation of section 2907.02 of the Revised Code and, had the 5040  
offender completed the violation of section 2907.02 of the 5041  
Revised Code that was attempted, the offender would have been 5042  
subject to a sentence of life imprisonment or life imprisonment 5043  
without parole for the violation of section 2907.02 of the 5044  
Revised Code, the court shall impose upon the offender for the 5045  
felony violation a mandatory prison term determined as described 5046  
in this division that cannot be reduced pursuant to section 5047  
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 5048  
or any other provision of Chapter 2967. or 5120. of the Revised 5049

Code. The mandatory prison term shall be the maximum definite 5050  
prison term prescribed in division (A) (1) (b) of this section for 5051  
a felony of the first degree, except that for offenses for which 5052  
division (A) (1) (a) of this section applies, the mandatory prison 5053  
term shall be the longest minimum prison term prescribed in that 5054  
division for the offense. 5055

(4) If the offender is being sentenced for a third or 5056  
fourth degree felony OVI offense under division (G) (2) of 5057  
section 2929.13 of the Revised Code, the sentencing court shall 5058  
impose upon the offender a mandatory prison term in accordance 5059  
with that division. In addition to the mandatory prison term, if 5060  
the offender is being sentenced for a fourth degree felony OVI 5061  
offense, the court, notwithstanding division (A) (4) of this 5062  
section, may sentence the offender to a definite prison term of 5063  
not less than six months and not more than thirty months, and if 5064  
the offender is being sentenced for a third degree felony OVI 5065  
offense, the sentencing court may sentence the offender to an 5066  
additional prison term of any duration specified in division (A) 5067  
(3) of this section. In either case, the additional prison term 5068  
imposed shall be reduced by the sixty or one hundred twenty days 5069  
imposed upon the offender as the mandatory prison term. The 5070  
total of the additional prison term imposed under division (B) 5071  
(4) of this section plus the sixty or one hundred twenty days 5072  
imposed as the mandatory prison term shall equal a definite term 5073  
in the range of six months to thirty months for a fourth degree 5074  
felony OVI offense and shall equal one of the authorized prison 5075  
terms specified in division (A) (3) of this section for a third 5076  
degree felony OVI offense. If the court imposes an additional 5077  
prison term under division (B) (4) of this section, the offender 5078  
shall serve the additional prison term after the offender has 5079  
served the mandatory prison term required for the offense. In 5080

addition to the mandatory prison term or mandatory and 5081  
additional prison term imposed as described in division (B) (4) 5082  
of this section, the court also may sentence the offender to a 5083  
community control sanction under section 2929.16 or 2929.17 of 5084  
the Revised Code, but the offender shall serve all of the prison 5085  
terms so imposed prior to serving the community control 5086  
sanction. 5087

If the offender is being sentenced for a fourth degree 5088  
felony OVI offense under division (G) (1) of section 2929.13 of 5089  
the Revised Code and the court imposes a mandatory term of local 5090  
incarceration, the court may impose a prison term as described 5091  
in division (A) (1) of that section. 5092

(5) If an offender is convicted of or pleads guilty to a 5093  
violation of division (A) (1) or (2) of section 2903.06 of the 5094  
Revised Code and also is convicted of or pleads guilty to a 5095  
specification of the type described in section 2941.1414 of the 5096  
Revised Code that charges that the victim of the offense is a 5097  
peace officer, as defined in section 2935.01 of the Revised 5098  
Code, an investigator of the bureau of criminal identification 5099  
and investigation, as defined in section 2903.11 of the Revised 5100  
Code, or a firefighter or emergency medical worker, both as 5101  
defined in section 2941.1414 of the Revised Code, the court 5102  
shall impose on the offender a prison term of five years. If a 5103  
court imposes a prison term on an offender under division (B) (5) 5104  
of this section, the prison term shall not be reduced pursuant 5105  
to section 2929.20, division (A) (2) or (3) of section 2967.193 5106  
or 2967.194, or any other provision of Chapter 2967. or Chapter 5107  
5120. of the Revised Code. A court shall not impose more than 5108  
one prison term on an offender under division (B) (5) of this 5109  
section for felonies committed as part of the same act. 5110

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the

first degree committed on or after March 22, 2019, the court 5142  
shall impose as the minimum prison term a mandatory term of not 5143  
less than five years and not greater than eleven years; 5144

(ii) If the offense is a felony of the second or third 5145  
degree, a definite prison term of not less than three years and 5146  
not greater than the maximum prison term allowed for the offense 5147  
by division (A) (2) (b) or (3) of this section, except that if the 5148  
offense is a felony of the second degree committed on or after 5149  
March 22, 2019, the court shall impose as the minimum prison 5150  
term a mandatory term of not less than three years and not 5151  
greater than eight years; 5152

(iii) If the offense is a felony of the fourth or fifth 5153  
degree, a definite prison term that is the maximum prison term 5154  
allowed for the offense by division (A) of section 2929.14 of 5155  
the Revised Code. 5156

(b) The prison term imposed under division (B) (7) (a) of 5157  
this section shall not be reduced pursuant to section 2929.20, 5158  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 5159  
other provision of Chapter 2967. of the Revised Code. A court 5160  
shall not impose more than one prison term on an offender under 5161  
division (B) (7) (a) of this section for felonies committed as 5162  
part of the same act, scheme, or plan. 5163

(8) If an offender is convicted of or pleads guilty to a 5164  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5165  
Revised Code and also is convicted of or pleads guilty to a 5166  
specification of the type described in section 2941.1423 of the 5167  
Revised Code that charges that the victim of the violation was a 5168  
woman whom the offender knew was pregnant at the time of the 5169  
violation, notwithstanding the range prescribed in division (A) 5170  
of this section as the definite prison term or minimum prison 5171

term for felonies of the same degree as the violation, the court 5172  
shall impose on the offender a mandatory prison term that is 5173  
either a definite prison term of six months or one of the prison 5174  
terms prescribed in division (A) of this section for felonies of 5175  
the same degree as the violation, except that if the violation 5176  
is a felony of the first or second degree committed on or after 5177  
~~arch~~March 22, 2019, the court shall impose as the minimum 5178  
prison term under division (A) (1) (a) or (2) (a) of this section a 5179  
mandatory term that is one of the terms prescribed in that 5180  
division, whichever is applicable, for the offense. 5181

(9) (a) If an offender is convicted of or pleads guilty to 5182  
a violation of division (A) (1) or (2) of section 2903.11 of the 5183  
Revised Code and also is convicted of or pleads guilty to a 5184  
specification of the type described in section 2941.1425 of the 5185  
Revised Code, the court shall impose on the offender a mandatory 5186  
prison term of six years if either of the following applies: 5187

(i) The violation is a violation of division (A) (1) of 5188  
section 2903.11 of the Revised Code and the specification 5189  
charges that the offender used an accelerant in committing the 5190  
violation and the serious physical harm to another or to 5191  
another's unborn caused by the violation resulted in a 5192  
permanent, serious disfigurement or permanent, substantial 5193  
incapacity; 5194

(ii) The violation is a violation of division (A) (2) of 5195  
section 2903.11 of the Revised Code and the specification 5196  
charges that the offender used an accelerant in committing the 5197  
violation, that the violation caused physical harm to another or 5198  
to another's unborn, and that the physical harm resulted in a 5199  
permanent, serious disfigurement or permanent, substantial 5200  
incapacity. 5201



(b) If a court imposes a prison term on an offender under division (B) (9) (a) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (11) of this section for felonies committed as part of the same act.

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

consecutively to any other mandatory prison term imposed under 5264  
either division or under division (B) (1) (d) of this section, 5265  
consecutively to and prior to any prison term imposed for the 5266  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5267  
this section or any other section of the Revised Code, and 5268  
consecutively to any other prison term or mandatory prison term 5269  
previously or subsequently imposed upon the offender. 5270

(b) If a mandatory prison term is imposed upon an offender 5271  
pursuant to division (B) (1) (d) of this section for wearing or 5272  
carrying body armor while committing an offense of violence that 5273  
is a felony, the offender shall serve the mandatory term so 5274  
imposed consecutively to any other mandatory prison term imposed 5275  
under that division or under division (B) (1) (a) or (c) of this 5276  
section, consecutively to and prior to any prison term imposed 5277  
for the underlying felony under division (A), (B) (2), or (B) (3) 5278  
of this section or any other section of the Revised Code, and 5279  
consecutively to any other prison term or mandatory prison term 5280  
previously or subsequently imposed upon the offender. 5281

(c) If a mandatory prison term is imposed upon an offender 5282  
pursuant to division (B) (1) (f) of this section, the offender 5283  
shall serve the mandatory prison term so imposed consecutively 5284  
to and prior to any prison term imposed for the underlying 5285  
felony under division (A), (B) (2), or (B) (3) of this section or 5286  
any other section of the Revised Code, and consecutively to any 5287  
other prison term or mandatory prison term previously or 5288  
subsequently imposed upon the offender. 5289

(d) If a mandatory prison term is imposed upon an offender 5290  
pursuant to division (B) (7) or (8) of this section, the offender 5291  
shall serve the mandatory prison term so imposed consecutively 5292  
to any other mandatory prison term imposed under that division 5293

or under any other provision of law and consecutively to any 5294  
other prison term or mandatory prison term previously or 5295  
subsequently imposed upon the offender. 5296

(e) If a mandatory prison term is imposed upon an offender 5297  
pursuant to division (B)(11) of this section, the offender shall 5298  
serve the mandatory prison term consecutively to any other 5299  
mandatory prison term imposed under that division, consecutively 5300  
to and prior to any prison term imposed for the underlying 5301  
felony, and consecutively to any other prison term or mandatory 5302  
prison term previously or subsequently imposed upon the 5303  
offender. 5304

(2) If an offender who is an inmate in a jail, prison, or 5305  
other residential detention facility violates section 2917.02, 5306  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5307  
(2) of section 2921.34 of the Revised Code, if an offender who 5308  
is under detention at a detention facility commits a felony 5309  
violation of section 2923.131 of the Revised Code, or if an 5310  
offender who is an inmate in a jail, prison, or other 5311  
residential detention facility or is under detention at a 5312  
detention facility commits another felony while the offender is 5313  
an escapee in violation of division (A)(1) or (2) of section 5314  
2921.34 of the Revised Code, any prison term imposed upon the 5315  
offender for one of those violations shall be served by the 5316  
offender consecutively to the prison term or term of 5317  
imprisonment the offender was serving when the offender 5318  
committed that offense and to any other prison term previously 5319  
or subsequently imposed upon the offender. 5320

(3) If a prison term is imposed for a violation of 5321  
division (B) of section 2911.01 of the Revised Code, a violation 5322  
of division (A) of section 2913.02 of the Revised Code in which 5323

the stolen property is a firearm or dangerous ordnance, or a 5324  
felony violation of division (B) of section 2921.331 of the 5325  
Revised Code, the offender shall serve that prison term 5326  
consecutively to any other prison term or mandatory prison term 5327  
previously or subsequently imposed upon the offender. 5328

(4) If multiple prison terms are imposed on an offender 5329  
for convictions of multiple offenses, the court may require the 5330  
offender to serve the prison terms consecutively if the court 5331  
finds that the consecutive service is necessary to protect the 5332  
public from future crime or to punish the offender and that 5333  
consecutive sentences are not disproportionate to the 5334  
seriousness of the offender's conduct and to the danger the 5335  
offender poses to the public, and if the court also finds any of 5336  
the following: 5337

(a) The offender committed one or more of the multiple 5338  
offenses while the offender was awaiting trial or sentencing, 5339  
was under a sanction imposed pursuant to section 2929.16, 5340  
2929.17, or 2929.18 of the Revised Code, or was under post- 5341  
release control for a prior offense. 5342

(b) At least two of the multiple offenses were committed 5343  
as part of one or more courses of conduct, and the harm caused 5344  
by two or more of the multiple offenses so committed was so 5345  
great or unusual that no single prison term for any of the 5346  
offenses committed as part of any of the courses of conduct 5347  
adequately reflects the seriousness of the offender's conduct. 5348

(c) The offender's history of criminal conduct 5349  
demonstrates that consecutive sentences are necessary to protect 5350  
the public from future crime by the offender. 5351

(5) If a mandatory prison term is imposed upon an offender 5352

pursuant to division (B) (5) or (6) of this section, the offender 5353  
shall serve the mandatory prison term consecutively to and prior 5354  
to any prison term imposed for the underlying violation of 5355  
division (A) (1) or (2) of section 2903.06 of the Revised Code 5356  
pursuant to division (A) of this section or section 2929.142 of 5357  
the Revised Code. If a mandatory prison term is imposed upon an 5358  
offender pursuant to division (B) (5) of this section, and if a 5359  
mandatory prison term also is imposed upon the offender pursuant 5360  
to division (B) (6) of this section in relation to the same 5361  
violation, the offender shall serve the mandatory prison term 5362  
imposed pursuant to division (B) (5) of this section 5363  
consecutively to and prior to the mandatory prison term imposed 5364  
pursuant to division (B) (6) of this section and consecutively to 5365  
and prior to any prison term imposed for the underlying 5366  
violation of division (A) (1) or (2) of section 2903.06 of the 5367  
Revised Code pursuant to division (A) of this section or section 5368  
2929.142 of the Revised Code. 5369

(6) If a mandatory prison term is imposed on an offender 5370  
pursuant to division (B) (9) of this section, the offender shall 5371  
serve the mandatory prison term consecutively to and prior to 5372  
any prison term imposed for the underlying violation of division 5373  
(A) (1) or (2) of section 2903.11 of the Revised Code and 5374  
consecutively to and prior to any other prison term or mandatory 5375  
prison term previously or subsequently imposed on the offender. 5376

(7) If a mandatory prison term is imposed on an offender 5377  
pursuant to division (B) (10) of this section, the offender shall 5378  
serve that mandatory prison term consecutively to and prior to 5379  
any prison term imposed for the underlying felonious assault. 5380  
Except as otherwise provided in division (C) of this section, 5381  
any other prison term or mandatory prison term previously or 5382  
subsequently imposed upon the offender may be served 5383

concurrently with, or consecutively to, the prison term imposed 5384  
pursuant to division (B)(10) of this section. 5385

(8) Any prison term imposed for a violation of section 5386  
2903.04 of the Revised Code that is based on a violation of 5387  
section 2925.03 or 2925.11 of the Revised Code or on a violation 5388  
of section 2925.05 of the Revised Code that is not funding of 5389  
marihuana trafficking shall run consecutively to any prison term 5390  
imposed for the violation of section 2925.03 or 2925.11 of the 5391  
Revised Code or for the violation of section 2925.05 of the 5392  
Revised Code that is not funding of marihuana trafficking. 5393

(9) When consecutive prison terms are imposed pursuant to 5394  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 5395  
division (H)(1) or (2) of this section, subject to division (C) 5396  
(10) of this section, the term to be served is the aggregate of 5397  
all of the terms so imposed. 5398

(10) When a court sentences an offender to a non-life 5399  
felony indefinite prison term, any definite prison term or 5400  
mandatory definite prison term previously or subsequently 5401  
imposed on the offender in addition to that indefinite sentence 5402  
that is required to be served consecutively to that indefinite 5403  
sentence shall be served prior to the indefinite sentence. 5404

(11) If a court is sentencing an offender for a felony of 5405  
the first or second degree, if division (A)(1)(a) or (2)(a) of 5406  
this section applies with respect to the sentencing for the 5407  
offense, and if the court is required under the Revised Code 5408  
section that sets forth the offense or any other Revised Code 5409  
provision to impose a mandatory prison term for the offense, the 5410  
court shall impose the required mandatory prison term as the 5411  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 5412  
section, whichever is applicable. 5413

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

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



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

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

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

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e),~~ 5474  
~~(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1)~~ 5475  
~~(a) (iv) of section 2929.03, or division (A) or (B) (C) of section~~ 5476  
~~2929.06~~ 2929.02 of the Revised Code requires the court to 5477  
sentence the offender pursuant to division (B) (3) of section 5478  
2971.03 of the Revised Code. 5479

(6) A person is convicted of or pleads guilty to murder 5480  
committed on or after January 1, 2008, and division ~~(B) (2)~~ (C) (1) 5481  
of section 2929.02 of the Revised Code requires the court to 5482  
sentence the offender pursuant to section 2971.03 of the Revised 5483  
Code. 5484

(F) If a person who has been convicted of or pleaded 5485  
guilty to a felony is sentenced to a prison term or term of 5486  
imprisonment under this section, ~~sections~~ section 2929.02 to 5487  
~~2929.06 of the Revised Code, section 2929.142 of the Revised~~ 5488  
~~Code, section or~~ 2971.03 of the Revised Code, or any other 5489  
provision of law, section 5120.163 of the Revised Code applies 5490  
regarding the person while the person is confined in a state 5491  
correctional institution. 5492

(G) If an offender who is convicted of or pleads guilty to 5493  
a felony that is an offense of violence also is convicted of or 5494  
pleads guilty to a specification of the type described in 5495  
section 2941.142 of the Revised Code that charges the offender 5496  
with having committed the felony while participating in a 5497  
criminal gang, the court shall impose upon the offender an 5498  
additional prison term of one, two, or three years. 5499

(H) (1) If an offender who is convicted of or pleads guilty 5500  
to aggravated murder, murder, or a felony of the first, second, 5501  
or third degree that is an offense of violence also is convicted 5502  
of or pleads guilty to a specification of the type described in 5503

section 2941.143 of the Revised Code that charges the offender 5504  
with having committed the offense in a school safety zone or 5505  
towards a person in a school safety zone, the court shall impose 5506  
upon the offender an additional prison term of two years. The 5507  
offender shall serve the additional two years consecutively to 5508  
and prior to the prison term imposed for the underlying offense. 5509

(2) (a) If an offender is convicted of or pleads guilty to 5510  
a felony violation of section 2907.22, 2907.24, 2907.241, or 5511  
2907.25 of the Revised Code and to a specification of the type 5512  
described in section 2941.1421 of the Revised Code and if the 5513  
court imposes a prison term on the offender for the felony 5514  
violation, the court may impose upon the offender an additional 5515  
prison term as follows: 5516

(i) Subject to division (H) (2) (a) (ii) of this section, an 5517  
additional prison term of one, two, three, four, five, or six 5518  
months; 5519

(ii) If the offender previously has been convicted of or 5520  
pleaded guilty to one or more felony or misdemeanor violations 5521  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5522  
the Revised Code and also was convicted of or pleaded guilty to 5523  
a specification of the type described in section 2941.1421 of 5524  
the Revised Code regarding one or more of those violations, an 5525  
additional prison term of one, two, three, four, five, six, 5526  
seven, eight, nine, ten, eleven, or twelve months. 5527

(b) In lieu of imposing an additional prison term under 5528  
division (H) (2) (a) of this section, the court may directly 5529  
impose on the offender a sanction that requires the offender to 5530  
wear a real-time processing, continual tracking electronic 5531  
monitoring device during the period of time specified by the 5532  
court. The period of time specified by the court shall equal the 5533

duration of an additional prison term that the court could have 5534  
imposed upon the offender under division (H) (2) (a) of this 5535  
section. A sanction imposed under this division shall commence 5536  
on the date specified by the court, provided that the sanction 5537  
shall not commence until after the offender has served the 5538  
prison term imposed for the felony violation of section 2907.22, 5539  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5540  
residential sanction imposed for the violation under section 5541  
2929.16 of the Revised Code. A sanction imposed under this 5542  
division shall be considered to be a community control sanction 5543  
for purposes of section 2929.15 of the Revised Code, and all 5544  
provisions of the Revised Code that pertain to community control 5545  
sanctions shall apply to a sanction imposed under this division, 5546  
except to the extent that they would by their nature be clearly 5547  
inapplicable. The offender shall pay all costs associated with a 5548  
sanction imposed under this division, including the cost of the 5549  
use of the monitoring device. 5550

(I) At the time of sentencing, the court may recommend the 5551  
offender for placement in a program of shock incarceration under 5552  
section 5120.031 of the Revised Code or for placement in an 5553  
intensive program prison under section 5120.032 of the Revised 5554  
Code, disapprove placement of the offender in a program of shock 5555  
incarceration or an intensive program prison of that nature, or 5556  
make no recommendation on placement of the offender. In no case 5557  
shall the department of rehabilitation and correction place the 5558  
offender in a program or prison of that nature unless the 5559  
department determines as specified in section 5120.031 or 5560  
5120.032 of the Revised Code, whichever is applicable, that the 5561  
offender is eligible for the placement. 5562

If the court disapproves placement of the offender in a 5563  
program or prison of that nature, the department of 5564

rehabilitation and correction shall not place the offender in 5565  
any program of shock incarceration or intensive program prison. 5566

If the court recommends placement of the offender in a 5567  
program of shock incarceration or in an intensive program 5568  
prison, and if the offender is subsequently placed in the 5569  
recommended program or prison, the department shall notify the 5570  
court of the placement and shall include with the notice a brief 5571  
description of the placement. 5572

If the court recommends placement of the offender in a 5573  
program of shock incarceration or in an intensive program prison 5574  
and the department does not subsequently place the offender in 5575  
the recommended program or prison, the department shall send a 5576  
notice to the court indicating why the offender was not placed 5577  
in the recommended program or prison. 5578

If the court does not make a recommendation under this 5579  
division with respect to an offender and if the department 5580  
determines as specified in section 5120.031 or 5120.032 of the 5581  
Revised Code, whichever is applicable, that the offender is 5582  
eligible for placement in a program or prison of that nature, 5583  
the department shall screen the offender and determine if there 5584  
is an available program of shock incarceration or an intensive 5585  
program prison for which the offender is suited. If there is an 5586  
available program of shock incarceration or an intensive program 5587  
prison for which the offender is suited, the department shall 5588  
notify the court of the proposed placement of the offender as 5589  
specified in section 5120.031 or 5120.032 of the Revised Code 5590  
and shall include with the notice a brief description of the 5591  
placement. The court shall have ten days from receipt of the 5592  
notice to disapprove the placement. 5593

(J) If a person is convicted of or pleads guilty to 5594

aggravated vehicular homicide in violation of division (A) (1) of 5595  
section 2903.06 of the Revised Code and division (B) (2) (c) of 5596  
that section applies, the person shall be sentenced pursuant to 5597  
section 2929.142 of the Revised Code. 5598

(K) (1) The court shall impose an additional mandatory 5599  
prison term of two, three, four, five, six, seven, eight, nine, 5600  
ten, or eleven years on an offender who is convicted of or 5601  
pleads guilty to a violent felony offense if the offender also 5602  
is convicted of or pleads guilty to a specification of the type 5603  
described in section 2941.1424 of the Revised Code that charges 5604  
that the offender is a violent career criminal and had a firearm 5605  
on or about the offender's person or under the offender's 5606  
control while committing the presently charged violent felony 5607  
offense and displayed or brandished the firearm, indicated that 5608  
the offender possessed a firearm, or used the firearm to 5609  
facilitate the offense. The offender shall serve the prison term 5610  
imposed under this division consecutively to and prior to the 5611  
prison term imposed for the underlying offense. The prison term 5612  
shall not be reduced pursuant to section 2929.20, division (A) 5613  
(2) or (3) of section 2967.193 or 2967.194, or any other 5614  
provision of Chapter 2967. or 5120. of the Revised Code. A court 5615  
may not impose more than one sentence under division (B) (2) (a) 5616  
of this section and this division for acts committed as part of 5617  
the same act or transaction. 5618

(2) As used in division (K) (1) of this section, "violent 5619  
career criminal" and "violent felony offense" have the same 5620  
meanings as in section 2923.132 of the Revised Code. 5621

(L) If an offender receives or received a sentence of life 5622  
imprisonment without parole, a sentence of life imprisonment, a 5623  
definite sentence, or a sentence to an indefinite prison term 5624

under this chapter for a felony offense that was committed when 5625  
the offender was under eighteen years of age, the offender's 5626  
parole eligibility shall be determined under section 2967.132 of 5627  
the Revised Code. 5628

**Sec. 2929.61.** (A) Persons charged with an offense that was 5629  
formerly a capital offense and that was committed prior to 5630  
January 1, 1974, shall be prosecuted under the law as it existed 5631  
at the time the offense was committed, and, if convicted, shall 5632  
be imprisoned for life, except that whenever the statute under 5633  
which any such person is prosecuted provides for a lesser 5634  
penalty under the circumstances of the particular case, such 5635  
lesser penalty shall be imposed. 5636

(B) Persons charged with an offense, other than an offense 5637  
that was formerly a capital offense, that was committed prior to 5638  
January 1, 1974, shall be prosecuted under the law as it existed 5639  
at the time the offense was committed. Persons convicted or 5640  
sentenced on or after January 1, 1974, for an offense committed 5641  
prior to January 1, 1974, shall be sentenced according to the 5642  
penalty for commission of the substantially equivalent offense 5643  
under Amended Substitute House Bill 511 of the 109th General 5644  
Assembly. If the offense for which sentence is being imposed 5645  
does not have a substantial equivalent under that act, or if 5646  
that act provides a more severe penalty than that originally 5647  
prescribed for the offense of which the person is convicted, 5648  
then sentence shall be imposed under the law as it existed prior 5649  
to January 1, 1974. 5650

(C) Persons charged with an offense that is a felony of 5651  
the third or fourth degree and that was committed on or after 5652  
January 1, 1974, and before July 1, 1983, shall be prosecuted 5653  
under the law as it existed at the time the offense was 5654

committed. Persons convicted or sentenced on or after July 1, 5655  
1983, for an offense that is a felony of the third or fourth 5656  
degree and that was committed on or after January 1, 1974, and 5657  
before July 1, 1983, shall be notified by the court sufficiently 5658  
in advance of sentencing that they may choose to be sentenced 5659  
pursuant to either the law in effect at the time of the 5660  
commission of the offense or the law in effect at the time of 5661  
sentencing. This notice shall be written and shall include the 5662  
differences between and possible effects of the alternative 5663  
sentence forms and the effect of the person's refusal to choose. 5664  
The person to be sentenced shall then inform the court in 5665  
writing of the person's choice, and shall be sentenced 5666  
accordingly. Any person choosing to be sentenced pursuant to the 5667  
law in effect at the time of the commission of an offense that 5668  
is a felony of the third or fourth degree shall then be eligible 5669  
for parole, and this person cannot at a later date have the 5670  
person's sentence converted to a definite sentence. If the 5671  
person refuses to choose between the two possible sentences, the 5672  
person shall be sentenced pursuant to the law in effect at the 5673  
time of the commission of the offense. 5674

(D) Persons charged with an offense that was a felony of 5675  
the first or second degree at the time it was committed, that 5676  
was committed on or after January 1, 1974, and that was 5677  
committed prior to July 1, 1983, shall be prosecuted for that 5678  
offense and, if convicted, shall be sentenced under the law as 5679  
it existed at the time the offense was committed. 5680

(E) Persons charged with an offense that is a felony of 5681  
the first or second degree that was committed prior to ~~the~~ 5682  
~~effective date~~ March 22, 2019, of this amendment shall be 5683  
prosecuted for that offense and, if convicted, shall be 5684  
sentenced under the law as it existed at the time the offense 5685



was committed. 5686

**Sec. 2930.19.** (A) (1) A victim, victim's representative, or 5687  
victim's attorney, if applicable, or the prosecutor, on request 5688  
of the victim, has standing as a matter of right to assert, or 5689  
to challenge an order denying, the rights of the victim provided 5690  
by law in any judicial or administrative proceeding. The trial 5691  
court shall act promptly on a request to enforce, or on a 5692  
challenge of an order denying, the rights of the victim. In any 5693  
case, the trial court shall hear the matter within ten days of 5694  
the assertion of the victim's rights. The reasons for any 5695  
decision denying relief under this section shall be clearly 5696  
stated on the record or in a judgment entry. 5697

(2) (a) If the trial court denies the relief sought under 5698  
division (A) (1) of this section, the trial court shall do all of 5699  
the following: 5700

(i) Provide the victim, the victim's representative, if 5701  
applicable, the victim's attorney, if applicable, and the 5702  
parties with notice of the decision and a copy of the judgment 5703  
entry; 5704

(ii) Provide the victim, the victim's representative, if 5705  
applicable, and the victim's attorney, if applicable, with the 5706  
following statement along with the judgment entry: 5707

"NOTICE 5708

The victim, the victim's attorney, if applicable, or the 5709  
prosecutor on request of the victim, may appeal this decision or 5710  
petition to the court of appeals for an extraordinary writ. If 5711  
such an interlocutory appeal or extraordinary writ is sought 5712  
while the case is still pending in the trial court, it shall be 5713  
initiated no later than fourteen days after notice of the 5714

decision was provided to the victim by telephone or electronic 5715  
mail to the latest telephone number or electronic mail address 5716  
provided by the victim. The prosecutor or the prosecutor's 5717  
designee shall provide the notice to the victim and the notice 5718  
shall be memorialized in a manner sufficient to prove to the 5719  
court the prosecutor or prosecutor's designee sent the notice. 5720  
The court shall dismiss any such interlocutory appeal or 5721  
petition as untimely if it does not comply with this fourteen- 5722  
day limit." 5723

(b) (i) If the court denies the relief sought, the victim 5724  
or the victim's attorney, if applicable, or the prosecutor on 5725  
request of the victim, may appeal or, if the victim has no 5726  
remedy on appeal, petition the court of appeals or supreme court 5727  
for an extraordinary writ, and the victim has standing to assert 5728  
a right of limited appeal as it pertains to the decisions 5729  
impacting the rights of the victim. An interlocutory appeal 5730  
filed under this section shall be filed not later than fourteen 5731  
days after notice was provided to the victim as described in 5732  
division (A) (1) of this section, and such an appeal divests the 5733  
trial court of jurisdiction of the portion of the case 5734  
implicating the victim's rights until the interlocutory appeal 5735  
is resolved by the appellate court. 5736

(ii) Upon the filing of an interlocutory appeal, the trial 5737  
court shall transmit those portions of the transcript necessary 5738  
for consideration of the issues to be reviewed by the court of 5739  
appeals within five business days. Once the transcript is 5740  
received by the court of appeals, the party that initiated the 5741  
appeal shall have eight days to file a merit brief. Once the 5742  
merit brief is filed, the appellee shall have eight days to file 5743  
a response brief. The court of appeals shall decide the entire 5744  
appeal not later than thirty-five days after the appeal is 5745

filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment on the appeal. The victim, the victim's attorney, the prosecutor, or the defendant may notify the supreme court if a court of appeals has failed to issue a judgment in accordance with the stipulated period of time. Such notifications are public records.

(iii) Nothing in this section shall be interpreted as applying to a direct appeal that is filed after the court sentences the defendant. A victim who wishes to appeal from an order that is final on its entry after the court sentences the defendant shall file the notice of appeal within thirty days of that entry.

(c) If the victim or victim's attorney, if applicable, petitions for an extraordinary writ, the court of appeals or the supreme court shall enter an order establishing an expedited schedule for the filing of an answer, the submission of evidence, the filing of briefing by the litigants, and the entry of decision and judgment and shall place the petition on its accelerated calendar. The court of appeals or the supreme court shall immediately notify the trial court of the petition, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for the consideration of the issues to be reviewed by the applicable appellate court within five business days of the filing of the appeal or petition. The court shall enter judgment within forty-five days after the petition for an extraordinary writ is filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment in the

action. The victim, the victim's attorney, the prosecutor, or 5777  
the defendant may notify the supreme court if a court of appeals 5778  
has failed to issue a judgment in accordance with the stipulated 5779  
period of time. Such notifications are a public record. 5780

(d) If any interlocutory appeal is pursued to the supreme 5781  
court, the supreme court shall enter an order establishing an 5782  
expedited schedule for its proceedings, including, as 5783  
applicable, the filing of jurisdictional memoranda and ruling 5784  
thereon, the transmission of the record, the filing of briefing 5785  
by the litigants, oral argument if permitted, and the entry of 5786  
decision and judgment and shall place the appeal on its 5787  
accelerated calendar. The court shall enter judgment within 5788  
sixty days after the appeal is filed. The supreme court shall 5789  
immediately notify the trial court of the appeal, and the trial 5790  
court shall transmit to the court of appeals or the supreme 5791  
court those portions of the transcript necessary for 5792  
consideration of the issues to be reviewed by the applicable 5793  
appellate court within five business days of the filing of the 5794  
appeal. Notwithstanding these limits, the litigants, with the 5795  
approval of the court, may stipulate to a different period of 5796  
time for the supreme court's proceedings and for the issuance of 5797  
the supreme court's decision and judgment in the case. 5798

(e) Nothing in this division applies to a direct appeal 5799  
that is filed by the victim after the court sentences the 5800  
defendant. A victim who wishes to appeal from an appellate entry 5801  
shall file the appropriate notice of appeal to the supreme court 5802  
within thirty days of the entry. 5803

(B) (1) A victim of a criminal offense or delinquent act 5804  
has the right to be represented by an attorney. Nothing in this 5805  
section creates a right to an attorney at public expense for a 5806

victim. If a victim is represented by an attorney, the court shall notify the victim's attorney in the same manner in which the parties are notified under applicable law or rule. The victim's attorney shall be included in all bench conferences, meetings in chambers, and sidebars with the trial court that directly involve a decision implicating that victim's rights as enumerated in Ohio Constitution, Article I, Section 10a. Nothing in this section shall be construed as making a victim a party to the case.

(2) A defendant has a right to respond and be represented by an attorney for appeals and writs the victim, the victim's attorney, if applicable, or the prosecutor may file pursuant to this section. An indigent defendant has the right to appointed counsel for appeals and writs filed pursuant to this section. If, as an indigent person, a defendant is unable to employ counsel, the defendant is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code. The court shall notify the defendant and the defendant's attorney in the same manner that the parties are notified under applicable law or rule.

(C) The failure of a public official or public agency or the public official's or public agency's designee to comply with the requirements of this chapter does not give rise to a claim for damages against that public official or public agency or that public official's or public agency's designee, except that a public agency as an employer may be held responsible for a violation of section 2930.18 of the Revised Code.

(D) The failure of any person or entity to provide a right, privilege, or notice to a victim under this chapter does not constitute grounds for declaring a mistrial or new trial,

for setting aside a conviction, sentence, adjudication, or 5837  
disposition, or for granting postconviction release to a 5838  
defendant or alleged juvenile offender. 5839

~~(E) If there is a conflict between a provision in this 5840  
chapter and a specific statute governing the procedure in a case 5841  
involving a capital offense, the specific statute supersedes the 5842  
provision in this chapter. 5843~~

~~(F)~~A defendant or juvenile offender may not raise the 5844  
failure to afford a right to a victim as error in any legal 5845  
argument to provide an advantage to that defendant or juvenile 5846  
offender in any motion, including a dispositive motion, motion 5847  
for a mistrial, motion for new trial, or motion to have a 5848  
conviction, sentence, or disposition set aside, in any petition 5849  
for post-conviction relief, or in any assignment of error on 5850  
appeal. 5851

~~(G)~~(F) If the victim of a criminal offense or delinquent 5852  
act is incarcerated in a state or local correctional facility or 5853  
is in the legal custody of the department of youth services, the 5854  
victim's rights under this chapter may be modified by court 5855  
order to prevent any security risk, hardship, or undue burden 5856  
upon a public official or public agency with a duty under this 5857  
chapter. 5858

~~(H)~~(G) As used in this section, "post-conviction release" 5859  
means judicial release, early release, and parole, but does not 5860  
mean relief pursuant to a federal petition in habeas corpus. 5861

**Sec. 2937.222.** (A) On the motion of the prosecuting 5862  
attorney or on the judge's own motion, the judge shall hold a 5863  
hearing to determine whether an accused person charged with 5864  
aggravated murder ~~when it is not a capital offense,~~ murder, a 5865

felony of the first or second degree, a violation of section 5866  
2903.06 of the Revised Code, a violation of section 2903.211 of 5867  
the Revised Code that is a felony, or a felony OVI offense shall 5868  
be denied bail. The judge shall order that the accused be 5869  
detained until the conclusion of the hearing. Except for good 5870  
cause, a continuance on the motion of the state shall not exceed 5871  
three court days. Except for good cause, a continuance on the 5872  
motion of the accused shall not exceed five court days unless 5873  
the motion of the accused waives in writing the five-day limit 5874  
and states in writing a specific period for which the accused 5875  
requests a continuance. A continuance granted upon a motion of 5876  
the accused that waives in writing the five-day limit shall not 5877  
exceed five court days after the period of continuance requested 5878  
in the motion. 5879

At the hearing, the accused has the right to be 5880  
represented by counsel and, if the accused is indigent, to have 5881  
counsel appointed. The judge shall afford the accused an 5882  
opportunity to testify, to present witnesses and other 5883  
information, and to cross-examine witnesses who appear at the 5884  
hearing. The rules concerning admissibility of evidence in 5885  
criminal trials do not apply to the presentation and 5886  
consideration of information at the hearing. Regardless of 5887  
whether the hearing is being held on the motion of the 5888  
prosecuting attorney or on the court's own motion, the state has 5889  
the burden of proving that the proof is evident or the 5890  
presumption great that the accused committed the offense with 5891  
which the accused is charged, of proving that the accused poses 5892  
a substantial risk of serious physical harm to any person or to 5893  
the community, and of proving that no release conditions will 5894  
reasonably assure the safety of that person and the community. 5895

The judge may reopen the hearing at any time before trial 5896

if the judge finds that information exists that was not known to 5897  
the movant at the time of the hearing and that that information 5898  
has a material bearing on whether bail should be denied. If a 5899  
municipal court or county court enters an order denying bail, a 5900  
judge of the court of common pleas having jurisdiction over the 5901  
case may continue that order or may hold a hearing pursuant to 5902  
this section to determine whether to continue that order. 5903

(B) No accused person shall be denied bail pursuant to 5904  
this section unless the judge finds by clear and convincing 5905  
evidence that the proof is evident or the presumption great that 5906  
the accused committed the offense described in division (A) of 5907  
this section with which the accused is charged, finds by clear 5908  
and convincing evidence that the accused poses a substantial 5909  
risk of serious physical harm to any person or to the community, 5910  
and finds by clear and convincing evidence that no release 5911  
conditions will reasonably assure the safety of that person and 5912  
the community. 5913

(C) The judge, in determining whether the accused person 5914  
described in division (A) of this section poses a substantial 5915  
risk of serious physical harm to any person or to the community 5916  
and whether there are conditions of release that will reasonably 5917  
assure the safety of that person and the community, shall 5918  
consider all available information regarding all of the 5919  
following: 5920

(1) The nature and circumstances of the offense charged, 5921  
including whether the offense is an offense of violence or 5922  
involves alcohol or a drug of abuse; 5923

(2) The weight of the evidence against the accused; 5924

(3) The history and characteristics of the accused, 5925



including, but not limited to, both of the following: 5926

(a) The character, physical and mental condition, family 5927  
ties, employment, financial resources, length of residence in 5928  
the community, community ties, past conduct, history relating to 5929  
drug or alcohol abuse, and criminal history of the accused; 5930

(b) Whether, at the time of the current alleged offense or 5931  
at the time of the arrest of the accused, the accused was on 5932  
probation, parole, post-release control, or other release 5933  
pending trial, sentencing, appeal, or completion of sentence for 5934  
the commission of an offense under the laws of this state, 5935  
another state, or the United States or under a municipal 5936  
ordinance. 5937

(4) The nature and seriousness of the danger to any person 5938  
or the community that would be posed by the person's release. 5939

(D) (1) An order of the court of common pleas denying bail 5940  
pursuant to this section is a final appealable order. In an 5941  
appeal pursuant to division (D) of this section, the court of 5942  
appeals shall do all of the following: 5943

(a) Give the appeal priority on its calendar; 5944

(b) Liberally modify or dispense with formal requirements 5945  
in the interest of a speedy and just resolution of the appeal; 5946

(c) Decide the appeal expeditiously; 5947

(d) Promptly enter its judgment affirming or reversing the 5948  
order denying bail. 5949

(2) The pendency of an appeal under this section does not 5950  
deprive the court of common pleas of jurisdiction to conduct 5951  
further proceedings in the case or to further consider the order 5952  
denying bail in accordance with this section. If, during the 5953

pendency of an appeal under division (D) of this section, the 5954  
court of common pleas sets aside or terminates the order denying 5955  
bail, the court of appeals shall dismiss the appeal. 5956

(E) As used in this section: 5957

(1) "Court day" has the same meaning as in section 5122.01 5958  
of the Revised Code. 5959

(2) "Felony OVI offense" means a third degree felony OVI 5960  
offense and a fourth degree felony OVI offense. 5961

(3) "Fourth degree felony OVI offense" and "third degree 5962  
felony OVI offense" have the same meanings as in section 2929.01 5963  
of the Revised Code. 5964

**Sec. 2941.021.** Any criminal offense which is not 5965  
punishable by ~~death or~~ life imprisonment may be prosecuted by 5966  
information filed in the common pleas court by the prosecuting 5967  
attorney if the defendant, ~~after he has~~ having been advised by 5968  
the court of the nature of the charge against ~~him~~ the defendant 5969  
and of ~~his~~ the defendant's rights under the constitution, is 5970  
represented by counsel or has affirmatively waived counsel by 5971  
waiver in writing and in open court, waives in writing and in 5972  
open court prosecution by indictment. 5973

**Sec. 2941.14.** ~~(A)~~ In an indictment for aggravated murder, 5974  
murder, or voluntary or involuntary manslaughter, the manner in 5975  
which, or the means by which the death was caused need not be 5976  
set forth. 5977

~~(B) Imposition of the death penalty for aggravated murder~~ 5978  
~~is precluded unless the indictment or count in the indictment~~ 5979  
~~charging the offense specifies one or more of the aggravating~~ 5980  
~~circumstances listed in division (A) of section 2929.04 of the~~ 5981  
~~Revised Code. If more than one aggravating circumstance is~~ 5982

~~specified to an indictment or count, each shall be in a~~ 5983  
~~separately numbered specification, and if an aggravating~~ 5984  
~~circumstance is specified to a count in an indictment containing~~ 5985  
~~more than one count, such specification shall be identified as~~ 5986  
~~to the count to which it applies.~~ 5987

~~(C) A specification to an indictment or count in an~~ 5988  
~~indictment charging aggravated murder shall be stated at the end~~ 5989  
~~of the body of the indictment or count, and may be in~~ 5990  
~~substantially the following form:~~ 5991

~~"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE~~ 5992  
~~FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand~~ 5993  
~~Jurors further find and specify that (set forth the applicable~~ 5994  
~~aggravating circumstance listed in divisions (A) (1) to (10) of~~ 5995  
~~section 2929.04 of the Revised Code. The aggravating~~ 5996  
~~circumstance may be stated in the words of the subdivision in~~ 5997  
~~which it appears, or in words sufficient to give the accused~~ 5998  
~~notice of the same)."~~ 5999

**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 6000  
the Revised Code to an offender is precluded unless one of the 6001  
following applies: 6002

(a) The offender is charged with a violent sex offense, 6003  
and the indictment, count in the indictment, or information 6004  
charging the violent sex offense also includes a specification 6005  
that the offender is a sexually violent predator, or the 6006  
offender is charged with a designated homicide, assault, or 6007  
kidnapping offense, and the indictment, count in the indictment, 6008  
or information charging the designated homicide, assault, or 6009  
kidnapping offense also includes both a specification of the 6010  
type described in section 2941.147 of the Revised Code and a 6011  
specification that the offender is a sexually violent predator. 6012

(b) The offender is convicted of or pleads guilty to a 6013  
violation of division (A) (1) (b) of section 2907.02 of the 6014  
Revised Code committed on or after January 2, 2007, and division 6015  
(B) of section 2907.02 of the Revised Code does not prohibit the 6016  
court from sentencing the offender pursuant to section 2971.03 6017  
of the Revised Code. 6018

(c) The offender is convicted of or pleads guilty to 6019  
attempted rape committed on or after January 2, 2007, and to a 6020  
specification of the type described in section 2941.1418, 6021  
2941.1419, or 2941.1420 of the Revised Code. 6022

(d) The offender is convicted of or pleads guilty to a 6023  
violation of section 2905.01 of the Revised Code and to a 6024  
specification of the type described in section 2941.147 of the 6025  
Revised Code, and section 2905.01 of the Revised Code requires a 6026  
court to sentence the offender pursuant to section 2971.03 of 6027  
the Revised Code. 6028

(e) The offender is convicted of or pleads guilty to 6029  
aggravated murder and to a specification of the type described 6030  
in section 2941.147 of the Revised Code, and division ~~(A) (2) (b)~~ 6031  
~~(ii) of section 2929.022, division (A) (1) (c), (C) (1) (a) (v), (C)~~ 6032  
~~(2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of~~ 6033  
~~section 2929.03, or division (A) or (B) (C) of section 2929.06~~ 6034  
2929.02 of the Revised Code requires a court to sentence the 6035  
offender pursuant to division (B) (3) of section 2971.03 of the 6036  
Revised Code. 6037

(f) The offender is convicted of or pleads guilty to 6038  
murder and to a specification of the type described in section 6039  
2941.147 of the Revised Code, and division ~~(B) (2) (C) (1)~~ of 6040  
section 2929.02 of the Revised Code requires a court to sentence 6041  
the offender pursuant to section 2971.03 of the Revised Code. 6042

(2) A specification required under division (A) (1) (a) of 6043  
this section that an offender is a sexually violent predator 6044  
shall be stated at the end of the body of the indictment, count, 6045  
or information and shall be stated in substantially the 6046  
following form: 6047

"Specification (or, specification to the first count). The 6048  
grand jury (or insert the person's or prosecuting attorney's 6049  
name when appropriate) further find and specify that the 6050  
offender is a sexually violent predator." 6051

(B) In determining for purposes of this section whether a 6052  
person is a sexually violent predator, all of the factors set 6053  
forth in divisions (H) (1) to (6) of section 2971.01 of the 6054  
Revised Code that apply regarding the person may be considered 6055  
as evidence tending to indicate that it is likely that the 6056  
person will engage in the future in one or more sexually violent 6057  
offenses. 6058

(C) As used in this section, "designated homicide, 6059  
assault, or kidnapping offense," "violent sex offense," and 6060  
"sexually violent predator" have the same meanings as in section 6061  
2971.01 of the Revised Code. 6062

**Sec. 2941.401.** When a person has entered upon a term of 6063  
imprisonment in a correctional institution of this state, and 6064  
when during the continuance of the term of imprisonment there is 6065  
pending in this state any untried indictment, information, or 6066  
complaint against the prisoner, the prisoner shall be brought to 6067  
trial within one hundred eighty days after the prisoner causes 6068  
to be delivered to the prosecuting attorney and the appropriate 6069  
court in which the matter is pending, written notice of the 6070  
place of the prisoner's imprisonment and a request for a final 6071  
disposition to be made of the matter, except that for good cause 6072

shown in open court, with the prisoner or the prisoner's counsel 6073  
present, the court may grant any necessary or reasonable 6074  
continuance. The request of the prisoner shall be accompanied by 6075  
a certificate of the warden or superintendent having custody of 6076  
the prisoner, stating the term of commitment under which the 6077  
prisoner is being held, the time served and remaining to be 6078  
served on the sentence, the amount of good time earned, the time 6079  
of parole eligibility of the prisoner, and any decisions of the 6080  
adult parole authority relating to the prisoner. 6081

The written notice and request for final disposition shall 6082  
be given or sent by the prisoner to the warden or superintendent 6083  
having custody of the prisoner, who shall promptly forward it 6084  
with the certificate to the appropriate prosecuting attorney and 6085  
court by registered or certified mail, return receipt requested. 6086  
If the appropriate prosecuting attorney and agency having 6087  
custody of the prisoner have previously agreed, then the written 6088  
notice, request, and certificate may be sent by electronic mail 6089  
or facsimile, in lieu of registered mail or certified mail. 6090

The warden or superintendent having custody of the 6091  
prisoner shall promptly inform the prisoner in writing of the 6092  
source and contents of any untried indictment, information, or 6093  
complaint against the prisoner, concerning which the warden or 6094  
superintendent has knowledge, and of the prisoner's right to 6095  
make a request for final disposition thereof. 6096

Escape from custody by the prisoner, subsequent to the 6097  
prisoner's execution of the request for final disposition, voids 6098  
the request. 6099

If the action is not brought to trial within the time 6100  
provided, subject to continuance allowed pursuant to this 6101  
section, no court any longer has jurisdiction thereof, the 6102

indictment, information, or complaint is void, and the court 6103  
shall enter an order dismissing the action with prejudice. 6104

This section does not apply to any person adjudged to be 6105  
mentally ill or who is under sentence of life imprisonment ~~or~~ 6106  
~~death, or to any prisoner under sentence of death.~~ 6107

**Sec. 2941.43.** If the convict referred to in section 6108  
2941.40 of the Revised Code is acquitted, ~~he~~ the convict shall 6109  
be forthwith returned by the sheriff to the state correctional 6110  
institution to serve out the remainder of ~~his~~ the convict's 6111  
sentence. If ~~he~~ the convict is sentenced to imprisonment in a 6112  
state correctional institution, ~~he~~ the convict shall be returned 6113  
to the state correctional institution by the sheriff to serve 6114  
~~his new~~ the convict's term. If ~~he is sentenced to death, the~~ 6115  
~~death sentence shall be executed as if he were not under~~ 6116  
~~sentence of imprisonment in a state correctional institution.~~ 6117

**Sec. 2941.51.** (A) Counsel appointed to a case or selected 6118  
by an indigent person under division (E) of section 120.16 or 6119  
division (E) of section 120.26 of the Revised Code, or otherwise 6120  
appointed by the court, except for counsel appointed by the 6121  
court to provide legal representation for a person charged with 6122  
a violation of an ordinance of a municipal corporation, shall be 6123  
paid for their services by the county the compensation and 6124  
expenses that the trial court approves. Each request for payment 6125  
shall include a financial disclosure form completed by the 6126  
indigent person on a form prescribed by the state public 6127  
defender. Compensation and expenses shall not exceed the amounts 6128  
fixed by the board of county commissioners pursuant to division 6129  
(B) of this section. 6130

(B) The board of county commissioners shall establish a 6131  
schedule of fees by case or on an hourly basis to be paid by the 6132

county for legal services provided by appointed counsel. Prior 6133  
to establishing such schedule, the board shall request the bar 6134  
association or associations of the county to submit a proposed 6135  
~~schedule for cases other than capital cases.~~ The schedule 6136  
submitted shall be subject to the review, amendment, and 6137  
approval of the board of county commissioners, ~~except with~~ 6138  
~~respect to capital cases. With respect to capital cases, the~~ 6139  
~~schedule shall provide for fees by case or on an hourly basis to~~ 6140  
~~be paid to counsel in the amount or at the rate set by the~~ 6141  
~~capital case attorney fee council pursuant to division (D) of~~ 6142  
~~section 120.33 of the Revised Code, and the board of county~~ 6143  
~~commissioners shall approve that amount or rate.~~ 6144

~~With respect to capital cases, counsel shall be paid~~ 6145  
~~compensation and expenses in accordance with the amount or at~~ 6146  
~~the rate set by the capital case attorney fee council pursuant~~ 6147  
~~to division (D) of section 120.33 of the Revised Code.~~ 6148

(C) In a case where counsel have been appointed to conduct 6149  
an appeal under Chapter 120. of the Revised Code, such 6150  
compensation shall be fixed by the court of appeals or the 6151  
supreme court, as provided in divisions (A) and (B) of this 6152  
section. 6153

(D) The fees and expenses approved by the court under this 6154  
section shall not be taxed as part of the costs and shall be 6155  
paid by the county. However, if the person represented has, or 6156  
reasonably may be expected to have, the means to meet some part 6157  
of the cost of the services rendered to the person, the person 6158  
shall pay the county an amount that the person reasonably can be 6159  
expected to pay. Pursuant to section 120.04 of the Revised Code, 6160  
the county shall pay to the state public defender a percentage 6161  
of the payment received from the person in an amount 6162



proportionate to the percentage of the costs of the person's 6163  
case that were paid to the county by the state public defender 6164  
pursuant to this section. The money paid to the state public 6165  
defender shall be credited to the client payment fund created 6166  
pursuant to division (B) (5) of section 120.04 of the Revised 6167  
Code. 6168

(E) The county auditor shall draw a warrant on the county 6169  
treasurer for the payment of such counsel in the amount fixed by 6170  
the court, plus the expenses that the court fixes and certifies 6171  
to the auditor. The county auditor shall report periodically, 6172  
but not less than annually, to the board of county commissioners 6173  
and to the Ohio public defender commission the amounts paid out 6174  
pursuant to the approval of the court under this section, ~~—~~ 6175  
~~separately stating costs and expenses that are reimbursable—~~ 6176  
~~under section 120.35 of the Revised Code.~~ The board, after 6177  
review and approval of the auditor's report, may then certify it 6178  
to the state public defender for reimbursement. The request for 6179  
reimbursement shall be accompanied by a financial disclosure 6180  
form completed by each indigent person for whom counsel was 6181  
provided on a form prescribed by the state public defender. The 6182  
state public defender shall review the report and, in accordance 6183  
with the standards, guidelines, and maximums established 6184  
pursuant to divisions (B) (7) and (8) of section 120.04 of the 6185  
Revised Code and the payment determination provisions of section 6186  
120.34 of the Revised Code, pay the cost, ~~other than costs and—~~ 6187  
~~expenses that are reimbursable under section 120.35 of the—~~ 6188  
~~Revised Code, if any,~~ of paying appointed counsel in each county 6189  
and ~~pay costs and expenses that are reimbursable under section—~~ 6190  
~~120.35 of the Revised Code, if any,~~ to the board. The amount of 6191  
payments the state public defender is to make shall be 6192  
determined as specified in section 120.34 of the Revised Code. 6193

(F) If any county system for paying appointed counsel 6194  
fails to maintain the standards for the conduct of the system 6195  
established by the rules of the Ohio public defender commission 6196  
pursuant to divisions (B) and (C) of section 120.03 of the 6197  
Revised Code or the standards established by the state public 6198  
defender pursuant to division (B) (7) of section 120.04 of the 6199  
Revised Code, the commission shall notify the board of county 6200  
commissioners of the county that the county system for paying 6201  
appointed counsel has failed to comply with its rules. Unless 6202  
the board corrects the conduct of its appointed counsel system 6203  
to comply with the rules within ninety days after the date of 6204  
the notice, the state public defender may deny all or part of 6205  
the county's reimbursement from the state provided for in this 6206  
section. 6207

**Sec. 2945.06.** In any case in which a defendant waives ~~his~~ 6208  
the defendant's right to trial by jury and elects to be tried by 6209  
the court under section 2945.05 of the Revised Code, any judge 6210  
of the court in which the cause is pending shall proceed to 6211  
hear, try, and determine the cause in accordance with the rules 6212  
and in like manner as if the cause were being tried before a 6213  
jury. ~~If the accused is charged with an offense punishable with~~ 6214  
~~death, he shall be tried by a court to be composed of three~~ 6215  
~~judges, consisting of the judge presiding at the time in the~~ 6216  
~~trial of criminal cases and two other judges to be designated by~~ 6217  
~~the presiding judge or chief justice of that court, and in case~~ 6218  
~~there is neither a presiding judge nor a chief justice, by the~~ 6219  
~~chief justice of the supreme court. The judges or a majority of~~ 6220  
~~them may decide all questions of fact and law arising upon the~~ 6221  
~~trial; however the accused shall not be found guilty or not~~ 6222  
~~guilty of any offense unless the judges unanimously find the~~ 6223  
~~accused guilty or not guilty. If the accused pleads guilty of~~ 6224

~~aggravated murder, a court composed of three judges shall~~ 6225  
~~examine the witnesses, determine whether the accused is guilty~~ 6226  
~~of aggravated murder or any other offense, and pronounce~~ 6227  
~~sentence accordingly. The court shall follow the procedures~~ 6228  
~~contained in sections 2929.03 and 2929.04 of the Revised Code in~~ 6229  
~~all cases in which the accused is charged with an offense~~ 6230  
~~punishable by death. If in the composition of the court it is~~ 6231  
~~necessary that a judge from another county be assigned by the~~ 6232  
~~chief justice, the judge from another county shall be~~ 6233  
~~compensated for his services as provided by section 141.07 of~~ 6234  
~~the Revised Code.~~ 6235

**Sec. 2945.10.** The trial of an issue upon an indictment or 6236  
information shall proceed before the trial court or jury as 6237  
follows: 6238

(A) Counsel for the state must first state the case for 6239  
the prosecution, and may briefly state the evidence by which the 6240  
counsel for the state expects to sustain it. 6241

(B) The defendant or the defendant's counsel must then 6242  
state the defense, and may briefly state the evidence which the 6243  
defendant or the defendant's counsel expects to offer in support 6244  
of it. 6245

(C) The state must first produce its evidence and the 6246  
defendant shall then produce the defendant's evidence. 6247

(D) The state will then be confined to rebutting evidence, 6248  
but the court, for good reason, in furtherance of justice, may 6249  
permit evidence to be offered by either side out of its order. 6250

(E) When the evidence is concluded, ~~one of the following~~ 6251  
~~applies regarding jury instructions:~~ 6252

~~(1) In a capital case that is being heard by a jury, the~~ 6253

~~court shall prepare written instructions to the jury on the  
points of law, shall provide copies of the written instructions  
to the jury before orally instructing the jury, and shall permit  
the jury to retain and consult the instructions during the  
court's presentation of the oral instructions and during the  
jury's deliberations.~~

~~(2) In a case that is not a capital case, either party may  
request instructions to the jury on the points of law, which  
instructions shall be reduced to writing if either party  
requests it.~~

(F) When the evidence is concluded, unless the case is  
submitted without argument, the counsel for the state shall  
commence, the defendant or the defendant's counsel follow, and  
the counsel for the state conclude the argument to the jury.

(G) The court, after the argument is concluded and before  
proceeding with other business, shall forthwith charge the jury.  
Such charge shall be reduced to writing by the court if either  
party requests it before the argument to the jury is commenced.  
Such charge, or other charge or instruction provided for in this  
section, when so written and given, shall not be orally  
qualified, modified, or explained to the jury by the court.  
Written charges and instructions shall be taken by the jury in  
their retirement and returned with their verdict into court and  
remain on file with the papers of the case.

The court may deviate from the order of proceedings listed  
in this section.

**Sec. 2945.13.** When two or more persons are jointly  
indicted for a felony, ~~except a capital offense,~~ they shall be  
tried jointly unless the court, for good cause shown on

application therefor by the prosecuting attorney or one or more 6283  
of said defendants, orders one or more of said defendants to be 6284  
tried separately. 6285

**Sec. 2945.21.** (A) (1) In criminal cases in which there is 6286  
only one defendant, each party, in addition to the challenges 6287  
for cause authorized by law, may peremptorily challenge three of 6288  
the jurors in misdemeanor cases ~~and,~~ four of the jurors in 6289  
felony cases other than capital cases that may subject the 6290  
defendant to a sentence of life imprisonment, and six of the 6291  
jurors in cases that may subject the defendant to a sentence of 6292  
life imprisonment. If there is more than one defendant, each 6293  
defendant may peremptorily challenge the same number of jurors 6294  
as if ~~he~~ the defendant were the sole defendant. 6295

~~(2) Notwithstanding Criminal Rule 24, in capital cases in~~ 6296  
~~which there is only one defendant, each party, in addition to~~ 6297  
~~the challenges for cause authorized by law, may peremptorily~~ 6298  
~~challenge twelve of the jurors. If there is more than one~~ 6299  
~~defendant, each defendant may peremptorily challenge the same~~ 6300  
~~number of jurors as if he were the sole defendant.~~ 6301

~~(3)~~ In any case in which there are multiple defendants, 6302  
the prosecuting attorney may peremptorily challenge a number of 6303  
jurors equal to the total number of peremptory challenges 6304  
allowed to all of the defendants. 6305

(B) If any indictments, informations, or complaints are 6306  
consolidated for trial, the consolidated cases shall be 6307  
considered, for purposes of exercising peremptory challenges, as 6308  
though the defendants or offenses had been joined in the same 6309  
indictment, information, or complaint. 6310

(C) The exercise of peremptory challenges authorized by 6311

this section shall be in accordance with the procedures of 6312  
Criminal Rule 24. 6313

**Sec. 2945.25.** A person called as a juror in a criminal 6314  
case may be challenged for the following causes: 6315

(A) That the person was a member of the grand jury that 6316  
found the indictment in the case; 6317

(B) That the person is possessed of a state of mind 6318  
evinced enmity or bias toward the defendant or the state; but 6319  
no person summoned as a juror shall be disqualified by reason of 6320  
a previously formed or expressed opinion with reference to the 6321  
guilt or innocence of the accused, if the court is satisfied, 6322  
from examination of the juror or from other evidence, that the 6323  
juror will render an impartial verdict according to the law and 6324  
the evidence submitted to the jury at the trial; 6325

~~(C) In the trial of a capital offense, that the person 6326  
unequivocally states that under no circumstances will the person 6327  
follow the instructions of a trial judge and consider fairly the 6328  
imposition of a sentence of death in a particular case. A 6329  
prospective juror's conscientious or religious opposition to the 6330  
death penalty in and of itself is not grounds for a challenge 6331  
for cause. All parties shall be given wide latitude in voir dire 6332  
questioning in this regard. 6333~~

~~(D) That the person is related by consanguinity or 6334  
affinity within the fifth degree to the person alleged to be 6335  
injured or attempted to be injured by the offense charged, or to 6336  
the person on whose complaint the prosecution was instituted, or 6337  
to the defendant; 6338~~

~~(E) (D) That the person served on a petit jury drawn in 6339  
the same cause against the same defendant, and that jury was 6340~~

discharged after hearing the evidence or rendering a verdict on 6341  
the evidence that was set aside; 6342

~~(F)~~ (E) That the person served as a juror in a civil case 6343  
brought against the defendant for the same act; 6344

~~(G)~~ (F) That the person has been subpoenaed in good faith 6345  
as a witness in the case; 6346

~~(H)~~ (G) That the person has chronic alcoholism, or a drug 6347  
dependency; 6348

~~(I)~~ (H) That the person has been convicted of a crime that 6349  
by law disqualifies the person from serving on a jury; 6350

~~(J)~~ (I) That the person has an action pending between the 6351  
person and the state or the defendant; 6352

~~(K)~~ (J) That the person or the person's spouse is a party 6353  
to another action then pending in any court in which an attorney 6354  
in the cause then on trial is an attorney, either for or against 6355  
the person; 6356

~~(L)~~ (K) That the person is the person alleged to be 6357  
injured or attempted to be injured by the offense charged, or is 6358  
the person on whose complaint the prosecution was instituted, or 6359  
the defendant; 6360

~~(M)~~ (L) That the person is the employer or employee, or 6361  
the spouse, parent, son, or daughter of the employer or 6362  
employee, or the counselor, agent, or attorney of any person 6363  
included in division ~~(L)~~ (K) of this section; 6364

~~(N)~~ (M) That English is not the person's native language, 6365  
and the person's knowledge of English is insufficient to permit 6366  
the person to understand the facts and law in the case; 6367

~~(O)~~ (N) That the person otherwise is unsuitable for any 6368  
other cause to serve as a juror. 6369

The validity of each challenge listed in this section 6370  
shall be determined by the court. 6371

**Sec. 2945.33.** When a cause is finally submitted the jurors 6372  
must be kept together in a convenient place under the charge of 6373  
an officer until they agree upon a verdict, or are discharged by 6374  
the court. The court, ~~except in cases where the offense charged~~ 6375  
~~may be punishable by death,~~ may permit the jurors to separate 6376  
during the adjournment of court overnight, under proper 6377  
cautions, or under supervision of an officer. Such officer shall 6378  
not permit a communication to be made to them, nor make any 6379  
~~himself~~ communication to them except to ask if they have agreed 6380  
upon a verdict, unless ~~he~~ the officer does so by order of the 6381  
court. Such officer shall not communicate to any person, before 6382  
the verdict is delivered, any matter in relation to their 6383  
deliberation. Upon the trial of any prosecution for misdemeanor, 6384  
the court may permit the jury to separate during their 6385  
deliberation, or upon adjournment of the court overnight. 6386

~~In cases where the offense charged may be punished by~~ 6387  
~~death, after the case is finally submitted to the jury, the~~ 6388  
~~jurors shall be kept in charge of the proper officer and proper~~ 6389  
~~arrangements for their care and maintenance shall be made as~~ 6390  
~~under section 2945.31 of the Revised Code.~~ 6391

**Sec. 2945.38.** (A) If the issue of a defendant's competence 6392  
to stand trial is raised and if the court, upon conducting the 6393  
hearing provided for in section 2945.37 of the Revised Code, 6394  
finds that the defendant is competent to stand trial, the 6395  
defendant shall be proceeded against as provided by law. If the 6396  
court finds the defendant competent to stand trial and the 6397



defendant is receiving psychotropic drugs or other medication, 6398  
the court may authorize the continued administration of the 6399  
drugs or medication or other appropriate treatment in order to 6400  
maintain the defendant's competence to stand trial, unless the 6401  
defendant's attending physician advises the court against 6402  
continuation of the drugs, other medication, or treatment. 6403

(B) (1) (a) (i) If the defendant has been charged with a 6404  
felony offense or a misdemeanor offense of violence for which 6405  
the prosecutor has not recommended the procedures under division 6406  
(B) (1) (a) (vi) of this section and if, after taking into 6407  
consideration all relevant reports, information, and other 6408  
evidence, the court finds that the defendant is incompetent to 6409  
stand trial and that there is a substantial probability that the 6410  
defendant will become competent to stand trial within one year 6411  
if the defendant is provided with a course of treatment, the 6412  
court shall order the defendant to undergo treatment. 6413

(ii) If the defendant has been charged with a felony 6414  
offense and if, after taking into consideration all relevant 6415  
reports, information, and other evidence, the court finds that 6416  
the defendant is incompetent to stand trial, but the court is 6417  
unable at that time to determine whether there is a substantial 6418  
probability that the defendant will become competent to stand 6419  
trial within one year if the defendant is provided with a course 6420  
of treatment, the court shall order continuing evaluation and 6421  
treatment of the defendant for a period not to exceed four 6422  
months to determine whether there is a substantial probability 6423  
that the defendant will become competent to stand trial within 6424  
one year if the defendant is provided with a course of 6425  
treatment. 6426

(iii) If the defendant has not been charged with a felony 6427

offense but has been charged with a misdemeanor offense of 6428  
violence and if, after taking into consideration all relevant 6429  
reports, information, and other evidence, the court finds that 6430  
the defendant is incompetent to stand trial, but the court is 6431  
unable at that time to determine whether there is a substantial 6432  
probability that the defendant will become competent to stand 6433  
trial within the time frame permitted under division (C)(1) of 6434  
this section, the court may order continuing evaluation and 6435  
treatment of the defendant for a period not to exceed the 6436  
maximum period permitted under that division. 6437

(iv) If the defendant has not been charged with a felony 6438  
offense or a misdemeanor offense of violence, but has been 6439  
charged with a misdemeanor offense that is not a misdemeanor 6440  
offense of violence and if, after taking into consideration all 6441  
relevant reports, information, and other evidence, the court 6442  
finds that the defendant is incompetent to stand trial, but the 6443  
court is unable at that time to determine whether there is a 6444  
substantial probability that the defendant will become competent 6445  
to stand trial within the time frame permitted under division 6446  
(C)(1) of this section, the court shall dismiss the charges and 6447  
follow the process outlined in division (B)(1)(a)(v)(I) of this 6448  
section. 6449

(v) If the defendant has not been charged with a felony 6450  
offense or a misdemeanor offense of violence, or if the 6451  
defendant has been charged with a misdemeanor offense of 6452  
violence and the prosecutor has recommended the procedures under 6453  
division (B)(1)(a)(vi) of this section, and if, after taking 6454  
into consideration all relevant reports, information, and other 6455  
evidence, the trial court finds that the defendant is 6456  
incompetent to stand trial, the trial court shall do one of the 6457  
following: 6458

(I) Dismiss the charges pending against the defendant. A 6459  
dismissal under this division is not a bar to further 6460  
prosecution based on the same conduct. Upon dismissal of the 6461  
charges, the trial court shall discharge the defendant unless 6462  
the court or prosecutor, after consideration of the requirements 6463  
of section 5122.11 of the Revised Code, files an affidavit in 6464  
probate court alleging that the defendant is a mentally ill 6465  
person subject to court order or a person with an intellectual 6466  
disability subject to institutionalization by court order. If an 6467  
affidavit is filed in probate court, the trial court may detain 6468  
the defendant for ten days pending a hearing in the probate 6469  
court and shall send to the probate court copies of all written 6470  
reports of the defendant's mental condition that were prepared 6471  
pursuant to section 2945.371 of the Revised Code. The trial 6472  
court or prosecutor shall specify in the appropriate space on 6473  
the affidavit that the defendant is a person described in this 6474  
subdivision. 6475

(II) Order the defendant to undergo outpatient competency 6476  
restoration treatment at a facility operated or certified by the 6477  
department of mental health and addiction services as being 6478  
qualified to treat mental illness, at a public or community 6479  
mental health facility, at a jail that employs or contracts with 6480  
an individual or entity listed in division (B) (1) (b) (i) of this 6481  
section to provide treatment or continuing evaluation and 6482  
treatment at a jail, or in the care of a psychiatrist or other 6483  
mental health professional. If a defendant who has been released 6484  
on bail or recognizance refuses to comply with court-ordered 6485  
outpatient treatment under this division, the court may dismiss 6486  
the charges pending against the defendant and proceed under 6487  
division (B) (1) (a) (v) (I) of this section or may amend the 6488  
conditions of bail or recognizance and order the sheriff to take 6489

the defendant into custody and deliver the defendant to a center 6490  
or facility operated or certified by the department of mental 6491  
health and addiction services for treatment. 6492

(vi) If the defendant has not been charged with a felony 6493  
offense but has been charged with a misdemeanor offense of 6494  
violence and after taking into consideration all relevant 6495  
reports, information, and other evidence, the court finds that 6496  
the defendant is incompetent to stand trial, the prosecutor in 6497  
the case may recommend that the court follow the procedures 6498  
prescribed in division (B) (1) (a) (v) of this section. If the 6499  
prosecutor does not make such a recommendation, the court shall 6500  
follow the procedures in division (B) (1) (a) (i) of this section. 6501

(b) (i) The court order for the defendant to undergo 6502  
treatment or continuing evaluation and treatment under division 6503  
(B) (1) (a) of this section shall specify that the defendant, if 6504  
determined to require mental health treatment or continuing 6505  
evaluation and treatment, shall be committed to one of the 6506  
following: 6507

(I) The department of mental health and addiction services 6508  
for treatment or continuing evaluation and treatment at a 6509  
hospital, facility, or agency, as determined to be clinically 6510  
appropriate by the department; 6511

(II) A facility certified by the department of mental 6512  
health and addiction services as being qualified to treat mental 6513  
illness; 6514

(III) A public or community mental health facility; 6515

(IV) A jail that employs or contracts with an entity or 6516  
individual listed in division (B) (1) (b) (i) of this section to 6517  
provide treatment or continuing evaluation and treatment at a 6518

jail; 6519

(V) A psychiatrist or another mental health professional 6520  
for treatment or continuing evaluation and treatment. 6521

(ii) Prior to placing the defendant, the department of 6522  
mental health and addiction services shall obtain court approval 6523  
for that placement following a hearing. The court order for the 6524  
defendant to undergo treatment or continuing evaluation and 6525  
treatment under division (B)(1)(a) of this section shall specify 6526  
that the defendant, if determined to require treatment or 6527  
continuing evaluation and treatment for an intellectual 6528  
disability, shall receive treatment or continuing evaluation and 6529  
treatment at an institution or facility operated by the 6530  
department of developmental disabilities, at a facility 6531  
certified by the department of developmental disabilities as 6532  
being qualified to treat intellectual disabilities, at a public 6533  
or private intellectual disabilities facility, or by a 6534  
psychiatrist or another intellectual disabilities professional. 6535  
In any case, the order may restrict the defendant's freedom of 6536  
movement as the court considers necessary. The prosecutor in the 6537  
defendant's case shall send to the chief clinical officer of the 6538  
hospital, facility, or agency where the defendant is placed by 6539  
the department of mental health and addiction services, or to 6540  
the managing officer or director of the institution, facility, 6541  
or jail, or the person to which the defendant is committed, 6542  
copies of relevant police reports and other background 6543  
information that pertains to the defendant and is available to 6544  
the prosecutor unless the prosecutor determines that the release 6545  
of any of the information in the police reports or any of the 6546  
other background information to unauthorized persons would 6547  
interfere with the effective prosecution of any person or would 6548  
create a substantial risk of harm to any person. 6549

(iii) In determining the place of commitment, the court shall consider the extent to which the person is a danger to the person and to others, the need for security, the availability of housing and supportive services, including outpatient mental health services in the community, and the type of crime involved and shall order the least restrictive alternative available that is consistent with public safety and treatment goals. In weighing these factors, the court shall give preference to protecting public safety and the availability of housing and supportive services.

(c) If the defendant is found incompetent to stand trial, if the chief clinical officer of the hospital, facility, or agency where the defendant is placed, or the managing officer or director of the institution, facility, or jail, or the person to which the defendant is committed for treatment or continuing evaluation and treatment under division (B) (1) (b) of this section determines that medication is necessary to restore the defendant's competency to stand trial, and if the defendant lacks the capacity to give informed consent or refuses medication, the chief clinical officer of the hospital, facility, or agency where the defendant is placed, or the managing officer or director of the institution, facility, or jail, or the person to which the defendant is committed for treatment or continuing evaluation and treatment may petition the court for authorization for the involuntary administration of medication. The court shall hold a hearing on the petition within five days of the filing of the petition if the petition was filed in a municipal court or a county court regarding an incompetent defendant charged with a misdemeanor or within ten days of the filing of the petition if the petition was filed in a court of common pleas regarding an incompetent defendant

charged with a felony offense. Following the hearing, the court 6581  
may authorize the involuntary administration of medication or 6582  
may dismiss the petition. 6583

(2) If the court finds that the defendant is incompetent 6584  
to stand trial and that, even if the defendant is provided with 6585  
a course of treatment, there is not a substantial probability 6586  
that the defendant will become competent to stand trial within 6587  
one year, the court shall order the discharge of the defendant, 6588  
unless upon motion of the prosecutor or on its own motion, the 6589  
court either seeks to retain jurisdiction over the defendant 6590  
pursuant to section 2945.39 of the Revised Code or files an 6591  
affidavit in the probate court for the civil commitment of the 6592  
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 6593  
alleging that the defendant is a person with a mental illness 6594  
subject to court order or a person with an intellectual 6595  
disability subject to institutionalization by court order. If an 6596  
affidavit is filed in the probate court, the trial court shall 6597  
send to the probate court copies of all written reports of the 6598  
defendant's mental condition that were prepared pursuant to 6599  
section 2945.371 of the Revised Code. 6600

The trial court may issue the temporary order of detention 6601  
that a probate court may issue under section 5122.11 or 5123.71 6602  
of the Revised Code, to remain in effect until the probable 6603  
cause or initial hearing in the probate court. Further 6604  
proceedings in the probate court are civil proceedings governed 6605  
by Chapter 5122. or 5123. of the Revised Code. 6606

(C) No defendant shall be required to undergo treatment, 6607  
including any continuing evaluation and treatment, under 6608  
division (B)(1) of this section for longer than whichever of the 6609  
following periods is applicable: 6610

(1) One year, if the most serious offense with which the defendant is charged is one of the following offenses:

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

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

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

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

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

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

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

(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to the department of mental health and



addiction services or is committed to an institution or facility 6639  
for the treatment of intellectual disabilities shall not be 6640  
granted unsupervised on-grounds movement, supervised off-grounds 6641  
movement, or nonsecured status except in accordance with the 6642  
court order. The court may grant a defendant supervised off- 6643  
grounds movement to obtain medical treatment or specialized 6644  
habilitation treatment services if the person who supervises the 6645  
treatment or the continuing evaluation and treatment of the 6646  
defendant ordered under division (B) (1) (a) of this section 6647  
informs the court that the treatment or continuing evaluation 6648  
and treatment cannot be provided at the hospital or facility 6649  
where the defendant is placed by the department of mental health 6650  
and addiction services or the institution, facility, or jail to 6651  
which the defendant is committed. The chief clinical officer of 6652  
the hospital or facility where the defendant is placed by the 6653  
department of mental health and addiction services or the 6654  
managing officer or director of the institution, facility, or 6655  
jail to which the defendant is committed, or a designee of any 6656  
of those persons, may grant a defendant movement to a medical 6657  
facility for an emergency medical situation with appropriate 6658  
supervision to ensure the safety of the defendant, staff, and 6659  
community during that emergency medical situation. The chief 6660  
clinical officer of the hospital or facility where the defendant 6661  
is placed by the department of mental health and addiction 6662  
services or the managing officer or director of the institution, 6663  
facility, or jail to which the defendant is committed shall 6664  
notify the court within twenty-four hours of the defendant's 6665  
movement to the medical facility for an emergency medical 6666  
situation under this division. 6667

(F) The person who supervises the treatment or continuing 6668  
evaluation and treatment of a defendant ordered to undergo 6669

treatment or continuing evaluation and treatment under division 6670  
(B) (1) (a) of this section shall file a written report with the 6671  
court at the following times: 6672

(1) Whenever the person believes the defendant is capable 6673  
of understanding the nature and objective of the proceedings 6674  
against the defendant and of assisting in the defendant's 6675  
defense; 6676

(2) For a felony offense, fourteen days before expiration 6677  
of the maximum time for treatment as specified in division (C) 6678  
of this section and fourteen days before the expiration of the 6679  
maximum time for continuing evaluation and treatment as 6680  
specified in division (B) (1) (a) of this section, and, for a 6681  
misdemeanor offense, ten days before the expiration of the 6682  
maximum time for treatment, as specified in division (C) of this 6683  
section; 6684

(3) At a minimum, after each six months of treatment; 6685

(4) Whenever the person who supervises the treatment or 6686  
continuing evaluation and treatment of a defendant ordered under 6687  
division (B) (1) (a) of this section believes that there is not a 6688  
substantial probability that the defendant will become capable 6689  
of understanding the nature and objective of the proceedings 6690  
against the defendant or of assisting in the defendant's defense 6691  
even if the defendant is provided with a course of treatment. 6692

(G) A report under division (F) of this section shall 6693  
contain the examiner's findings, the facts in reasonable detail 6694  
on which the findings are based, and the examiner's opinion as 6695  
to the defendant's capability of understanding the nature and 6696  
objective of the proceedings against the defendant and of 6697  
assisting in the defendant's defense. If, in the examiner's 6698

opinion, the defendant remains incapable of understanding the 6699  
nature and objective of the proceedings against the defendant 6700  
and of assisting in the defendant's defense and there is a 6701  
substantial probability that the defendant will become capable 6702  
of understanding the nature and objective of the proceedings 6703  
against the defendant and of assisting in the defendant's 6704  
defense if the defendant is provided with a course of treatment, 6705  
if in the examiner's opinion the defendant continues to have a 6706  
mental illness or an intellectual disability, and if the maximum 6707  
time for treatment as specified in division (C) of this section 6708  
has not expired, the report also shall contain the examiner's 6709  
recommendation as to the least restrictive placement or 6710  
commitment alternative that is consistent with the defendant's 6711  
treatment needs for restoration to competency and with the 6712  
safety of the community. The court shall provide copies of the 6713  
report to the prosecutor and defense counsel. 6714

(H) If a defendant is committed pursuant to division (B) 6715  
(1) of this section, within ten days after the treating 6716  
physician of the defendant or the examiner of the defendant who 6717  
is employed or retained by the treating facility advises that 6718  
there is not a substantial probability that the defendant will 6719  
become capable of understanding the nature and objective of the 6720  
proceedings against the defendant or of assisting in the 6721  
defendant's defense even if the defendant is provided with a 6722  
course of treatment, within ten days after the expiration of the 6723  
maximum time for treatment as specified in division (C) of this 6724  
section, within ten days after the expiration of the maximum 6725  
time for continuing evaluation and treatment as specified in 6726  
division (B)(1)(a) of this section, within thirty days after a 6727  
defendant's request for a hearing that is made after six months 6728  
of treatment, or within thirty days after being advised by the 6729

treating physician or examiner that the defendant is competent 6730  
to stand trial, whichever is the earliest, the court shall 6731  
conduct another hearing to determine if the defendant is 6732  
competent to stand trial and shall do whichever of the following 6733  
is applicable: 6734

(1) If the court finds that the defendant is competent to 6735  
stand trial, the defendant shall be proceeded against as 6736  
provided by law. 6737

(2) If the court finds that the defendant is incompetent 6738  
to stand trial, but that there is a substantial probability that 6739  
the defendant will become competent to stand trial if the 6740  
defendant is provided with a course of treatment, and the 6741  
maximum time for treatment as specified in division (C) of this 6742  
section has not expired, the court, after consideration of the 6743  
examiner's recommendation, shall order that treatment be 6744  
continued, may change the facility or location at which the 6745  
treatment is to be continued, and shall specify whether the 6746  
treatment is to be continued at the same or a different facility 6747  
or location. 6748

(3) If the court finds that the defendant is incompetent 6749  
to stand trial, if the defendant is charged with an offense 6750  
listed in division (C)(1) of this section, and if the court 6751  
finds that there is not a substantial probability that the 6752  
defendant will become competent to stand trial even if the 6753  
defendant is provided with a course of treatment, or if the 6754  
maximum time for treatment relative to that offense as specified 6755  
in division (C) of this section has expired, further proceedings 6756  
shall be as provided in sections 2945.39, 2945.401, and 2945.402 6757  
of the Revised Code. 6758

(4) If the court finds that the defendant is incompetent 6759

to stand trial, if the most serious offense with which the 6760  
defendant is charged is a misdemeanor or a felony other than a 6761  
felony listed in division (C)(1) of this section, and if the 6762  
court finds that there is not a substantial probability that the 6763  
defendant will become competent to stand trial even if the 6764  
defendant is provided with a course of treatment, or if the 6765  
maximum time for treatment relative to that offense as specified 6766  
in division (C) of this section has expired, the court shall 6767  
dismiss the indictment, information, or complaint against the 6768  
defendant. A dismissal under this division is not a bar to 6769  
further prosecution based on the same conduct. The court shall 6770  
discharge the defendant unless the court or prosecutor files an 6771  
affidavit in probate court for civil commitment pursuant to 6772  
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 6773  
civil commitment is filed, the court may detain the defendant 6774  
for ten days pending civil commitment and shall send to the 6775  
probate court copies of all written reports of the defendant's 6776  
mental condition prepared pursuant to section 2945.371 of the 6777  
Revised Code. 6778

All of the following provisions apply to persons charged 6779  
with a misdemeanor or a felony other than a felony listed in 6780  
division (C)(1) of this section who are committed by the probate 6781  
court subsequent to the court's or prosecutor's filing of an 6782  
affidavit for civil commitment under authority of this division: 6783

(a) The chief clinical officer of the entity, hospital, or 6784  
facility, the managing officer or director of the institution, 6785  
facility, or jail, or the person to which the defendant is 6786  
committed or admitted shall do all of the following: 6787

(i) Notify the prosecutor, in writing, of the discharge of 6788  
the defendant, send the notice at least ten days prior to the 6789

discharge unless the discharge is by the probate court, and 6790  
state in the notice the date on which the defendant will be 6791  
discharged; 6792

(ii) Notify the prosecutor, in writing, when the defendant 6793  
is absent without leave or is granted unsupervised, off-grounds 6794  
movement, and send this notice promptly after the discovery of 6795  
the absence without leave or prior to the granting of the 6796  
unsupervised, off-grounds movement, whichever is applicable; 6797

(iii) Notify the prosecutor, in writing, of the change of 6798  
the defendant's commitment or admission to voluntary status, 6799  
send the notice promptly upon learning of the change to 6800  
voluntary status, and state in the notice the date on which the 6801  
defendant was committed or admitted on a voluntary status. 6802

(b) Upon receiving notice that the defendant will be 6803  
granted unsupervised, off-grounds movement, the prosecutor 6804  
either shall re-indict the defendant or promptly notify the 6805  
court that the prosecutor does not intend to prosecute the 6806  
charges against the defendant. 6807

(I) If a defendant is convicted of a crime and sentenced 6808  
to a jail, the defendant's sentence shall be reduced by the 6809  
total number of days the defendant is confined for evaluation to 6810  
determine the defendant's competence to stand trial or treatment 6811  
under this section and sections 2945.37 and 2945.371 of the 6812  
Revised Code or by the total number of days the defendant is 6813  
confined for evaluation to determine the defendant's mental 6814  
condition at the time of the offense charged. 6815

**Sec. 2949.02.** (A) If a person is convicted of any bailable 6816  
offense, including, but not limited to, a violation of an 6817  
ordinance of a municipal corporation, in a municipal or county 6818

court or in a court of common pleas and if the person gives to 6819  
the trial judge or magistrate a written notice of the person's 6820  
intention to file or apply for leave to file an appeal to the 6821  
court of appeals, the trial judge or magistrate may suspend, 6822  
~~subject to division (A) (2) (b) of section 2953.09 of the Revised~~ 6823  
~~Code,~~ execution of the sentence or judgment imposed for any 6824  
fixed time that will give the person time either to prepare and 6825  
file, or to apply for leave to file, the appeal. In allailable 6826  
cases, except as provided in division (B) of this section, the 6827  
trial judge or magistrate may release the person on bail in 6828  
accordance with section 2937.011 of the Revised Code, and the 6829  
bail shall at least be conditioned that the person will appeal 6830  
without delay and abide by the judgment and sentence of the 6831  
court. 6832

(B) Notwithstanding any provision of section 2937.011 of 6833  
the Revised Code to the contrary, a trial judge of a court of 6834  
common pleas shall not release on bail pursuant to division (A) 6835  
of this section a person who is convicted of aailable offense 6836  
if the person is sentenced to imprisonment for life or if that 6837  
offense is a violation of section 2903.01, 2903.02, 2903.03, 6838  
2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 6839  
2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious 6840  
sexual penetration in violation of former section 2907.12 of the 6841  
Revised Code. 6842

(C) If a trial judge of a court of common pleas is 6843  
prohibited by division (B) of this section from releasing on 6844  
bail pursuant to division (A) of this section a person who is 6845  
convicted of aailable offense and not sentenced to 6846  
imprisonment for life, the appropriate court of appeals or two 6847  
judges of it, upon motion of such a person and for good cause 6848  
shown, may release the person on bail in accordance with section 6849

2937.011 of the Revised Code and Appellate Rule 8, and the bail 6850  
shall at least be conditioned as described in division (A) of 6851  
this section. 6852

**Sec. 2949.03.** If a judgment of conviction by a court of 6853  
common pleas, municipal court, or county court is affirmed by a 6854  
court of appeals and remanded to the trial court for execution 6855  
of the sentence or judgment imposed, and the person so convicted 6856  
gives notice of ~~his~~ the person's intention to file a notice of 6857  
appeal to the supreme court, the trial court, on the filing of a 6858  
motion by such person within three days after the rendition by 6859  
the court of appeals of the judgment of affirmation, may further 6860  
suspend, ~~subject to division (A) (2) (b) of section 2953.09 of the~~ 6861  
~~Revised Code,~~ the execution of the sentence or judgment imposed 6862  
for a time sufficient to give such person an opportunity to file 6863  
a notice of appeal to the supreme court, but the sentence or 6864  
judgment imposed shall not be suspended more than thirty days 6865  
for that purpose. 6866

**Sec. 2953.02.** In a ~~capital case in which a sentence of~~ 6867  
~~death is imposed for an offense committed before January 1,~~ 6868  
~~1995, and in any other criminal case, including a conviction for~~ 6869  
the violation of an ordinance of a municipal corporation, the 6870  
judgment or final order of a court of record inferior to the 6871  
court of appeals may be reviewed in the court of appeals. A 6872  
final order of an administrative officer or agency may be 6873  
reviewed in the court of common pleas. A judgment or final order 6874  
of the court of appeals involving a question arising under the 6875  
Constitution of the United States or of this state may be 6876  
appealed to the supreme court as a matter of right. This right 6877  
of appeal from judgments and final orders of the court of 6878  
appeals shall extend to ~~cases in which a sentence of death is~~ 6879  
~~imposed for an offense committed before January 1, 1995, and in~~ 6880



~~which the death penalty has been affirmed,~~ felony cases in which 6881  
the supreme court has directed the court of appeals to certify 6882  
its record, and in all other criminal cases of public or general 6883  
interest wherein the supreme court has granted a motion to 6884  
certify the record of the court of appeals. ~~In a capital case in~~ 6885  
~~which a sentence of death is imposed for an offense committed on~~ 6886  
~~or after January 1, 1995, the judgment or final order may be~~ 6887  
~~appealed from the trial court directly to the supreme court as a~~ 6888  
~~matter of right.~~ The supreme court in criminal cases shall not 6889  
be required to determine as to the weight of the evidence, 6890  
~~except that, in cases in which a sentence of death is imposed~~ 6891  
~~for an offense committed on or after January 1, 1995, and in~~ 6892  
~~which the question of the weight of the evidence to support the~~ 6893  
~~judgment has been raised on appeal, the supreme court shall~~ 6894  
~~determine as to the weight of the evidence to support the~~ 6895  
~~judgment and shall determine as to the weight of the evidence to~~ 6896  
~~support the sentence of death as provided in section 2929.05 of~~ 6897  
~~the Revised Code.~~ 6898

**Sec. 2953.07.** ~~(A)~~ Upon the hearing of an appeal other than 6899  
an appeal from a mayor's court, the appellate court may affirm 6900  
the judgment or reverse it, in whole or in part, or modify it, 6901  
and order the accused to be discharged or grant a new trial. The 6902  
appellate court may remand the accused for the sole purpose of 6903  
correcting a sentence imposed contrary to law, provided that, on 6904  
an appeal of a sentence imposed upon a person who is convicted 6905  
of or pleads guilty to a felony that is brought under section 6906  
2953.08 of the Revised Code, division (G) of that section 6907  
applies to the court. If the judgment is reversed, the appellant 6908  
shall recover from the appellee all court costs incurred to 6909  
secure the reversal, including the cost of transcripts. ~~In~~ 6910  
~~capital cases, when the judgment is affirmed and the day fixed~~ 6911

~~for the execution is passed, the appellate court shall appoint a~~ 6912  
~~day for it, and the clerk of the appellate court shall issue a~~ 6913  
~~warrant under the seal of the appellate court, to the sheriff of~~ 6914  
~~the proper county, or the warden of the appropriate state~~ 6915  
~~correctional institution, commanding the sheriff or warden to~~ 6916  
~~carry the sentence into execution on the day so appointed. The~~ 6917  
~~sheriff or warden shall execute and return the warrant as in~~ 6918  
~~other cases, and the clerk shall record the warrant and return.~~ 6919

~~(B) As used in this section, "appellate court" means, for~~ 6920  
~~a case in which a sentence of death is imposed for an offense~~ 6921  
~~committed before January 1, 1995, both the court of appeals and~~ 6922  
~~the supreme court, and for a case in which a sentence of death~~ 6923  
~~is imposed for an offense committed on or after January 1, 1995,~~ 6924  
~~the supreme court.~~ 6925

**Sec. 2953.08.** (A) In addition to any other right to appeal 6926  
and except as provided in division (D) of this section, a 6927  
defendant who is convicted of or pleads guilty to a felony may 6928  
appeal as a matter of right the sentence imposed upon the 6929  
defendant on one of the following grounds: 6930

(1) The sentence consisted of or included the maximum 6931  
definite prison term allowed for the offense by division (A) of 6932  
section 2929.14 or section 2929.142 of the Revised Code or, with 6933  
respect to a non-life felony indefinite prison term, the longest 6934  
minimum prison term allowed for the offense by division (A) (1) 6935  
(a) or (2) (a) of section 2929.14 of the Revised Code, the 6936  
maximum definite prison term or longest minimum prison term was 6937  
not required for the offense pursuant to Chapter 2925. or any 6938  
other provision of the Revised Code, and the court imposed the 6939  
sentence under one of the following circumstances: 6940

(a) The sentence was imposed for only one offense. 6941

(b) The sentence was imposed for two or more offenses 6942  
arising out of a single incident, and the court imposed the 6943  
maximum definite prison term or longest minimum prison term for 6944  
the offense of the highest degree. 6945

(2) The sentence consisted of or included a prison term 6946  
and the offense for which it was imposed is a felony of the 6947  
fourth or fifth degree or is a felony drug offense that is a 6948  
violation of a provision of Chapter 2925. of the Revised Code 6949  
and that is specified as being subject to division (B) of 6950  
section 2929.13 of the Revised Code for purposes of sentencing. 6951  
If the court specifies that it found one or more of the factors 6952  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 6953  
apply relative to the defendant, the defendant is not entitled 6954  
under this division to appeal as a matter of right the sentence 6955  
imposed upon the offender. 6956

(3) The person was convicted of or pleaded guilty to a 6957  
violent sex offense or a designated homicide, assault, or 6958  
kidnapping offense, was adjudicated a sexually violent predator 6959  
in relation to that offense, and was sentenced pursuant to 6960  
division (A) (3) of section 2971.03 of the Revised Code, if the 6961  
minimum term of the indefinite term imposed pursuant to division 6962  
(A) (3) of section 2971.03 of the Revised Code is the longest 6963  
term available for the offense from among the range of definite 6964  
terms listed in section 2929.14 of the Revised Code or, with 6965  
respect to a non-life felony indefinite prison term, the longest 6966  
minimum prison term allowed for the offense by division (A) (1) 6967  
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 6968  
this division, "designated homicide, assault, or kidnapping 6969  
offense" and "violent sex offense" have the same meanings as in 6970  
section 2971.01 of the Revised Code. As used in this division, 6971  
"adjudicated a sexually violent predator" has the same meaning 6972

as in section 2929.01 of the Revised Code, and a person is 6973  
"adjudicated a sexually violent predator" in the same manner and 6974  
the same circumstances as are described in that section. 6975

(4) The sentence is contrary to law. 6976

(5) The sentence consisted of an additional prison term of 6977  
ten years imposed pursuant to division (B)(2)(a) of section 6978  
2929.14 of the Revised Code. 6979

(B) In addition to any other right to appeal and except as 6980  
provided in division (D) of this section, a prosecuting 6981  
attorney, a city director of law, village solicitor, or similar 6982  
chief legal officer of a municipal corporation, or the attorney 6983  
general, if one of those persons prosecuted the case, may appeal 6984  
as a matter of right a sentence imposed upon a defendant who is 6985  
convicted of or pleads guilty to a felony or, in the 6986  
circumstances described in division (B)(3) of this section the 6987  
modification of a sentence imposed upon such a defendant, on any 6988  
of the following grounds: 6989

(1) The sentence did not include a prison term despite a 6990  
presumption favoring a prison term for the offense for which it 6991  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 6992  
the Revised Code. 6993

(2) The sentence is contrary to law. 6994

(3) The sentence is a modification under section 2929.20 6995  
of the Revised Code of a sentence that was imposed for a felony 6996  
of the first or second degree. 6997

(C)(1) In addition to the right to appeal a sentence 6998  
granted under division (A) or (B) of this section, a defendant 6999  
who is convicted of or pleads guilty to a felony may seek leave 7000  
to appeal a sentence imposed upon the defendant on the basis 7001

that the sentencing judge has imposed consecutive sentences 7002  
under division (C) (3) of section 2929.14 of the Revised Code and 7003  
that the consecutive sentences exceed the maximum definite 7004  
prison term allowed by division (A) of that section for the most 7005  
serious offense of which the defendant was convicted or, with 7006  
respect to a non-life felony indefinite prison term, exceed the 7007  
longest minimum prison term allowed by division (A) (1) (a) or (2) 7008  
(a) of that section for the most serious such offense. Upon the 7009  
filing of a motion under this division, the court of appeals may 7010  
grant leave to appeal the sentence if the court determines that 7011  
the allegation included as the basis of the motion is true. 7012

(2) A defendant may seek leave to appeal an additional 7013  
sentence imposed upon the defendant pursuant to division (B) (2) 7014  
(a) or (b) of section 2929.14 of the Revised Code if the 7015  
additional sentence is for a definite prison term that is longer 7016  
than five years. 7017

(D) (1) A sentence imposed upon a defendant is not subject 7018  
to review under this section if the sentence is authorized by 7019  
law, has been recommended jointly by the defendant and the 7020  
prosecution in the case, and is imposed by a sentencing judge. 7021

(2) Except as provided in division (C) (2) of this section, 7022  
a sentence imposed upon a defendant is not subject to review 7023  
under this section if the sentence is imposed pursuant to 7024  
division (B) (2) (b) of section 2929.14 of the Revised Code. 7025  
Except as otherwise provided in this division, a defendant 7026  
retains all rights to appeal as provided under this chapter or 7027  
any other provision of the Revised Code. A defendant has the 7028  
right to appeal under this chapter or any other provision of the 7029  
Revised Code the court's application of division (B) (2) (c) of 7030  
section 2929.14 of the Revised Code. 7031

(3) A sentence imposed for aggravated murder or murder 7032  
pursuant to ~~sections~~ section 2929.02 to 2929.06 of the Revised 7033  
Code is not subject to review under this section. 7034

(E) A defendant, prosecuting attorney, city director of 7035  
law, village solicitor, or chief municipal legal officer shall 7036  
file an appeal of a sentence under this section to a court of 7037  
appeals within the time limits specified in Rule 4(B) of the 7038  
Rules of Appellate Procedure, provided that if the appeal is 7039  
pursuant to division (B) (3) of this section, the time limits 7040  
specified in that rule shall not commence running until the 7041  
court grants the motion that makes the sentence modification in 7042  
question. A sentence appeal under this section shall be 7043  
consolidated with any other appeal in the case. If no other 7044  
appeal is filed, the court of appeals may review only the 7045  
portions of the trial record that pertain to sentencing. 7046

(F) On the appeal of a sentence under this section, the 7047  
record to be reviewed shall include all of the following, as 7048  
applicable: 7049

(1) Any presentence, psychiatric, or other investigative 7050  
report that was submitted to the court in writing before the 7051  
sentence was imposed. An appellate court that reviews a 7052  
presentence investigation report prepared pursuant to section 7053  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 7054  
connection with the appeal of a sentence under this section 7055  
shall comply with division (D) (3) of section 2951.03 of the 7056  
Revised Code when the appellate court is not using the 7057  
presentence investigation report, and the appellate court's use 7058  
of a presentence investigation report of that nature in 7059  
connection with the appeal of a sentence under this section does 7060  
not affect the otherwise confidential character of the contents 7061

of that report as described in division (D) (1) of section 7062  
2951.03 of the Revised Code and does not cause that report to 7063  
become a public record, as defined in section 149.43 of the 7064  
Revised Code, following the appellate court's use of the report. 7065

(2) The trial record in the case in which the sentence was 7066  
imposed; 7067

(3) Any oral or written statements made to or by the court 7068  
at the sentencing hearing at which the sentence was imposed; 7069

(4) Any written findings that the court was required to 7070  
make in connection with the modification of the sentence 7071  
pursuant to a judicial release under division (I) of section 7072  
2929.20 of the Revised Code. 7073

(G) (1) If the sentencing court was required to make the 7074  
findings required by division (B) or (D) of section 2929.13 or 7075  
division (I) of section 2929.20 of the Revised Code, or to state 7076  
the findings of the trier of fact required by division (B) (2) (e) 7077  
of section 2929.14 of the Revised Code, relative to the 7078  
imposition or modification of the sentence, and if the 7079  
sentencing court failed to state the required findings on the 7080  
record, the court hearing an appeal under division (A), (B), or 7081  
(C) of this section shall remand the case to the sentencing 7082  
court and instruct the sentencing court to state, on the record, 7083  
the required findings. 7084

(2) The court hearing an appeal under division (A), (B), 7085  
or (C) of this section shall review the record, including the 7086  
findings underlying the sentence or modification given by the 7087  
sentencing court. 7088

The appellate court may increase, reduce, or otherwise 7089  
modify a sentence that is appealed under this section or may 7090

vacate the sentence and remand the matter to the sentencing 7091  
court for resentencing. The appellate court's standard for 7092  
review is not whether the sentencing court abused its 7093  
discretion. The appellate court may take any action authorized 7094  
by this division if it clearly and convincingly finds either of 7095  
the following: 7096

(a) That the record does not support the sentencing 7097  
court's findings under division (B) or (D) of section 2929.13, 7098  
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 7099  
of section 2929.20 of the Revised Code, whichever, if any, is 7100  
relevant; 7101

(b) That the sentence is otherwise contrary to law. 7102

(H) A judgment or final order of a court of appeals under 7103  
this section may be appealed, by leave of court, to the supreme 7104  
court. 7105

(I) As used in this section, "non-life felony indefinite 7106  
prison term" has the same meaning as in section 2929.01 of the 7107  
Revised Code. 7108

**Sec. 2953.09.** (A) (1) Upon filing an appeal in the supreme 7109  
court, the execution of the sentence or judgment imposed in 7110  
cases of felony is suspended. 7111

~~(2) (a)~~ (2) If a notice of appeal is filed pursuant to the 7112  
Rules of Appellate Procedure by a defendant who is convicted in 7113  
a municipal or county court or a court of common pleas of a 7114  
felony or misdemeanor under the Revised Code or an ordinance of 7115  
a municipal corporation, the filing of the notice of appeal does 7116  
not suspend execution of the sentence or judgment imposed. 7117  
However, consistent with divisions ~~(A) (2) (b)~~, (B) ~~r~~, and (C) of 7118  
this section, section 2937.011 of the Revised Code, and 7119



Appellate Rule 8, the municipal or county court, court of common  
pleas, or court of appeals may suspend execution of the sentence  
or judgment imposed during the pendency of the appeal and shall  
determine whether that defendant is entitled to bail and the  
amount and nature of any bail that is required. The bail shall  
at least be conditioned that the defendant will prosecute the  
appeal without delay and abide by the judgment and sentence of  
the court.

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

~~(ii) A court of common pleas may suspend the execution of  
a sentence of death imposed for an offense committed on or after  
January 1, 1995, only if no date for execution has been set by  
the supreme court, good cause is shown, the defendant files a  
motion requesting the suspension, and notice has been given to  
the prosecuting attorney of the appropriate county.~~

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

(B) Notwithstanding any provision of section 2937.011 of

the Revised Code to the contrary, a trial judge of a court of  
common pleas shall not release on bail pursuant to division ~~(A)~~  
~~(2)~~ (A) (2) of this section a defendant who is convicted of a  
bailable offense if the defendant is sentenced to imprisonment  
for life or if that offense is a violation of section 2903.01,  
2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 2905.02, 2905.11,  
2907.02, 2909.02, 2911.01, 2911.02, or 2911.11 of the Revised  
Code or is felonious sexual penetration in violation of former  
section 2907.12 of the Revised Code.

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

**Sec. 2953.10.** When an appeal is taken from a court of  
appeals to the supreme court, the supreme court has the same  
power and authority to suspend the execution of sentence during  
the pendency of the appeal and admit the defendant to bail as  
does the court of appeals unless another section of the Revised  
Code or the Rules of Practice of the Supreme Court specify a  
distinct bail or suspension of sentence authority.

~~When an appeal in a case in which a sentence of death is  
imposed for an offense committed on or after January 1, 1995, is  
taken directly from the trial court to the supreme court, the  
supreme court has the same power and authority to suspend the  
execution of the sentence during the pendency of the appeal and  
admit the defendant to bail as does the court of appeals for~~

~~cases in which a sentence of death is imposed for an offense  
committed before January 1, 1995, unless another section of the  
Revised Code or the Rules of Practice of the Supreme Court  
specify a distinct bail or suspension of sentence authority.~~

**Sec. 2953.21.** (A) (1) (a) A person in any either of the  
following categories may file a petition in the court that  
imposed sentence, stating the grounds for relief relied upon,  
and asking the court to vacate or set aside the judgment or  
sentence or to grant other appropriate relief:

(i) Any person who has been convicted of a criminal  
offense or adjudicated a delinquent child and who claims that  
there was such a denial or infringement of the person's rights  
as to render the judgment void or voidable under the Ohio  
Constitution or the Constitution of the United States;

~~(ii) Any person who has been convicted of a criminal  
offense and sentenced to death and who claims that there was a  
denial or infringement of the person's rights under either of  
those Constitutions that creates a reasonable probability of an  
altered verdict;~~

~~(iii) Any person who has been convicted of a criminal  
offense that is a felony and who is an offender for whom DNA  
testing that was performed under sections 2953.71 to 2953.81 of  
the Revised Code or under former section 2953.82 of the Revised  
Code and analyzed in the context of and upon consideration of  
all available admissible evidence related to the person's case  
as described in division (D) of section 2953.74 of the Revised  
Code provided results that establish, by clear and convincing  
evidence, actual innocence of that felony offense or, if the  
person was sentenced to death, establish, by clear and  
convincing evidence, actual innocence of the aggravating~~

~~circumstance or circumstances the person was found guilty of~~ 7210  
~~committing and that is or are the basis of that sentence of~~ 7211  
~~death;~~ 7212

~~(iv) Any person who has been convicted of aggravated~~ 7213  
~~murder and sentenced to death for the offense and who claims~~ 7214  
~~that the person had a serious mental illness at the time of the~~ 7215  
~~commission of the offense and that as a result the court should~~ 7216  
~~render void the sentence of death, with the filing of the~~ 7217  
~~petition constituting the waiver described in division (A) (3) (b)~~ 7218  
~~of this section.~~ 7219

(b) A petitioner under division (A) (1) (a) of this section 7220  
may file a supporting affidavit and other documentary evidence 7221  
in support of the claim for relief. 7222

(c) As used in division (A) (1) (a) of this section: 7223

~~(i) "Actual, "actual innocence" means that, had the~~ 7224  
~~results of the DNA testing conducted under sections 2953.71 to~~ 7225  
~~2953.81 of the Revised Code or under former section 2953.82 of~~ 7226  
~~the Revised Code been presented at trial, and had those results~~ 7227  
~~been analyzed in the context of and upon consideration of all~~ 7228  
~~available admissible evidence related to the person's case as~~ 7229  
~~described in division (D) of section 2953.74 of the Revised~~ 7230  
~~Code, no reasonable factfinder would have found the petitioner~~ 7231  
~~guilty of the offense of which the petitioner was convicted, or,~~ 7232  
~~if the person was sentenced to death, no reasonable factfinder~~ 7233  
~~would have found the petitioner guilty of the aggravating~~ 7234  
~~circumstance or circumstances the petitioner was found guilty of~~ 7235  
~~committing and that is or are the basis of that sentence of~~ 7236  
~~death.~~ 7237

~~(ii) "Serious mental illness" has the same meaning as in~~ 7238

~~section 2929.025 of the Revised Code.~~ 7239

(d) As used in divisions (A)(1)(a) and (c) of this 7240  
section, "former section 2953.82 of the Revised Code" means 7241  
section 2953.82 of the Revised Code as it existed prior to July 7242  
6, 2010. 7243

~~(e) At any time in conjunction with the filing of a 7244  
petition for postconviction relief under division (A) of this 7245  
section by a person who has been sentenced to death, or with the 7246  
litigation of a petition so filed, the court, for good cause 7247  
shown, may authorize the petitioner in seeking the 7248  
postconviction relief and the prosecuting attorney of the county 7249  
served by the court in defending the proceeding, to take 7250  
depositions and to issue subpoenas and subpoenas duces tecum in 7251  
accordance with divisions (A)(1)(e), (A)(1)(f), and (C) of this 7252  
section, and to any other form of discovery as in a civil action 7253  
that the court in its discretion permits. The court may limit 7254  
the extent of discovery under this division. In addition to 7255  
discovery that is relevant to the claim and was available under 7256  
Criminal Rule 16 through conclusion of the original criminal 7257  
trial, the court, for good cause shown, may authorize the 7258  
petitioner or prosecuting attorney to take depositions and issue 7259  
subpoenas and subpoenas duces tecum in either of the following 7260  
circumstances:~~ 7261

~~(i) For any witness who testified at trial or who was 7262  
disclosed by the state prior to trial, except as otherwise 7263  
provided in this division, the petitioner or prosecuting 7264  
attorney shows clear and convincing evidence that the witness is 7265  
material and that a deposition of the witness or the issuing of 7266  
a subpoena or subpoena duces tecum is of assistance in order to 7267  
substantiate or refute the petitioner's claim that there is a 7268~~

~~reasonable probability of an altered verdict. This division does 7269  
not apply if the witness was unavailable for trial or would not 7270  
voluntarily be interviewed by the defendant or prosecuting 7271  
attorney. 7272~~

~~(ii) For any witness with respect to whom division (A) (1) 7273  
(e) (i) of this section does not apply, the petitioner or 7274  
prosecuting attorney shows good cause that the witness is 7275  
material and that a deposition of the witness or the issuing of 7276  
a subpoena or subpoena duces tecum is of assistance in order to 7277  
substantiate or refute the petitioner's claim that there is a 7278  
reasonable probability of an altered verdict. 7279~~

~~(f) If a person who has been sentenced to death and who 7280  
files a petition for postconviction relief under division (A) of 7281  
this section requests postconviction discovery as described in 7282  
division (A) (1) (e) of this section or if the prosecuting 7283  
attorney of the county served by the court requests 7284  
postconviction discovery as described in that division, within 7285  
ten days after the docketing of the request, or within any other 7286  
time that the court sets for good cause shown, the prosecuting 7287  
attorney shall respond by answer or motion to the petitioner's 7288  
request or the petitioner shall respond by answer or motion to 7289  
the prosecuting attorney's request, whichever is applicable. 7290~~

~~(g) If a person who has been sentenced to death and who 7291  
files a petition for postconviction relief under division (A) of 7292  
this section requests postconviction discovery as described in 7293  
division (A) (1) (e) of this section or if the prosecuting 7294  
attorney of the county served by the court requests 7295  
postconviction discovery as described in that division, upon 7296  
motion by the petitioner, the prosecuting attorney, or the 7297  
person from whom discovery is sought, and for good cause shown, 7298~~

~~the court in which the action is pending may make any order that justice requires to protect a party or person from oppression or undue burden or expense, including but not limited to the orders described in divisions (A) (1) (h) (i) to (viii) of this section. The court also may make any such order if, in its discretion, it determines that the discovery sought would be irrelevant to the claims made in the petition; and if the court makes any such order on that basis, it shall explain in the order the reasons why the discovery would be irrelevant.~~

~~(h) If a petitioner, prosecuting attorney, or person from whom discovery is sought makes a motion for an order under division (A) (1) (g) of this section and the order is denied in whole or in part, the court, on terms and conditions as are just, may order that any party or person provide or permit discovery as described in division (A) (1) (e) of this section. The provisions of Civil Rule 37(A) (4) apply to the award of expenses incurred in relation to the motion, except that in no case shall a court require a petitioner who is indigent to pay expenses under those provisions.~~

~~Before any person moves for an order under division (A) (1) (g) of this section, that person shall make a reasonable effort to resolve the matter through discussion with the petitioner or prosecuting attorney seeking discovery. A motion for an order under division (A) (1) (g) of this section shall be accompanied by a statement reciting the effort made to resolve the matter in accordance with this paragraph.~~

~~The orders that may be made under division (A) (1) (g) of this section include, but are not limited to, any of the following:~~

~~(i) That the discovery not be had;~~

- ~~(ii) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;~~ 7329  
7330
- ~~(iii) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;~~ 7331  
7332  
7333
- ~~(iv) That certain matters not be inquired into or that the scope of the discovery be limited to certain matters;~~ 7334  
7335
- ~~(v) That discovery be conducted with no one present except persons designated by the court;~~ 7336  
7337
- ~~(vi) That a deposition after being sealed be opened only by order of the court;~~ 7338  
7339
- ~~(vii) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;~~ 7340  
7341  
7342
- ~~(viii) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.~~ 7343  
7344  
7345
- ~~(i) Any postconviction discovery authorized under division (A) (1) (c) of this section shall be completed not later than eighteen months after the start of the discovery proceedings unless, for good cause shown, the court extends that period for completing the discovery.~~ 7346  
7347  
7348  
7349  
7350
- ~~(j) Nothing in division (A) (1) (c) of this section authorizes, or shall be construed as authorizing, the relitigation, or discovery in support of relitigation, of any matter barred by the doctrine of res judicata.~~ 7351  
7352  
7353  
7354
- ~~(k) Division (A) (1) of this section does not apply to any person who has been convicted of a criminal offense and~~ 7355  
7356



~~sentenced to death and who has unsuccessfully raised the same  
claims in a petition for postconviction relief.~~ 7357  
7358

~~(2)(a)(2)~~ Except as otherwise provided in section 2953.23 7359  
of the Revised Code, a petition under division ~~(A)(1)(a)(i),~~ 7360  
~~(ii), or (iii)~~ (A)(1)(a) of this section shall be filed no later 7361  
than three hundred sixty-five days after the date on which the 7362  
trial transcript is filed in the court of appeals in the direct 7363  
appeal of the judgment of conviction or adjudication ~~or, if the~~ 7364  
~~direct appeal involves a sentence of death, the date on which~~ 7365  
~~the trial transcript is filed in the supreme court.~~ If no appeal 7366  
is taken, except as otherwise provided in section 2953.23 of the 7367  
Revised Code, the petition shall be filed no later than three 7368  
hundred sixty-five days after the expiration of the time for 7369  
filing the appeal. 7370

~~(b) Except as otherwise provided in section 2953.23 of the~~ 7371  
~~Revised Code, a petition under division (A)(1)(a)(iv) of this~~ 7372  
~~section shall be filed not later than three hundred sixty-five~~ 7373  
~~days after the effective date of this amendment~~ 7374

~~(3)(a) In a petition filed under division (A)(1)(a)(i),~~ 7375  
~~(ii), or (iii) of this section, a person who has been sentenced~~ 7376  
~~to death may ask the court to render void or voidable the~~ 7377  
~~judgment with respect to the conviction of aggravated murder or~~ 7378  
~~the specification of an aggravating circumstance or the sentence~~ 7379  
~~of death.~~ 7380

~~(b) A person sentenced to death who files a petition under~~ 7381  
~~division (A)(1)(a)(iv) of this section may ask the court to~~ 7382  
~~render void the sentence of death and to order the resentencing~~ 7383  
~~of the person under division (A) of section 2929.06 of the~~ 7384  
~~Revised Code. If a person sentenced to death files such a~~ 7385  
~~petition and asks the court to render void the sentence of death~~ 7386

~~and to order the resentencing of the person under division (A) of section 2929.06 of the Revised Code, the act of filing the petition constitutes a waiver of any right to be sentenced under the law that existed at the time the offense was committed and constitutes consent to be sentenced to life imprisonment without parole under division (A) of section 2929.06 of the Revised Code.~~ 7387  
7388  
7389  
7390  
7391  
7392  
7393

~~(4)~~(3) A petitioner shall state in the original or amended petition filed under division (A) of this section all grounds for relief claimed by the petitioner. Except as provided in section 2953.23 of the Revised Code, any ground for relief that is not so stated in the petition is waived. 7394  
7395  
7396  
7397  
7398

~~(5)~~(4) If the petitioner in a petition filed under division ~~(A) (1) (a) (i), (ii), or (iii)~~ (A) (1) (a) of this section was convicted of or pleaded guilty to a felony, the petition may include a claim that the petitioner was denied the equal protection of the laws in violation of the Ohio Constitution or the United States Constitution because the sentence imposed upon the petitioner for the felony was part of a consistent pattern of disparity in sentencing by the judge who imposed the sentence, with regard to the petitioner's race, gender, ethnic background, or religion. If the supreme court adopts a rule requiring a court of common pleas to maintain information with regard to an offender's race, gender, ethnic background, or religion, the supporting evidence for the petition shall include, but shall not be limited to, a copy of that type of information relative to the petitioner's sentence and copies of that type of information relative to sentences that the same judge imposed upon other persons. 7399  
7400  
7401  
7402  
7403  
7404  
7405  
7406  
7407  
7408  
7409  
7410  
7411  
7412  
7413  
7414  
7415

~~(6) Notwithstanding any law or court rule to the contrary,~~ 7416

~~there is no limit on the number of pages in, or on the length of, a petition filed under division (A) (1) (a) (i), (ii), (iii), or (iv) of this section by a person who has been sentenced to death. If any court rule specifies a limit on the number of pages in, or on the length of, a petition filed under division (A) (1) (a) (i), (ii), (iii), or (iv) of this section or on a prosecuting attorney's response to such a petition by answer or motion and a person who has been sentenced to death files a petition that exceeds the limit specified for the petition, the prosecuting attorney may respond by an answer or motion that exceeds the limit specified for the response.~~

(B) ~~The clerk of the court in which the petition for postconviction relief and, if applicable, a request for postconviction discovery described in division (A) (1) (c) of this section is filed shall docket the petition and the request and bring ~~them~~ it promptly to the attention of the court. The clerk of the court in which the petition for postconviction relief and, if applicable, a request for postconviction discovery described in division (A) (1) (c) of this section is filed immediately shall forward a copy of the petition and a copy of the request if filed by the petitioner to the prosecuting attorney of the county served by the court. ~~If the request for postconviction discovery is filed by the prosecuting attorney, the clerk of the court immediately shall forward a copy of the request to the petitioner or the petitioner's counsel.~~~~

(C) ~~If a person who has been sentenced to death and who files a petition for postconviction relief under division (A) (1) (a) (i), (ii), (iii), or (iv) of this section requests a deposition or the prosecuting attorney in the case requests a deposition, and if the court grants the request under division (A) (1) (c) of this section, the court shall notify the petitioner~~

~~or the petitioner's counsel and the prosecuting attorney. The deposition shall be conducted pursuant to divisions (B), (D), and (E) of Criminal Rule 15. Notwithstanding division (C) of Criminal Rule 15, the petitioner is not entitled to attend the deposition. The prosecuting attorney shall be permitted to attend and participate in any deposition.~~

~~(D)~~ The court shall consider a petition that is timely filed within the period specified in division (A) (2) of this section even if a direct appeal of the judgment is pending. Before granting a hearing on a petition filed under division (A) (1) (a) (i) or (ii) ~~(iii), or (iv)~~ of this section, the court shall determine whether there are substantive grounds for relief. In making such a determination, the court shall consider, in addition to the petition, the supporting affidavits, and the documentary evidence, all the files and records pertaining to the proceedings against the petitioner, including, but not limited to, the indictment, the court's journal entries, the journalized records of the clerk of the court, and the court reporter's transcript. The court reporter's transcript, if ordered and certified by the court, shall be taxed as court costs. If the court dismisses the petition, it shall make and file findings of fact and conclusions of law with respect to such dismissal. ~~If the petition was filed by a person who has been sentenced to death, the findings of fact and conclusions of law shall state specifically the reasons for the dismissal of the petition and of each claim it contains.~~

~~(E)~~ (D) Within ten days after the docketing of the petition, or within any further time that the court may fix for good cause shown, the prosecuting attorney shall respond by answer or motion. ~~Division (A) (6) of this section applies with respect to the prosecuting attorney's response.~~ Within twenty

days from the date the issues are raised, either party may move 7479  
for summary judgment. The right to summary judgment shall appear 7480  
on the face of the record. 7481

~~(F)~~ (E) Unless the petition and the files and records of 7482  
the case show the petitioner is not entitled to relief, the 7483  
court shall proceed to a prompt hearing on the issues even if a 7484  
direct appeal of the case is pending. If the court notifies the 7485  
parties that it has found grounds for granting relief, either 7486  
party may request an appellate court in which a direct appeal of 7487  
the judgment is pending to remand the pending case to the court. 7488

~~With respect to a petition filed under division (A) (1) (a)- 7489  
(iv) of this section, the procedures and rules regarding- 7490  
introduction of evidence and burden of proof at the pretrial- 7491  
hearing that are set forth in divisions (C), (D), and (F) of- 7492  
section 2929.025 of the Revised Code apply in considering the- 7493  
petition. With respect to such a petition, the grounds for- 7494  
granting relief are that the person has been diagnosed with one- 7495  
or more of the conditions set forth in division (A) (1) (a) of- 7496  
section 2929.025 of the Revised Code and that, at the time of- 7497  
the aggravated murder that was the basis of the sentence of- 7498  
death, the condition or conditions significantly impaired the- 7499  
person's capacity in a manner described in division (A) (1) (b) of 7500  
that section. 7501~~

~~(G) A petitioner who files a petition under division (A)- 7502  
(1) (a) (i), (ii), (iii), or (iv) of this section may amend the- 7503  
petition as follows: 7504~~

~~(1) If the petition was filed by a person who has been- 7505  
sentenced to death, at any time that is not later than one- 7506  
hundred eighty days after the petition is filed, the petitioner- 7507  
may amend the petition with or without leave or prejudice to the 7508~~

~~proceedings.~~ 7509

~~(2) If division (C) (1) of this section does not apply, at~~ 7510  
(F) At any time before the answer or motion is filed, the 7511  
petitioner may amend the petition with or without leave or 7512  
prejudice to the proceedings. 7513

~~(3) The petitioner may amend the petition with leave of~~ 7514  
court at any time after the expiration of the applicable period 7515  
~~specified in division (C) (1) or (2) of this section~~ 7516  
thereafter.

~~(H) (G) If the court does not find grounds for granting~~ 7517  
relief, it shall make and file findings of fact and conclusions 7518  
of law and shall enter judgment denying relief on the petition. 7519  
~~If the petition was filed by a person who has been sentenced to~~ 7520  
~~death, the findings of fact and conclusions of law shall state~~ 7521  
~~specifically the reasons for the denial of relief on the~~ 7522  
~~petition and of each claim it contains.~~ 7523  
If no direct appeal of 7524  
the case is pending and the court finds grounds for relief or if 7525  
a pending direct appeal of the case has been remanded to the 7526  
court pursuant to a request made pursuant to division ~~(F)~~ (E) of 7527  
this section and the court finds grounds for granting relief, it 7528  
shall make and file findings of fact and conclusions of law and 7529  
shall enter a judgment that vacates and sets aside the judgment 7530  
in question, and, in the case of a petitioner who is a prisoner 7531  
in custody, except as otherwise described in this division, 7532  
shall discharge or resentence the petitioner or grant a new 7533  
trial as the court determines appropriate. ~~If the court finds~~ 7534  
~~grounds for relief in the case of a petitioner who filed a~~  
~~petition under division (A) (1) (a) (iv) of this section, the court~~ 7535  
~~shall render void the sentence of death and order the~~ 7536  
~~resentencing of the offender under division (A) of section~~ 7537  
~~2929.06 of the Revised Code. If the petitioner has been~~ 7538

~~sentenced to death, the findings of fact and conclusions of law shall state specifically the reasons for the finding of grounds for granting the relief, with respect to each claim contained in the petition. The court also may make supplementary orders to the relief granted, concerning such matters as rearraignment, retrial, custody, and bail. If the trial court's order granting the petition is reversed on appeal and if the direct appeal of the case has been remanded from an appellate court pursuant to a request under division ~~(F)~~ (E) of this section, the appellate court reversing the order granting the petition shall notify the appellate court in which the direct appeal of the case was pending at the time of the remand of the reversal and remand of the trial court's order. Upon the reversal and remand of the trial court's order granting the petition, regardless of whether notice is sent or received, the direct appeal of the case that was remanded is reinstated.~~

~~(I) Upon the filing of a petition pursuant to division (A) (1) (a) (i), (ii), (iii), or (iv) of this section by a person sentenced to death, only the supreme court may stay execution of the sentence of death.~~

~~(J) (1) If a person sentenced to death intends to file a petition under this section, the court shall appoint counsel to represent the person upon a finding that the person is indigent and that the person either accepts the appointment of counsel or is unable to make a competent decision whether to accept or reject the appointment of counsel. The court may decline to appoint counsel for the person only upon a finding, after a hearing if necessary, that the person rejects the appointment of counsel and understands the legal consequences of that decision or upon a finding that the person is not indigent.~~

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

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

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



committed by an adult or the validity of a related order of 7600  
disposition. 7601

**Sec. 2953.23.** (A) Whether a hearing is or is not held on a 7602  
petition filed pursuant to section 2953.21 of the Revised Code, 7603  
a court may not entertain a petition filed after the expiration 7604  
of the period prescribed in division (A) of that section or a 7605  
second petition or successive petitions for similar relief on 7606  
behalf of a petitioner unless division (A) (1) or (2) of this 7607  
section applies: 7608

(1) Both of the following apply: 7609

(a) Either the petitioner shows that the petitioner was 7610  
unavoidably prevented from discovery of the facts upon which the 7611  
petitioner must rely to present the claim for relief, or, 7612  
subsequent to the period prescribed in division (A) (2) of 7613  
section 2953.21 of the Revised Code or to the filing of an 7614  
earlier petition, the United States Supreme Court recognized a 7615  
new federal or state right that applies retroactively to persons 7616  
in the petitioner's situation, and the petition asserts a claim 7617  
based on that right. 7618

(b) The petitioner shows by clear and convincing evidence 7619  
that, but for constitutional error at trial, no reasonable 7620  
factfinder would have found the petitioner guilty of the offense 7621  
of which the petitioner was convicted ~~or, if the claim~~ 7622  
~~challenges a sentence of death that, but for constitutional~~ 7623  
~~error at the sentencing hearing, no reasonable factfinder would~~ 7624  
~~have found the petitioner eligible for the death sentence.~~ 7625

(2) The petitioner was convicted of a felony, the 7626  
petitioner is an offender for whom DNA testing was performed 7627  
under sections 2953.71 to 2953.81 of the Revised Code or under 7628

former section 2953.82 of the Revised Code and analyzed in the 7629  
context of and upon consideration of all available admissible 7630  
evidence related to the inmate's case as described in division 7631  
(D) of section 2953.74 of the Revised Code, and the results of 7632  
the DNA testing establish, by clear and convincing evidence, 7633  
actual innocence of that felony offense ~~or, if the person was~~ 7634  
~~sentenced to death, establish, by clear and convincing evidence,~~ 7635  
~~actual innocence of the aggravating circumstance or~~ 7636  
~~circumstances the person was found guilty of committing and that~~ 7637  
~~is or are the basis of that sentence of death.~~ 7638

As used in this division, "actual innocence" has the same 7639  
meaning as in division (A) (1) (c) of section 2953.21 of the 7640  
Revised Code, and "former section 2953.82 of the Revised Code" 7641  
has the same meaning as in division (A) (1) (d) of section 2953.21 7642  
of the Revised Code. 7643

(B) An order awarding or denying relief sought in a 7644  
petition filed pursuant to section 2953.21 of the Revised Code 7645  
is a final judgment and may be appealed pursuant to Chapter 7646  
2953. of the Revised Code. 7647

~~If a petition filed pursuant to section 2953.21 of the~~ 7648  
~~Revised Code by a person who has been sentenced to death is~~ 7649  
~~denied and the person appeals the judgment, notwithstanding any~~ 7650  
~~law or court rule to the contrary, there is no limit on the~~ 7651  
~~number of pages in, or on the length of, a notice of appeal or~~ 7652  
~~briefs related to an appeal filed by the person. If any court~~ 7653  
~~rule specifies a limit on the number of pages in, or on the~~ 7654  
~~length of, a notice of appeal or briefs described in this~~ 7655  
~~division or on a prosecuting attorney's response or briefs with~~ 7656  
~~respect to such an appeal and a person who has been sentenced to~~ 7657  
~~death files a notice of appeal or briefs that exceed the limit~~ 7658

~~specified for the petition, the prosecuting attorney may file a~~ 7659  
~~response or briefs that exceed the limit specified for the~~ 7660  
~~answer or briefs.~~ 7661

**Sec. 2953.71.** As used in sections 2953.71 to 2953.83 of 7662  
the Revised Code: 7663

(A) "Application" or "application for DNA testing" means a 7664  
request through postconviction relief for the state to do DNA 7665  
testing on biological material from the case in which the 7666  
offender was convicted of the offense for which the offender is 7667  
an eligible offender and is requesting the DNA testing under 7668  
sections 2953.71 to 2953.81 of the Revised Code. 7669

(B) "Biological material" means any product of a human 7670  
body containing DNA. 7671

(C) "Chain of custody" means a record or other evidence 7672  
that tracks a subject sample of biological material from the 7673  
time the biological material was first obtained until the time 7674  
it currently exists in its place of storage and, in relation to 7675  
a DNA sample, a record or other evidence that tracks the DNA 7676  
sample from the time it was first obtained until it currently 7677  
exists in its place of storage. For purposes of this division, 7678  
examples of when biological material or a DNA sample is first 7679  
obtained include, but are not limited to, obtaining the material 7680  
or sample at the scene of a crime, from a victim, from an 7681  
offender, or in any other manner or time as is appropriate in 7682  
the facts and circumstances present. 7683

(D) "Custodial agency" means the group or entity that has 7684  
the responsibility to maintain biological material in question. 7685

(E) "Custodian" means the person who is the primary 7686  
representative of a custodial agency. 7687

(F) "Eligible offender" means an offender who is eligible 7688  
under division (C) of section 2953.72 of the Revised Code to 7689  
request DNA testing to be conducted under sections 2953.71 to 7690  
2953.81 of the Revised Code. 7691

(G) "Exclusion" or "exclusion result" means a result of 7692  
DNA testing that scientifically precludes or forecloses the 7693  
subject offender as a contributor of biological material 7694  
recovered from the crime scene or victim in question, in 7695  
relation to the offense for which the offender is an eligible 7696  
offender and for which the ~~sentence of death or prison~~ term was 7697  
imposed upon the offender. 7698

(H) "Extracting personnel" means medically approved 7699  
personnel who are employed to physically obtain an offender's 7700  
DNA specimen for purposes of DNA testing under sections 2953.71 7701  
to 2953.81 of the Revised Code. 7702

(I) "Inclusion" or "inclusion result" means a result of 7703  
DNA testing that scientifically cannot exclude, or that holds 7704  
accountable, the subject offender as a contributor of biological 7705  
material recovered from the crime scene or victim in question, 7706  
in relation to the offense for which the offender is an eligible 7707  
offender and for which the ~~sentence of death or prison~~ term was 7708  
imposed upon the offender. 7709

(J) "Inconclusive" or "inconclusive result" means a result 7710  
of DNA testing that is rendered when a scientifically 7711  
appropriate and definitive DNA analysis or result, or both, 7712  
cannot be determined. 7713

(K) "Offender" means a criminal offender who was sentenced 7714  
by a court, or by a jury and a court, of this state. 7715

(L) "Outcome determinative" means that had the results of 7716

DNA testing of the subject offender been presented at the trial 7717  
of the subject offender requesting DNA testing and been found 7718  
relevant and admissible with respect to the felony offense for 7719  
which the offender is an eligible offender and is requesting the 7720  
DNA testing, and had those results been analyzed in the context 7721  
of and upon consideration of all available admissible evidence 7722  
related to the offender's case as described in division (D) of 7723  
section 2953.74 of the Revised Code, there is a strong 7724  
probability that no reasonable factfinder would have found the 7725  
offender guilty of that offense ~~or, if the offender was~~ 7726  
~~sentenced to death relative to that offense, would have found~~ 7727  
~~the offender guilty of the aggravating circumstance or~~ 7728  
~~circumstances the offender was found guilty of committing and~~ 7729  
~~that is or are the basis of that sentence of death.~~ 7730

(M) "Parent sample" means the biological material first 7731  
obtained from a crime scene or a victim of an offense for which 7732  
an offender is an eligible offender, and from which a sample 7733  
will be presently taken to do a DNA comparison to the DNA of the 7734  
subject offender under sections 2953.71 to 2953.81 of the 7735  
Revised Code. 7736

(N) "Prison" and "community control sanction" have the 7737  
same meanings as in section 2929.01 of the Revised Code. 7738

(O) "Prosecuting attorney" means the prosecuting attorney 7739  
who, or whose office, prosecuted the case in which the subject 7740  
offender was convicted of the offense for which the offender is 7741  
an eligible offender and is requesting the DNA testing. 7742

(P) "Prosecuting authority" means the prosecuting attorney 7743  
or the attorney general. 7744

(Q) "Reasonable diligence" means a degree of diligence 7745

that is comparable to the diligence a reasonable person would 7746  
employ in searching for information regarding an important 7747  
matter in the person's own life. 7748

(R) "Testing authority" means a laboratory at which DNA 7749  
testing will be conducted under sections 2953.71 to 2953.81 of 7750  
the Revised Code. 7751

(S) "Parole" and "post-release control" have the same 7752  
meanings as in section 2967.01 of the Revised Code. 7753

(T) "Sexually oriented offense" and "child-victim oriented 7754  
offense" have the same meanings as in section 2950.01 of the 7755  
Revised Code. 7756

(U) "Definitive DNA test" means a DNA test that clearly 7757  
establishes that biological material from the perpetrator of the 7758  
crime was recovered from the crime scene and also clearly 7759  
establishes whether or not the biological material is that of 7760  
the eligible offender. A prior DNA test is not definitive if the 7761  
eligible offender proves by a preponderance of the evidence that 7762  
because of advances in DNA technology there is a possibility of 7763  
discovering new biological material from the perpetrator that 7764  
the prior DNA test may have failed to discover. Prior testing 7765  
may have been a prior "definitive DNA test" as to some 7766  
biological evidence but may not have been a prior "definitive 7767  
DNA test" as to other biological evidence. 7768

**Sec. 2953.72.** (A) Any eligible offender who wishes to 7769  
request DNA testing under sections 2953.71 to 2953.81 of the 7770  
Revised Code shall submit an application for the testing to the 7771  
court of common pleas specified in section 2953.73 of the 7772  
Revised Code, on a form prescribed by the attorney general for 7773  
this purpose. The eligible offender shall submit the application 7774

in accordance with the procedures set forth in section 2953.73 7775  
of the Revised Code. The eligible offender shall specify on the 7776  
application the offense or offenses for which the offender is an 7777  
eligible offender and is requesting the DNA testing. Along with 7778  
the application, the eligible offender shall submit an 7779  
acknowledgment that is on a form prescribed by the attorney 7780  
general for this purpose and that is signed by the offender. The 7781  
acknowledgment shall set forth all of the following: 7782

(1) That sections 2953.71 to 2953.81 of the Revised Code 7783  
contemplate applications for DNA testing of an eligible offender 7784  
at a stage of a prosecution or case after the offender has been 7785  
sentenced, that any exclusion or inclusion result of DNA testing 7786  
rendered pursuant to those sections may be used by a party in 7787  
any proceeding as described in section 2953.81 of the Revised 7788  
Code, and that all requests for any DNA testing made at trial 7789  
will continue to be handled by the prosecuting attorney in the 7790  
case; 7791

(2) That the process of conducting postconviction DNA 7792  
testing for an eligible offender under sections 2953.71 to 7793  
2953.81 of the Revised Code begins when the offender submits an 7794  
application under section 2953.73 of the Revised Code and the 7795  
acknowledgment described in this section; 7796

(3) That the eligible offender must submit the application 7797  
and acknowledgment to the court of common pleas that heard the 7798  
case in which the offender was convicted of the offense for 7799  
which the offender is an eligible offender and is requesting the 7800  
DNA testing; 7801

(4) That the state has established a set of criteria set 7802  
forth in section 2953.74 of the Revised Code by which eligible 7803  
offender applications for DNA testing will be screened and that 7804

a judge of a court of common pleas upon receipt of a properly  
filed application and accompanying acknowledgment will apply  
those criteria to determine whether to accept or reject the  
application;

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

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

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

(8) That the acknowledgment memorializes the provisions of  
sections 2953.71 to 2953.81 of the Revised Code with respect to  
the application of postconviction DNA testing to offenders, that  
those provisions do not give any offender any additional  
constitutional right that the offender did not already have,  
that the court has no duty or obligation to provide  
postconviction DNA testing to offenders, that the court of  
common pleas has the sole discretion subject to an appeal as



described in this division to determine whether an offender is 7835  
an eligible offender and whether an eligible offender's 7836  
application for DNA testing satisfies the acceptance criteria 7837  
described in division (A) (4) of this section and whether the 7838  
application should be accepted or rejected, that if the court of 7839  
common pleas rejects an eligible offender's application, the 7840  
offender may ~~seek leave of the supreme court to appeal the~~ 7841  
~~rejection to that court if the offender was sentenced to death~~ 7842  
~~for the offense for which the offender is requesting the DNA~~ 7843  
~~testing and, if the offender was not sentenced to death for that~~ 7844  
~~offense, may appeal the rejection to the court of appeals, and~~ 7845  
that no determination otherwise made by the court of common 7846  
pleas in the exercise of its discretion regarding the 7847  
eligibility of an offender or regarding postconviction DNA 7848  
testing under those provisions is reviewable by or appealable to 7849  
any court; 7850

(9) That the manner in which sections 2953.71 to 2953.81 7851  
of the Revised Code with respect to the offering of 7852  
postconviction DNA testing to offenders are carried out does not 7853  
confer any constitutional right upon any offender, that the 7854  
state has established guidelines and procedures relative to 7855  
those provisions to ensure that they are carried out with both 7856  
justice and efficiency in mind, and that an offender who 7857  
participates in any phase of the mechanism contained in those 7858  
provisions, including, but not limited to, applying for DNA 7859  
testing and being rejected, having an application for DNA 7860  
testing accepted and not receiving the test, or having DNA 7861  
testing conducted and receiving unfavorable results, does not 7862  
gain as a result of the participation any constitutional right 7863  
to challenge, or, except as provided in division (A) (8) of this 7864  
section, any right to any review or appeal of, the manner in 7865

which those provisions are carried out; 7866

(10) That the most basic aspect of sections 2953.71 to 7867  
2953.81 of the Revised Code is that, in order for DNA testing to 7868  
occur, there must be an offender sample against which other 7869  
evidence may be compared, that, if an eligible offender's 7870  
application is accepted but the offender subsequently refuses to 7871  
submit to the collection of the sample of biological material 7872  
from the offender or hinders the state from obtaining a sample 7873  
of biological material from the offender, the goal of those 7874  
provisions will be frustrated, and that an offender's refusal or 7875  
hindrance shall cause the court to rescind its prior acceptance 7876  
of the application for DNA testing for the offender and deny the 7877  
application. 7878

(B) The attorney general shall prescribe a form to be used 7879  
to make an application for DNA testing under division (A) of 7880  
this section and section 2953.73 of the Revised Code and a form 7881  
to be used to provide the acknowledgment described in division 7882  
(A) of this section. The forms shall include all information 7883  
described in division (A) of this section, spaces for an 7884  
offender to insert all information necessary to complete the 7885  
forms, including, but not limited to, specifying the offense or 7886  
offenses for which the offender is an eligible offender and is 7887  
requesting the DNA testing, and any other information or 7888  
material the attorney general determines is necessary or 7889  
relevant. The attorney general shall distribute copies of the 7890  
prescribed forms to the department of rehabilitation and 7891  
correction, the department shall ensure that each prison in 7892  
which offenders are housed has a supply of copies of the forms, 7893  
and the department shall ensure that copies of the forms are 7894  
provided free of charge to any offender who requests them. 7895

(C) (1) An offender is eligible to request DNA testing to 7896  
be conducted under sections 2953.71 to 2953.81 of the Revised 7897  
Code only if all of the following apply: 7898

(a) The offense for which the offender claims to be an 7899  
eligible offender is a felony, and the offender was convicted by 7900  
a judge or jury of that offense. 7901

(b) One of the following applies: 7902

(i) The offender was sentenced to a prison term ~~or~~ 7903  
~~sentence of death~~ for the felony described in division (C) (1) (a) 7904  
of this section, and the offender is in prison serving that 7905  
prison term ~~or under that sentence of death~~, has been paroled or 7906  
is on probation regarding that felony, is under post-release 7907  
control regarding that felony, or has been released from that 7908  
prison term and is under a community control sanction regarding 7909  
that felony. 7910

(ii) The offender was not sentenced to a prison term ~~or~~ 7911  
~~sentence of death~~ for the felony described in division (C) (1) (a) 7912  
of this section, but was sentenced to a community control 7913  
sanction for that felony and is under that community control 7914  
sanction. 7915

(iii) The felony described in division (C) (1) (a) of this 7916  
section was a sexually oriented offense or child-victim oriented 7917  
offense, and the offender has a duty to comply with sections 7918  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 7919  
relative to that felony. 7920

(2) An offender is not an eligible offender under division 7921  
(C) (1) of this section regarding any offense to which the 7922  
offender pleaded guilty or no contest. 7923

(3) An offender is not an eligible offender under division 7924

(C) (1) of this section regarding any offense if the offender 7925  
dies prior to submitting an application for DNA testing related 7926  
to that offense under section 2953.73 of the Revised Code. 7927

**Sec. 2953.73.** (A) An eligible offender who wishes to 7928  
request DNA testing to be conducted under sections 2953.71 to 7929  
2953.81 of the Revised Code shall submit an application for DNA 7930  
testing on a form prescribed by the attorney general for this 7931  
purpose and shall submit the form to the court of common pleas 7932  
that sentenced the offender for the offense for which the 7933  
offender is an eligible offender and is requesting DNA testing. 7934

(B) If an eligible offender submits an application for DNA 7935  
testing under division (A) of this section, upon the submission 7936  
of the application, all of the following apply: 7937

(1) The eligible offender shall serve a copy of the 7938  
application on the prosecuting attorney and the attorney 7939  
general. 7940

(2) The application shall be assigned to the judge of that 7941  
court of common pleas who was the trial judge in the case in 7942  
which the eligible offender was convicted of the offense for 7943  
which the offender is requesting DNA testing, or, if that judge 7944  
no longer is a judge of that court, it shall be assigned 7945  
according to court rules. The judge to whom the application is 7946  
assigned shall decide the application. The application shall 7947  
become part of the file in the case. 7948

(C) If an eligible offender submits an application for DNA 7949  
testing under division (A) of this section, regardless of 7950  
whether the offender has commenced any federal habeas corpus 7951  
proceeding relative to the case in which the offender was 7952  
convicted of the offense for which the offender is an eligible 7953

offender and is requesting DNA testing, any response to the 7954  
application by the prosecuting attorney or the attorney general 7955  
shall be filed not later than forty-five days after the date on 7956  
which the eligible offender submits the application. The 7957  
prosecuting attorney or the attorney general, or both, may, but 7958  
are not required to, file a response to the application. If the 7959  
prosecuting attorney or the attorney general files a response 7960  
under this division, the prosecuting attorney or attorney 7961  
general, whoever filed the response, shall serve a copy of the 7962  
response on the eligible offender. 7963

(D) If an eligible offender submits an application for DNA 7964  
testing under division (A) of this section, the court shall make 7965  
the determination as to whether the application should be 7966  
accepted or rejected. The court shall expedite its review of the 7967  
application. The court shall make the determination in 7968  
accordance with the criteria and procedures set forth in 7969  
sections 2953.74 to 2953.81 of the Revised Code and, in making 7970  
the determination, shall consider the application, the 7971  
supporting affidavits, and the documentary evidence and, in 7972  
addition to those materials, shall consider all the files and 7973  
records pertaining to the proceedings against the applicant, 7974  
including, but not limited to, the indictment, the court's 7975  
journal entries, the journalized records of the clerk of the 7976  
court, and the court reporter's transcript and all responses to 7977  
the application filed under division (C) of this section by a 7978  
prosecuting attorney or the attorney general, unless the 7979  
application and the files and records show the applicant is not 7980  
entitled to DNA testing, in which case the application may be 7981  
denied. The court is not required to conduct an evidentiary 7982  
hearing in conducting its review of, and in making its 7983  
determination as to whether to accept or reject, the 7984

application. Upon making its determination, the court shall 7985  
enter a judgment and order that either accepts or rejects the 7986  
application and that includes within the judgment and order the 7987  
reasons for the acceptance or rejection as applied to the 7988  
criteria and procedures set forth in sections 2953.71 to 2953.81 7989  
of the Revised Code. The court shall send a copy of the judgment 7990  
and order to the eligible offender who filed it, the prosecuting 7991  
attorney, and the attorney general. 7992

(E) A judgment and order of a court entered under division 7993  
(D) of this section is appealable only as provided in this 7994  
division. If an eligible offender submits an application for DNA 7995  
testing under section 2953.73 of the Revised Code and the court 7996  
of common pleas rejects the application under division (D) of 7997  
this section, ~~one of the following applies:~~ 7998

~~(1) If the offender was sentenced to death for the offense 7999  
for which the offender claims to be an eligible offender and is 8000  
requesting DNA testing, the offender may seek leave of the 8001  
supreme court to appeal the rejection to the supreme court. 8002  
Courts of appeals do not have jurisdiction to review any 8003  
rejection if the offender was sentenced to death for the offense 8004  
for which the offender claims to be an eligible offender and is 8005  
requesting DNA testing. 8006~~

~~(2) If the offender was not sentenced to death for the 8007  
offense for which the offender claims to be an eligible offender 8008  
and is requesting DNA testing, the rejection is a final 8009  
appealable order, and the offender may appeal it to the court of 8010  
appeals of the district in which is located that court of common 8011  
pleas. 8012~~

(F) Notwithstanding any provision of law regarding fees 8013  
and costs, no filing fee shall be required of, and no court 8014

costs shall be assessed against, an eligible offender who is 8015  
indigent and who submits an application under this section. 8016

(G) If a court rejects an eligible offender's application 8017  
for DNA testing under division (D) of this section, unless the 8018  
rejection is overturned on appeal, no court shall require the 8019  
state to administer a DNA test under sections 2953.71 to 2953.81 8020  
of the Revised Code on the eligible offender. 8021

**Sec. 2953.81.** If an eligible offender submits an 8022  
application for DNA testing under section 2953.73 of the Revised 8023  
Code and if DNA testing is performed based on that application, 8024  
upon completion of the testing, all of the following apply: 8025

(A) The court or a designee of the court shall require the 8026  
state to maintain the results of the testing and to maintain and 8027  
preserve both the parent sample of the biological material used 8028  
and the offender sample of the biological material used. The 8029  
testing authority may be designated as the person to maintain 8030  
the results of the testing or to maintain and preserve some or 8031  
all of the samples, or both. The results of the testing remain 8032  
state's evidence. The samples shall be preserved during the 8033  
entire period of time for which the offender is imprisoned or 8034  
confined relative to the sentence in question, is on parole or 8035  
probation relative to that sentence, is under post-release 8036  
control or a community control sanction relative to that 8037  
sentence, or has a duty to comply with sections 2950.04, 8038  
2950.041, 2950.05, and 2950.06 of the Revised Code relative to 8039  
that sentence. Additionally, if the prison term or confinement 8040  
under the sentence in question expires, ~~if the sentence in~~ 8041  
~~question is a sentence of death and the offender is executed,~~ or 8042  
if the parole or probation period, the period of post-release 8043  
control, the community control sanction, or the duty to comply 8044

with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code under the sentence in question ends, the samples shall be preserved for a reasonable period of time of not less than twenty-four months after the term or confinement expires,~~the offender is executed,~~ or the parole or probation period, the period of post-release control, the community control sanction, or the duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code ends, whichever is applicable. The court shall determine the period of time that is reasonable for purposes of this division, provided that the period shall not be less than twenty-four months after the term or confinement expires,~~the offender is executed,~~ or the parole or probation period, the period of post-release control, the community control sanction, or the duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code ends, whichever is applicable.

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

(C) The court or the testing authority shall provide a copy of the results of the testing to the prosecuting attorney, the attorney general, and the subject offender.

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

(E) The testing authority shall provide a copy of the results of the testing to the court of common pleas that decided



the DNA application. 8075

(F) The offender or the state may enter the results of the 8076  
testing into any proceeding. 8077

**Sec. 2967.05.** (A) As used in this section: 8078

(1) "Imminent danger of death" means that the inmate has a 8079  
medically diagnosable condition that will cause death to occur 8080  
within a short period of time. 8081

As used in division (A) (1) of this section, "within a 8082  
short period of time" means generally within six months. 8083

(2) (a) "Medically incapacitated" means any diagnosable 8084  
medical condition, including mental dementia and severe, 8085  
permanent medical or cognitive disability, that prevents the 8086  
inmate from completing activities of daily living without 8087  
significant assistance, that incapacitates the inmate to the 8088  
extent that institutional confinement does not offer additional 8089  
restrictions, that is likely to continue throughout the entire 8090  
period of parole, and that is unlikely to improve noticeably. 8091

(b) "Medically incapacitated" does not include conditions 8092  
related solely to mental illness unless the mental illness is 8093  
accompanied by injury, disease, or organic defect. 8094

(3) (a) "Terminal illness" means a condition that satisfies 8095  
all of the following criteria: 8096

(i) The condition is irreversible and incurable and is 8097  
caused by disease, illness, or injury from which the inmate is 8098  
unlikely to recover. 8099

(ii) In accordance with reasonable medical standards and a 8100  
reasonable degree of medical certainty, the condition is likely 8101  
to cause death to the inmate within twelve months. 8102

(iii) Institutional confinement of the inmate does not 8103  
offer additional protections for public safety or against the 8104  
inmate's risk to reoffend. 8105

(b) The department of rehabilitation and correction shall 8106  
adopt rules pursuant to Chapter 119. of the Revised Code to 8107  
implement the definition of "terminal illness" in division (A) 8108  
(3) (a) of this section. 8109

(B) Upon the recommendation of the director of 8110  
rehabilitation and correction, accompanied by a certificate of 8111  
the attending physician that an inmate is terminally ill, 8112  
medically incapacitated, or in imminent danger of death, the 8113  
governor may order the inmate's release as if on parole, 8114  
reserving the right to return the inmate to the institution 8115  
pursuant to this section. If, subsequent to the inmate's 8116  
release, the inmate's health improves so that the inmate is no 8117  
longer terminally ill, medically incapacitated, or in imminent 8118  
danger of death, the inmate shall be returned, by order of the 8119  
governor, to the institution from which the inmate was released. 8120  
If the inmate violates any rules or conditions applicable to the 8121  
inmate, the inmate may be returned to an institution under the 8122  
control of the department of rehabilitation and correction. The 8123  
governor may direct the adult parole authority to investigate or 8124  
cause to be investigated the inmate and make a recommendation. 8125  
An inmate released under this section shall be subject to 8126  
supervision by the adult parole authority in accordance with any 8127  
recommendation of the adult parole authority that is approved by 8128  
the governor. The adult parole authority shall adopt rules 8129  
pursuant to section 119.03 of the Revised Code to establish the 8130  
procedure for medical release of an inmate when an inmate is 8131  
terminally ill, medically incapacitated, or in imminent danger 8132  
of death. 8133

(C) No inmate is eligible for release under this section 8134  
if the inmate is serving a ~~death sentence~~, a sentence of life 8135  
without parole, a sentence under Chapter 2971. of the Revised 8136  
Code for a felony of the first or second degree, a sentence for 8137  
aggravated murder or murder, or a mandatory prison term for an 8138  
offense of violence or any specification described in Chapter 8139  
2941. of the Revised Code. 8140

**Sec. 2967.12.** (A) Except as provided in division (G) of 8141  
this section, at least sixty days before the adult parole 8142  
authority recommends any pardon or commutation of sentence, or 8143  
grants any parole, the authority shall provide a notice of the 8144  
pendency of the pardon, commutation, or parole, setting forth 8145  
the name of the person on whose behalf it is made, the offense 8146  
of which the person was convicted or to which the person pleaded 8147  
guilty, the time of conviction or the guilty plea, and the term 8148  
of the person's sentence, to the prosecuting attorney and the 8149  
judge of the court of common pleas of the county in which the 8150  
indictment against the person was found. If there is more than 8151  
one judge of that court of common pleas, the authority shall 8152  
provide the notice to the presiding judge. Upon the request of 8153  
the prosecuting attorney or of any law enforcement agency, the 8154  
authority shall provide to the requesting prosecuting attorney 8155  
and law enforcement agencies an institutional summary report 8156  
that covers the subject person's participation while confined in 8157  
a state correctional institution in training, work, and other 8158  
rehabilitative activities and any disciplinary action taken 8159  
against the person while so confined. The department of 8160  
rehabilitation and correction may utilize electronic means to 8161  
provide this notice. The department of rehabilitation and 8162  
correction, at the same time that it provides the notice to the 8163  
prosecuting attorney and judge under this division, also shall 8164

post on the database it maintains pursuant to section 5120.66 of 8165  
the Revised Code the offender's name and all of the information 8166  
specified in division (A) (1) (c) (iii) of that section. 8167

(B) If a request for notification has been made pursuant 8168  
to section 2930.16 of the Revised Code or if division (H) of 8169  
this section applies, the office of victim services or the adult 8170  
parole authority also shall provide notice to the victim or the 8171  
victim's representative at least sixty days prior to 8172  
recommending any pardon or commutation of sentence for, or 8173  
granting any parole to, the person. The notice shall include the 8174  
information required by division (A) of this section and may be 8175  
provided by telephone or through electronic means. The notice 8176  
also shall inform the victim or the victim's representative that 8177  
the victim or representative may send a written statement 8178  
relative to the victimization and the pending action to the 8179  
adult parole authority and that, if the authority receives any 8180  
written statement prior to recommending a pardon or commutation 8181  
or granting a parole for a person, the authority will consider 8182  
the statement before it recommends a pardon or commutation or 8183  
grants a parole. If the person is being considered for parole, 8184  
the notice shall inform the victim or the victim's 8185  
representative that a full board hearing of the parole board may 8186  
be held and that the victim or victim's representative may 8187  
contact the office of victims' services for further information. 8188  
If the person being considered for parole was convicted of or 8189  
pleaded guilty to a violation of section 2903.01 or 2903.02 of 8190  
the Revised Code, an offense of violence that is a felony of the 8191  
first, second, or third degree, or an offense punished by a 8192  
sentence of life imprisonment, the notice shall inform the 8193  
victim of that offense, the victim's representative, or a member 8194  
of the victim's immediate family that the victim, the victim's 8195

representative, and the victim's immediate family have the right 8196  
to give testimony at a full board hearing of the parole board 8197  
and that the victim or victim's representative may contact the 8198  
office of victims' services for further information. 8199

(C) When notice of the pendency of any pardon, commutation 8200  
of sentence, or parole has been provided to a judge or 8201  
prosecutor or posted on the database as required in division (A) 8202  
of this section and a hearing on the pardon, commutation, or 8203  
parole is continued to a date certain, the authority shall 8204  
provide notice of the further consideration of the pardon, 8205  
commutation, or parole at least sixty days before the further 8206  
consideration. The notice of the further consideration shall be 8207  
provided to the proper judge and prosecuting attorney at least 8208  
sixty days before the further consideration, and may be provided 8209  
using electronic means, and, if the initial notice was posted on 8210  
the database as provided in division (A) of this section, the 8211  
notice of the further consideration shall be posted on the 8212  
database at least sixty days before the further consideration. 8213  
If the prosecuting attorney or a law enforcement agency was 8214  
provided a copy of the institutional summary report relative to 8215  
the subject person under division (A) of this section, the 8216  
authority shall include with the notice of the further 8217  
consideration sent to the prosecuting attorney any new 8218  
information with respect to the person that relates to 8219  
activities and actions of the person that are of a type covered 8220  
by the report and shall send to the law enforcement agency a 8221  
report that provides notice of the further consideration and 8222  
includes any such new information with respect to the person. 8223  
When notice of the pendency of any pardon, commutation, or 8224  
parole has been given as provided in division (B) of this 8225  
section and the hearing on it is continued to a date certain, 8226

the authority shall give notice of the further consideration to 8227  
the victim or the victim's representative in accordance with 8228  
section 2930.03 of the Revised Code. 8229

(D) In case of an application for the pardon or 8230  
commutation of sentence of a person sentenced to capital 8231  
punishment prior to the effective date of this amendment, the 8232  
governor may modify the requirements of notification and 8233  
publication if there is not sufficient time for compliance with 8234  
the requirements before the date fixed for the execution of 8235  
sentence. 8236

(E) If an offender is serving a prison term imposed under 8237  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 8238  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8239  
Code and if the parole board terminates its control over the 8240  
offender's service of that term pursuant to section 2971.04 of 8241  
the Revised Code, the parole board immediately shall provide 8242  
written notice of its termination of control or the transfer of 8243  
control to the entities and persons specified in section 2971.04 8244  
of the Revised Code. 8245

(F) The failure of the adult parole authority to comply 8246  
with the notice or posting provisions of division (A), (B), or 8247  
(C) of this section or the failure of the parole board to comply 8248  
with the notice provisions of division (E) of this section do 8249  
not give any rights or any grounds for appeal or post-conviction 8250  
relief to the person serving the sentence. 8251

(G) Divisions (A), (B), and (C) of this section do not 8252  
apply to any release of a person that is of the type described 8253  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 8254

(H) If a defendant is incarcerated for the commission of 8255

aggravated murder, murder, or an offense of violence that is a 8256  
felony of the first, second, or third degree or is under a 8257  
sentence of life imprisonment, except as otherwise provided in 8258  
this division, the notice described in division (B) of this 8259  
section shall be given to the victim or victim's representative 8260  
regardless of whether the victim or victim's representative has 8261  
made a request for notification. The notice described in 8262  
division (B) of this section shall not be given under this 8263  
division to a victim or victim's representative if the victim or 8264  
victim's representative has requested pursuant to division (B) 8265  
(2) of section 2930.03 of the Revised Code that the victim or 8266  
the victim's representative not be provided the notice. The 8267  
notice described in division (B) of this section does not have 8268  
to be given under this division to a victim or victim's 8269  
representative if notice was given to the victim or victim's 8270  
representative with respect to at least two prior considerations 8271  
of pardon, commutation, or parole of a person and the victim or 8272  
victim's representative did not provide any written statement 8273  
relative to the victimization and the pending action, did not 8274  
attend any hearing conducted relative to the pending action, and 8275  
did not otherwise respond to the office with respect to the 8276  
pending action. Regardless of whether the victim or victim's 8277  
representative has requested that the notice described in 8278  
division (B) of this section be provided or not be provided, the 8279  
office of victim services or adult parole authority shall give 8280  
similar notice to the law enforcement agency that arrested the 8281  
defendant if any officer of that agency was a victim of the 8282  
offense and to any member of the victim's immediate family who 8283  
requests notification. If notice is to be given under this 8284  
division, the office or authority may give the notice by any 8285  
reasonable means, including regular mail, telephone, and 8286  
electronic mail, in accordance with division (D)(1) of section 8287

2930.16 of the Revised Code. If the notice is based on an 8288  
offense committed prior to March 22, 2013, the notice to the 8289  
victim or victim's representative also shall include the opt-out 8290  
information described in division (D) (1) of section 2930.16 of 8291  
the Revised Code. The office or authority, in accordance with 8292  
division (D) (2) of section 2930.16 of the Revised Code, shall 8293  
keep a record of all attempts to provide the notice, and of all 8294  
notices provided, under this division. 8295

Division (H) of this section, and the notice-related 8296  
provisions of divisions (E) (2) and (K) of section 2929.20, 8297  
division (D) (1) of section 2930.16, division (E) (1) (b) of 8298  
section 2967.19 as it existed prior to ~~the effective date of~~ 8299  
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 8300  
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 8301  
of section 5149.101 of the Revised Code enacted in the act in 8302  
which division (H) of this section was enacted, shall be known 8303  
as "Roberta's Law." 8304

(I) In addition to and independent of the right of a 8305  
victim to make a statement as described in division (A) of this 8306  
section or pursuant to section 2930.17 of the Revised Code or to 8307  
otherwise make a statement, the authority for a judge or 8308  
prosecuting attorney to furnish statements and information, make 8309  
recommendations, and give testimony as described in division (A) 8310  
of this section, the right of a prosecuting attorney, judge, or 8311  
victim to give testimony or submit a statement at a full parole 8312  
board hearing pursuant to section 5149.101 of the Revised Code, 8313  
and any other right or duty of a person to present information 8314  
or make a statement, any person may send to the adult parole 8315  
authority at any time prior to the authority's recommending a 8316  
pardon or commutation or granting a parole for the offender a 8317  
written statement relative to the offense and the pending 8318



action. 8319

(J) As used in this section, "victim's immediate family" 8320  
means the mother, father, spouse, sibling, or child of the 8321  
victim, provided that in no case does "victim's immediate 8322  
family" include the offender with respect to whom the notice in 8323  
question applies. 8324

**Sec. 2967.13.** (A) Except as provided in division (G) of 8325  
this section or section 2967.132 of the Revised Code, a prisoner 8326  
serving a sentence of imprisonment for life for an offense 8327  
committed on or after July 1, 1996, is not entitled to any 8328  
earned credit under division (A) (2) or (3) of section 2967.193 8329  
or 2967.194 of the Revised Code and becomes eligible for parole 8330  
as follows: 8331

(1) If a sentence of imprisonment for life was imposed for 8332  
the offense of murder, at the expiration of the prisoner's 8333  
minimum term; 8334

(2) If a sentence of imprisonment for life with parole 8335  
eligibility after serving twenty years of imprisonment was 8336  
imposed pursuant to section 2929.02 or former section 2929.022 8337  
or 2929.03 of the Revised Code, after serving a term of twenty 8338  
years; 8339

(3) If a sentence of imprisonment for life with parole 8340  
eligibility after serving twenty-five full years of imprisonment 8341  
was imposed pursuant to section 2929.02 or former section 8342  
2929.022 or 2929.03 of the Revised Code, after serving a term of 8343  
twenty-five full years; 8344

(4) If a sentence of imprisonment for life with parole 8345  
eligibility after serving thirty full years of imprisonment was 8346  
imposed pursuant to section 2929.02 or former section 2929.022 8347

or 2929.03 of the Revised Code, after serving a term of thirty 8348  
full years; 8349

(5) If a sentence of imprisonment for life was imposed for 8350  
rape, after serving a term of ten full years' imprisonment; 8351

(6) If a sentence of imprisonment for life with parole 8352  
eligibility after serving fifteen years of imprisonment was 8353  
imposed for a violation of section 2927.24 of the Revised Code, 8354  
after serving a term of fifteen years. 8355

(B) Except as provided in division (G) of this section or 8356  
section 2967.132 of the Revised Code, a prisoner serving a 8357  
sentence of imprisonment for life with parole eligibility after 8358  
serving twenty years of imprisonment or a sentence of 8359  
imprisonment for life with parole eligibility after serving 8360  
twenty-five full years or thirty full years of imprisonment 8361  
imposed pursuant to section 2929.02 or former section 2929.022 8362  
or 2929.03 of the Revised Code for an offense committed on or 8363  
after July 1, 1996, consecutively to any other term of 8364  
imprisonment, becomes eligible for parole after serving twenty 8365  
years, twenty full years, or thirty full years, as applicable, 8366  
as to each such sentence of life imprisonment, which shall not 8367  
be reduced for earned credits under division (A) (2) or (3) of 8368  
section 2967.193 or 2967.194 of the Revised Code, plus the term 8369  
or terms of the other sentences consecutively imposed or, if one 8370  
of the other sentences is another type of life sentence with 8371  
parole eligibility, the number of years before parole 8372  
eligibility for that sentence. 8373

(C) Except as provided in division (G) of this section or 8374  
section 2967.132 of the Revised Code, a prisoner serving 8375  
consecutively two or more sentences in which an indefinite term 8376  
of imprisonment is imposed becomes eligible for parole upon the 8377

expiration of the aggregate of the minimum terms of the 8378  
sentences. 8379

(D) Except as provided in division (G) of this section or 8380  
section 2967.132 of the Revised Code, a prisoner serving a term 8381  
of imprisonment who is described in division (A) of section 8382  
2967.021 of the Revised Code becomes eligible for parole as 8383  
described in that division or, if the prisoner is serving a 8384  
definite term of imprisonment, shall be released as described in 8385  
that division. 8386

(E) Except as provided in section 2967.132 of the Revised 8387  
Code, a prisoner serving a sentence of life imprisonment without 8388  
parole imposed pursuant to section 2907.02 or section 2929.02 or 8389  
former section 2929.03 or 2929.06 of the Revised Code is not 8390  
eligible for parole and shall be imprisoned until death. 8391

(F) A prisoner serving a stated prison term that is a non- 8392  
life felony indefinite prison term shall be released in 8393  
accordance with sections 2967.271 and 2967.28 of the Revised 8394  
Code. A prisoner serving a stated prison term of any other 8395  
nature shall be released in accordance with section 2967.28 of 8396  
the Revised Code. 8397

(G) Except as provided in section 2967.132 of the Revised 8398  
Code, a prisoner serving a prison term or term of life 8399  
imprisonment without parole imposed pursuant to section 2971.03 8400  
of the Revised Code never becomes eligible for parole during 8401  
that term of imprisonment. 8402

**Sec. 2967.193.** (A) (1) The provisions of this section apply 8403  
until April 4, 2024, to persons confined in a state correctional 8404  
institution or in the substance use disorder treatment program. 8405  
On and after April 4, 2024, the provisions of section 2967.194 8406

of the Revised Code apply to persons so confined, in the manner 8407  
specified in division (G) of that section. 8408

(2) Except as provided in division (C) of this section and 8409  
subject to the maximum aggregate total specified in division (A) 8410  
(4) of this section, a person confined in a state correctional 8411  
institution or placed in the substance use disorder treatment 8412  
program may provisionally earn one day or five days of credit, 8413  
based on the category set forth in division (D) (1), (2), (3), 8414  
(4), or (5) of this section in which the person is included, 8415  
toward satisfaction of the person's stated prison term, as 8416  
described in division (F) of this section, for each completed 8417  
month during which the person, if confined in a state 8418  
correctional institution, productively participates in an 8419  
education program, vocational training, employment in prison 8420  
industries, treatment for substance abuse, or any other 8421  
constructive program developed by the department of 8422  
rehabilitation and correction with specific standards for 8423  
performance by prisoners or during which the person, if placed 8424  
in the substance use disorder treatment program, productively 8425  
participates in the program. Except as provided in division (C) 8426  
of this section and subject to the maximum aggregate total 8427  
specified in division (A) (4) of this section, a person so 8428  
confined in a state correctional institution who successfully 8429  
completes two programs or activities of that type may, in 8430  
addition, provisionally earn up to five days of credit toward 8431  
satisfaction of the person's stated prison term, as described in 8432  
division (F) of this section, for the successful completion of 8433  
the second program or activity. The person shall not be awarded 8434  
any provisional days of credit for the successful completion of 8435  
the first program or activity or for the successful completion 8436  
of any program or activity that is completed after the second 8437

program or activity. At the end of each calendar month in which 8438  
a person productively participates in a program or activity 8439  
listed in this division or successfully completes a program or 8440  
activity listed in this division, the department of 8441  
rehabilitation and correction shall determine and record the 8442  
total number of days credit that the person provisionally earned 8443  
in that calendar month. If the person in a state correctional 8444  
institution violates prison rules or the person in the substance 8445  
use disorder treatment program violates program or department 8446  
rules, the department may deny the person a credit that 8447  
otherwise could have been provisionally awarded to the person or 8448  
may withdraw one or more credits previously provisionally earned 8449  
by the person. Days of credit provisionally earned by a person 8450  
shall be finalized and awarded by the department subject to 8451  
administrative review by the department of the person's conduct. 8452

(3) Unless a person is serving a mandatory prison term or 8453  
a prison term for an offense of violence or a sexually oriented 8454  
offense, and notwithstanding the maximum aggregate total 8455  
specified in division (A) (4) of this section, a person who 8456  
successfully completes any of the following shall earn ninety 8457  
days of credit toward satisfaction of the person's stated prison 8458  
term or a ten per cent reduction of the person's stated prison 8459  
term, whichever is less: 8460

(a) An Ohio high school diploma or Ohio certificate of 8461  
high school equivalence certified by the Ohio central school 8462  
system; 8463

(b) A therapeutic drug community program; 8464

(c) All three phases of the department of rehabilitation 8465  
and correction's intensive outpatient drug treatment program; 8466

(d) A career technical vocational school program;	8467
(e) A college certification program;	8468
(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code.	8469 8470 8471
(4) (a) Except for persons described in division (A) (3) of this section and subject to division (A) (4) (b) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	8472 8473 8474 8475 8476 8477 8478 8479
(b) If a person is confined in a state correctional institution or in the substance use disorder treatment program after <del>the effective date of this amendment</del> <u>October 3, 2023</u> , and if the person as of <del>that effective date</del> <u>October 3, 2023</u> , has met the eight per cent limit specified in division (A) (4) (a) of this section or the person meets that eight per cent limit between <del>that effective date</del> <u>October 3, 2023</u> , and April 3, 2024, both of the following apply with respect to the person:	8480 8481 8482 8483 8484 8485 8486 8487
(i) On and after <del>the effective date of this amendment</del> <u>October 3, 2023</u> , the eight per cent limit specified in division (A) (4) (a) of this section no longer applies to the person;	8488 8489 8490
(ii) On and after <del>the effective date of this amendment</del> <u>October 3, 2023</u> , the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this	8491 8492 8493 8494 8495

section shall not exceed fifteen per cent of the total number of 8496  
days in the person's stated prison term. 8497

(B) The department of rehabilitation and correction shall 8498  
adopt rules that specify the programs or activities for which 8499  
credit may be earned under this section, the criteria for 8500  
determining productive participation in, or completion of, the 8501  
programs or activities and the criteria for awarding credit, 8502  
including criteria for awarding additional credit for successful 8503  
program or activity completion, and the criteria for denying or 8504  
withdrawing previously provisionally earned credit as a result 8505  
of a violation of prison rules, or program or department rules, 8506  
whichever is applicable. 8507

(C) No person confined in a state correctional institution 8508  
or placed in a substance use disorder treatment program to whom 8509  
any of the following applies shall be awarded any days of credit 8510  
under division (A) of this section: 8511

(1) The person is serving a prison term that section 8512  
2929.13 or section 2929.14 of the Revised Code specifies cannot 8513  
be reduced pursuant to this section or this chapter or is 8514  
serving a sentence for which section 2967.13 or division (B) of 8515  
section 2929.143 of the Revised Code specifies that the person 8516  
is not entitled to any earned credit under this section. 8517

(2) The person is ~~sentenced to death or~~ is serving a 8518  
prison term or a term of life imprisonment for aggravated 8519  
murder, murder, or a conspiracy or attempt to commit, or 8520  
complicity in committing, aggravated murder or murder. 8521

(3) The person is serving a sentence of life imprisonment 8522  
without parole imposed pursuant to section 2929.02 or former 8523  
section 2929.03 or 2929.06 of the Revised Code, a prison term or 8524

a term of life imprisonment without parole imposed pursuant to 8525  
section 2971.03 of the Revised Code, or a sentence for a 8526  
sexually oriented offense that was committed on or after 8527  
September 30, 2011. 8528

(D) This division does not apply to a determination of 8529  
whether a person confined in a state correctional institution or 8530  
placed in a substance use disorder treatment program may earn 8531  
any days of credit under division (A) of this section for 8532  
successful completion of a second program or activity. The 8533  
determination of whether a person confined in a state 8534  
correctional institution may earn one day of credit or five days 8535  
of credit under division (A) of this section for each completed 8536  
month during which the person productively participates in a 8537  
program or activity specified under that division shall be made 8538  
in accordance with the following: 8539

(1) The offender may earn one day of credit under division 8540  
(A) of this section, except as provided in division (C) of this 8541  
section, if the most serious offense for which the offender is 8542  
confined is any of the following that is a felony of the first 8543  
or second degree: 8544

(a) A violation of division (A) of section 2903.04 or of 8545  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 8546  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 8547  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 8548  
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 8549  
or 2927.24 of the Revised Code; 8550

(b) A conspiracy or attempt to commit, or complicity in 8551  
committing, any other offense for which the maximum penalty is 8552  
imprisonment for life or any offense listed in division (D) (1) 8553  
(a) of this section. 8554



(2) The offender may earn one day of credit under division 8555  
(A) of this section, except as provided in division (C) of this 8556  
section, if the offender is serving a stated prison term that 8557  
includes a prison term imposed for a sexually oriented offense 8558  
that the offender committed prior to September 30, 2011. 8559

(3) The offender may earn one day of credit under division 8560  
(A) of this section, except as provided in division (C) of this 8561  
section, if the offender is serving a stated prison term that 8562  
includes a prison term imposed for a felony other than carrying 8563  
a concealed weapon an essential element of which is any conduct 8564  
or failure to act expressly involving any deadly weapon or 8565  
dangerous ordnance. 8566

(4) Except as provided in division (C) of this section, if 8567  
the most serious offense for which the offender is confined is a 8568  
felony of the first or second degree and divisions (D) (1), (2), 8569  
and (3) of this section do not apply to the offender, the 8570  
offender may earn one day of credit under division (A) of this 8571  
section if the offender committed that offense prior to 8572  
September 30, 2011, and the offender may earn five days of 8573  
credit under division (A) of this section if the offender 8574  
committed that offense on or after September 30, 2011. 8575

(5) Except as provided in division (C) of this section, if 8576  
the most serious offense for which the offender is confined is a 8577  
felony of the third, fourth, or fifth degree or an unclassified 8578  
felony and neither division (D) (2) nor (3) of this section 8579  
applies to the offender, the offender may earn one day of credit 8580  
under division (A) of this section if the offender committed 8581  
that offense prior to September 30, 2011, and the offender may 8582  
earn five days of credit under division (A) of this section if 8583  
the offender committed that offense on or after September 30, 8584

2011. 8585

(E) The department annually shall seek and consider the 8586  
written feedback of the Ohio prosecuting attorneys association, 8587  
the Ohio judicial conference, the Ohio public defender, the Ohio 8588  
association of criminal defense lawyers, and other organizations 8589  
and associations that have an interest in the operation of the 8590  
corrections system and the earned credits program under this 8591  
section as part of its evaluation of the program and in 8592  
determining whether to modify the program. 8593

(F) Days of credit awarded under this section shall be 8594  
applied toward satisfaction of a person's stated prison term as 8595  
follows: 8596

(1) Toward the definite prison term of a prisoner serving 8597  
a definite prison term as a stated prison term; 8598

(2) Toward the minimum and maximum terms of a prisoner 8599  
serving an indefinite prison term imposed under division (A) (1) 8600  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 8601  
felony of the first or second degree committed on or after March 8602  
22, 2019. 8603

(G) As used in this section: 8604

(1) "Sexually oriented offense" has the same meaning as in 8605  
section 2950.01 of the Revised Code. 8606

(2) "Substance use disorder treatment program" means the 8607  
substance use disorder treatment program established by the 8608  
department of rehabilitation and correction under section 8609  
5120.035 of the Revised Code. 8610

**Sec. 2967.194.** (A) (1) Beginning April 4, 2024, the 8611  
provisions of this section shall apply, in the manner described 8612

in division (G) of this section, to persons confined on or after 8613  
that date in a state correctional institution or in the 8614  
substance use disorder treatment program. 8615

(2) Except as provided in division (C) of this section and 8616  
subject to the maximum aggregate total specified in division (A) 8617  
(4) of this section, a person confined in a state correctional 8618  
institution or placed in the substance use disorder treatment 8619  
program may provisionally earn one day or five days of credit, 8620  
based on the category set forth in division (D)(1) or (2) of 8621  
this section in which the person is included, toward 8622  
satisfaction of the person's stated prison term, as described in 8623  
division (F) of this section, for each completed month during 8624  
which the person, if confined in a state correctional 8625  
institution, productively participates in an education program, 8626  
vocational training, employment in prison industries, treatment 8627  
for substance abuse, or any other constructive program developed 8628  
by the department of rehabilitation and correction with specific 8629  
standards for performance by prisoners or during which the 8630  
person, if placed in the substance use disorder treatment 8631  
program, productively participates in the program. Except as 8632  
provided in division (C) of this section and subject to the 8633  
maximum aggregate total specified in division (A)(4) of this 8634  
section, a person so confined in a state correctional 8635  
institution who successfully completes two programs or 8636  
activities of that type may, in addition, provisionally earn up 8637  
to five days of credit toward satisfaction of the person's 8638  
stated prison term, as described in division (F) of this 8639  
section, for the successful completion of the second program or 8640  
activity. The person shall not be awarded any provisional days 8641  
of credit for the successful completion of the first program or 8642  
activity or for the successful completion of any program or 8643

activity that is completed after the second program or activity. 8644  
At the end of each calendar month in which a person productively 8645  
participates in a program or activity listed in this division or 8646  
successfully completes a program or activity listed in this 8647  
division, the department of rehabilitation and correction shall 8648  
determine and record the total number of days credit that the 8649  
person provisionally earned in that calendar month. If the 8650  
person in a state correctional institution violates prison rules 8651  
or the person in the substance use disorder treatment program 8652  
violates program or department rules, the department may deny 8653  
the person a credit that otherwise could have been provisionally 8654  
awarded to the person or may withdraw one or more credits 8655  
previously provisionally earned by the person. Days of credit 8656  
provisionally earned by a person shall be finalized and awarded 8657  
by the department subject to administrative review by the 8658  
department of the person's conduct. 8659

(3) Except as provided in division (C) of this section, 8660  
unless a person is serving a mandatory prison term or a prison 8661  
term for an offense of violence or a sexually oriented offense, 8662  
and notwithstanding the maximum aggregate total specified in 8663  
division (A)(4) of this section, a person who successfully 8664  
completes any diploma, equivalence, program, or criteria 8665  
identified in divisions (A)(3)(a) to (g) of this section shall 8666  
earn ninety days of credit toward satisfaction of the person's 8667  
stated prison term or a ten per cent reduction of the person's 8668  
stated prison term, whichever is less, for each such diploma, 8669  
equivalence, program, or criteria successfully completed. The 8670  
diplomas, equivalences, programs, and criteria for which credit 8671  
shall be granted under this division, upon successful 8672  
completion, are: 8673

(a) An Ohio high school diploma or Ohio certificate of 8674

high school equivalence certified by the Ohio central school system; 8675  
8676

(b) A therapeutic drug community program; 8677

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program; 8678  
8679

(d) A career technical vocational school program; 8680

(e) A college certification program; 8681

(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code; 8682  
8683  
8684

(g) Any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners. 8685  
8686  
8687

(4) Except for persons described in division (A)(3) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term. 8688  
8689  
8690  
8691  
8692  
8693  
8694

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result 8695  
8696  
8697  
8698  
8699  
8700  
8701  
8702

of a violation of prison rules, or program or department rules, 8703  
whichever is applicable. 8704

(C) No person confined in a state correctional institution 8705  
or placed in a substance use disorder treatment program to whom 8706  
any of the following applies shall be awarded any days of credit 8707  
under division (A) (2) or (3) of this section: 8708

(1) The person is serving a prison term that section 8709  
2929.13 or section 2929.14 of the Revised Code specifies cannot 8710  
be reduced pursuant to this section or this chapter or is 8711  
serving a sentence for which section 2967.13 or division (B) of 8712  
section 2929.143 of the Revised Code specifies that the person 8713  
is not entitled to any earned credit under this section. 8714

(2) The person is sentenced to death or is serving a 8715  
prison term or a term of life imprisonment for aggravated 8716  
murder, murder, or a conspiracy or attempt to commit, or 8717  
complicity in committing, aggravated murder or murder. 8718

(3) The person is serving a sentence of life imprisonment 8719  
without parole imposed pursuant to former section 2929.03 or 8720  
2929.06 of the Revised Code, a prison term or a term of life 8721  
imprisonment without parole imposed pursuant to section 2971.03 8722  
of the Revised Code, or a sentence for a sexually oriented 8723  
offense that was committed on or after September 30, 2011. 8724

(D) This division does not apply to a determination of 8725  
whether a person confined in a state correctional institution or 8726  
placed in a substance use disorder treatment program may earn 8727  
any days of credit under division (A) (2) of this section for 8728  
successful completion of a second program or activity. The 8729  
determination of whether a person confined in a state 8730  
correctional institution may earn one day of credit or five days 8731

of credit under division (A) (2) of this section for each 8732  
completed month during which the person productively 8733  
participates in a program or activity specified under that 8734  
division shall be made in accordance with the following: 8735

(1) The offender may earn one day of credit under division 8736  
(A) (2) of this section, except as provided in division (C) of 8737  
this section, if the offender is serving a stated prison term 8738  
that includes a prison term imposed for a sexually oriented 8739  
offense that the offender committed prior to September 30, 2011. 8740

(2) Except as provided in division (C) of this section, if 8741  
division (D) (1) of this section does not apply to the offender, 8742  
the offender may earn five days of credit under division (A) (2) 8743  
of this section. 8744

(E) The department annually shall seek and consider the 8745  
written feedback of the Ohio prosecuting attorneys association, 8746  
the Ohio judicial conference, the Ohio public defender, the Ohio 8747  
association of criminal defense lawyers, and other organizations 8748  
and associations that have an interest in the operation of the 8749  
corrections system and the earned credits program under this 8750  
section as part of its evaluation of the program and in 8751  
determining whether to modify the program. 8752

(F) Days of credit awarded under this section shall be 8753  
applied toward satisfaction of a person's stated prison term as 8754  
follows: 8755

(1) Toward the definite prison term of a prisoner serving 8756  
a definite prison term as a stated prison term; 8757

(2) Toward the minimum and maximum terms of a prisoner 8758  
serving an indefinite prison term imposed under division (A) (1) 8759  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 8760

felony of the first or second degree committed on or after March 22, 2019. 8761  
8762

(G) The provisions of this section apply to persons 8763  
confined in a state correctional institution or in the substance 8764  
use disorder treatment program on or after April 4, 2024, as 8765  
follows: 8766

(1) Subject to division (G)(2) of this section, the 8767  
provisions apply to a person so confined regardless of whether 8768  
the person committed the offense for which the person is 8769  
confined in the institution or was placed in the program prior 8770  
to, on, or after April 4, 2024, and regardless of whether the 8771  
person was convicted of or pleaded guilty to that offense prior 8772  
to, on, or after April 4, 2024. 8773

(2) The provisions apply to a person so confined only with 8774  
respect to the time that the person is so confined on and after 8775  
April 4, 2024, and the provisions of section 2967.193 of the 8776  
Revised Code that were in effect prior to April 4, 2024, and 8777  
that applied to the person prior to that date, including the 8778  
provisions of division (A)(4) of that section as amended by ~~this~~ 8779  
~~act~~ H.B. 33 of the 135th general assembly, apply to the person 8780  
with respect to the time that the person was so confined prior 8781  
to April 4, 2024. 8782

(H) As used in this section: 8783

(1) "Sexually oriented offense" has the same meaning as in 8784  
section 2950.01 of the Revised Code. 8785

(2) "Substance use disorder treatment program" means the 8786  
substance use disorder treatment program established by the 8787  
department of rehabilitation and correction under section 8788  
5120.035 of the Revised Code. 8789



**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 8790  
section 2929.14, section 2929.02, ~~2929.03, 2929.06,~~ 2929.13, or 8791  
another section of the Revised Code, other than divisions (B) 8792  
and (C) of section 2929.14 of the Revised Code, that authorizes 8793  
or requires a specified prison term or a mandatory prison term 8794  
for a person who is convicted of or pleads guilty to a felony or 8795  
that specifies the manner and place of service of a prison term 8796  
or term of imprisonment, the court shall impose a sentence upon 8797  
a person who is convicted of or pleads guilty to a violent sex 8798  
offense and who also is convicted of or pleads guilty to a 8799  
sexually violent predator specification that was included in the 8800  
indictment, count in the indictment, or information charging 8801  
that offense, and upon a person who is convicted of or pleads 8802  
guilty to a designated homicide, assault, or kidnapping offense 8803  
and also is convicted of or pleads guilty to both a sexual 8804  
motivation specification and a sexually violent predator 8805  
specification that were included in the indictment, count in the 8806  
indictment, or information charging that offense, as follows: 8807

(1) Except as provided in division (A) (5) of this section, 8808  
if the offense for which the sentence is being imposed is 8809  
~~aggravated murder and if the court does not impose upon the~~ 8810  
~~offender a sentence of death,~~ it shall impose upon the offender 8811  
a term of life imprisonment without parole. ~~If the court~~ 8812  
~~sentences the offender to death and the sentence of death is~~ 8813  
~~vacated, overturned, or otherwise set aside, the court shall~~ 8814  
~~impose upon the offender a term of life imprisonment without~~ 8815  
~~parole.~~ 8816

(2) Except as provided in division (A) (5) of this section, 8817  
if the offense for which the sentence is being imposed is 8818  
murder; or if the offense is rape committed in violation of 8819  
division (A) (1) (b) of section 2907.02 of the Revised Code when 8820

the offender purposely compelled the victim to submit by force 8821  
or threat of force, when the victim was less than ten years of 8822  
age, when the offender previously has been convicted of or 8823  
pleaded guilty to either rape committed in violation of that 8824  
division or a violation of an existing or former law of this 8825  
state, another state, or the United States that is substantially 8826  
similar to division (A) (1) (b) of section 2907.02 of the Revised 8827  
Code, or when the offender during or immediately after the 8828  
commission of the rape caused serious physical harm to the 8829  
victim; or if the offense is an offense other than aggravated 8830  
murder or murder for which a term of life imprisonment may be 8831  
imposed, it shall impose upon the offender a term of life 8832  
imprisonment without parole. 8833

(3) (a) Except as otherwise provided in division (A) (3) (b), 8834  
(c), (d), or (e) or (A) (4) of this section, if the offense for 8835  
which the sentence is being imposed is an offense other than 8836  
aggravated murder, murder, or rape and other than an offense for 8837  
which a term of life imprisonment may be imposed, it shall 8838  
impose an indefinite prison term consisting of a minimum term 8839  
fixed by the court as described in this division, but not less 8840  
than two years, and a maximum term of life imprisonment. Except 8841  
as otherwise specified in this division, the minimum term shall 8842  
be fixed by the court from among the range of terms available as 8843  
a definite term for the offense. If the offense is a felony of 8844  
the first or second degree committed on or after March 22, 2019, 8845  
the minimum term shall be fixed by the court from among the 8846  
range of terms available as a minimum term for the offense under 8847  
division (A) (1) (a) or (2) (a) of that section. 8848

(b) Except as otherwise provided in division (A) (4) of 8849  
this section, if the offense for which the sentence is being 8850  
imposed is kidnapping that is a felony of the first degree, it 8851

shall impose an indefinite prison term as follows: 8852

(i) If the kidnapping is committed on or after January 1, 8853  
2008, and the victim of the offense is less than thirteen years 8854  
of age, except as otherwise provided in this division, it shall 8855  
impose an indefinite prison term consisting of a minimum term of 8856  
fifteen years and a maximum term of life imprisonment. If the 8857  
kidnapping is committed on or after January 1, 2008, the victim 8858  
of the offense is less than thirteen years of age, and the 8859  
offender released the victim in a safe place unharmed, it shall 8860  
impose an indefinite prison term consisting of a minimum term of 8861  
ten years and a maximum term of life imprisonment. 8862

(ii) If the kidnapping is committed prior to January 1, 8863  
2008, or division (A) (3) (b) (i) of this section does not apply, 8864  
it shall impose an indefinite term consisting of a minimum term 8865  
fixed by the court that is not less than ten years and a maximum 8866  
term of life imprisonment. 8867

(c) Except as otherwise provided in division (A) (4) of 8868  
this section, if the offense for which the sentence is being 8869  
imposed is kidnapping that is a felony of the second degree, it 8870  
shall impose an indefinite prison term consisting of a minimum 8871  
term fixed by the court that is not less than eight years, and a 8872  
maximum term of life imprisonment. 8873

(d) Except as otherwise provided in division (A) (4) of 8874  
this section, if the offense for which the sentence is being 8875  
imposed is rape for which a term of life imprisonment is not 8876  
imposed under division (A) (2) of this section or division (B) of 8877  
section 2907.02 of the Revised Code, it shall impose an 8878  
indefinite prison term as follows: 8879

(i) If the rape is committed on or after January 2, 2007, 8880

in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

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

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

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

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

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the

Revised Code, it shall impose an indefinite prison term 8910  
consisting of a minimum term of ten years and a maximum of life 8911  
imprisonment. 8912

(iv) If the attempted rape for which sentence is being 8913  
imposed was committed on or after January 2, 2007, and if the 8914  
offender also is convicted of or pleads guilty to a 8915  
specification of the type described in section 2941.1420 of the 8916  
Revised Code, it shall impose an indefinite prison term 8917  
consisting of a minimum term of fifteen years and a maximum of 8918  
life imprisonment. 8919

(4) Except as provided in division (A)(5) of this section, 8920  
for any offense for which the sentence is being imposed, if the 8921  
offender previously has been convicted of or pleaded guilty to a 8922  
violent sex offense and also to a sexually violent predator 8923  
specification that was included in the indictment, count in the 8924  
indictment, or information charging that offense, or previously 8925  
has been convicted of or pleaded guilty to a designated 8926  
homicide, assault, or kidnapping offense and also to both a 8927  
sexual motivation specification and a sexually violent predator 8928  
specification that were included in the indictment, count in the 8929  
indictment, or information charging that offense, it shall 8930  
impose upon the offender a term of life imprisonment without 8931  
parole. 8932

(5) Notwithstanding divisions (A)(1), (2), and (4) of this 8933  
section, the court shall not impose a sentence of life 8934  
imprisonment without parole upon any person for an offense that 8935  
was committed when the person was under eighteen years of age. 8936  
In any case described in division (A)(1), (2), or (4) of this 8937  
section, if the offense was committed when the person was under 8938  
eighteen years of age, the court shall impose an indefinite 8939

prison term consisting of a minimum term of thirty years and a maximum term of life imprisonment. 8940  
8941

(B) (1) Notwithstanding section 2929.13, division (A) or 8942  
(D) of section 2929.14, or another section of the Revised Code 8943  
other than division (B) of section 2907.02 or divisions (B) and 8944  
(C) of section 2929.14 of the Revised Code that authorizes or 8945  
requires a specified prison term or a mandatory prison term for 8946  
a person who is convicted of or pleads guilty to a felony or 8947  
that specifies the manner and place of service of a prison term 8948  
or term of imprisonment, if a person is convicted of or pleads 8949  
guilty to a violation of division (A) (1) (b) of section 2907.02 8950  
of the Revised Code committed on or after January 2, 2007, if 8951  
division (A) of this section does not apply regarding the 8952  
person, and if the court does not impose a sentence of life 8953  
without parole when authorized pursuant to division (B) of 8954  
section 2907.02 of the Revised Code, the court shall impose upon 8955  
the person an indefinite prison term consisting of one of the 8956  
following: 8957

(a) Except as otherwise required in division (B) (1) (b) or 8958  
(c) of this section, a minimum term of ten years and a maximum 8959  
term of life imprisonment. 8960

(b) If the victim was less than ten years of age, a 8961  
minimum term of fifteen years and a maximum of life 8962  
imprisonment. 8963

(c) If the offender purposely compels the victim to submit 8964  
by force or threat of force, or if the offender previously has 8965  
been convicted of or pleaded guilty to violating division (A) (1) 8966  
(b) of section 2907.02 of the Revised Code or to violating an 8967  
existing or former law of this state, another state, or the 8968  
United States that is substantially similar to division (A) (1) 8969

(b) of that section, or if the offender during or immediately 8970  
after the commission of the offense caused serious physical harm 8971  
to the victim, a minimum term of twenty-five years and a maximum 8972  
of life imprisonment. 8973

(2) Notwithstanding section 2929.13, division (A) or (D) 8974  
of section 2929.14, or another section of the Revised Code other 8975  
than divisions (B) and (C) of section 2929.14 of the Revised 8976  
Code that authorizes or requires a specified prison term or a 8977  
mandatory prison term for a person who is convicted of or pleads 8978  
guilty to a felony or that specifies the manner and place of 8979  
service of a prison term or term of imprisonment and except as 8980  
otherwise provided in division (B) of section 2907.02 of the 8981  
Revised Code, if a person is convicted of or pleads guilty to 8982  
attempted rape committed on or after January 2, 2007, and if 8983  
division (A) of this section does not apply regarding the 8984  
person, the court shall impose upon the person an indefinite 8985  
prison term consisting of one of the following: 8986

(a) If the person also is convicted of or pleads guilty to 8987  
a specification of the type described in section 2941.1418 of 8988  
the Revised Code, the court shall impose upon the person an 8989  
indefinite prison term consisting of a minimum term of five 8990  
years and a maximum term of twenty-five years. 8991

(b) If the person also is convicted of or pleads guilty to 8992  
a specification of the type described in section 2941.1419 of 8993  
the Revised Code, the court shall impose upon the person an 8994  
indefinite prison term consisting of a minimum term of ten years 8995  
and a maximum term of life imprisonment. 8996

(c) If the person also is convicted of or pleads guilty to 8997  
a specification of the type described in section 2941.1420 of 8998  
the Revised Code, the court shall impose upon the person an 8999

indefinite prison term consisting of a minimum term of fifteen 9000  
years and a maximum term of life imprisonment. 9001

(3) Notwithstanding section 2929.13, division (A) or (D) 9002  
of section 2929.14, or another section of the Revised Code other 9003  
than divisions (B) and (C) of section 2929.14 of the Revised 9004  
Code that authorizes or requires a specified prison term or a 9005  
mandatory prison term for a person who is convicted of or pleads 9006  
guilty to a felony or that specifies the manner and place of 9007  
service of a prison term or term of imprisonment, if a person is 9008  
convicted of or pleads guilty to an offense described in 9009  
division (B) (3) (a), (b), (c), or (d) of this section committed 9010  
on or after January 1, 2008, if the person also is convicted of 9011  
or pleads guilty to a sexual motivation specification that was 9012  
included in the indictment, count in the indictment, or 9013  
information charging that offense, and if division (A) of this 9014  
section does not apply regarding the person, the court shall 9015  
impose upon the person an indefinite prison term consisting of 9016  
one of the following: 9017

(a) An indefinite prison term consisting of a minimum of 9018  
ten years and a maximum term of life imprisonment if the offense 9019  
for which the sentence is being imposed is kidnapping, the 9020  
victim of the offense is less than thirteen years of age, and 9021  
the offender released the victim in a safe place unharmed; 9022

(b) An indefinite prison term consisting of a minimum of 9023  
fifteen years and a maximum term of life imprisonment if the 9024  
offense for which the sentence is being imposed is kidnapping 9025  
when the victim of the offense is less than thirteen years of 9026  
age and division (B) (3) (a) of this section does not apply; 9027

(c) An indefinite term consisting of a minimum of thirty 9028  
years and a maximum term of life imprisonment if the offense for 9029



which the sentence is being imposed is aggravated murder, when 9030  
the victim of the offense is less than thirteen years of age, a 9031  
sentence of ~~death or~~ life imprisonment without parole is not 9032  
imposed for the offense, and division ~~(A) (2) (b) (ii) of section~~ 9033  
~~2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D)~~ 9034  
~~(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or~~ 9035  
~~division (A) or (B) (C) of section 2929.06-2929.02~~ of the 9036  
Revised Code requires that the sentence for the offense be 9037  
imposed pursuant to this division; 9038

(d) An indefinite prison term consisting of a minimum of 9039  
thirty years and a maximum term of life imprisonment if the 9040  
offense for which the sentence is being imposed is murder when 9041  
the victim of the offense is less than thirteen years of age. 9042

(C) (1) If the offender is sentenced to a prison term 9043  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 9044  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 9045  
parole board shall have control over the offender's service of 9046  
the term during the entire term unless the parole board 9047  
terminates its control in accordance with section 2971.04 of the 9048  
Revised Code. 9049

(2) Except as provided in division (C) (3) or (G) of this 9050  
section, an offender sentenced to a prison term or term of life 9051  
imprisonment without parole pursuant to division (A) of this 9052  
section shall serve the entire prison term or term of life 9053  
imprisonment in a state correctional institution. The offender 9054  
is not eligible for judicial release under section 2929.20 of 9055  
the Revised Code. 9056

(3) For a prison term imposed pursuant to division (A) (3), 9057  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 9058  
(b), (c), or (d) of this section, subject to the application of 9059

division (G) of this section, the court, in accordance with 9060  
section 2971.05 of the Revised Code, may terminate the prison 9061  
term or modify the requirement that the offender serve the 9062  
entire term in a state correctional institution if all of the 9063  
following apply: 9064

(a) The offender has served at least the minimum term 9065  
imposed as part of that prison term. 9066

(b) The parole board, pursuant to section 2971.04 of the 9067  
Revised Code, has terminated its control over the offender's 9068  
service of that prison term. 9069

(c) The court has held a hearing and found, by clear and 9070  
convincing evidence, one of the following: 9071

(i) In the case of termination of the prison term, that 9072  
the offender is unlikely to commit a sexually violent offense in 9073  
the future; 9074

(ii) In the case of modification of the requirement, that 9075  
the offender does not represent a substantial risk of physical 9076  
harm to others. 9077

(4) Except as provided in division (G) of this section, an 9078  
offender who has been sentenced to a term of life imprisonment 9079  
without parole pursuant to division (A) (1), (2), or (4) of this 9080  
section shall not be released from the term of life imprisonment 9081  
or be permitted to serve a portion of it in a place other than a 9082  
state correctional institution. 9083

(D) If a court sentences an offender to a prison term or 9084  
term of life imprisonment without parole pursuant to division 9085  
(A) of this section and the court also imposes on the offender 9086  
one or more additional prison terms pursuant to division (B) of 9087  
section 2929.14 of the Revised Code, all of the additional 9088

prison terms shall be served consecutively with, and prior to, 9089  
the prison term or term of life imprisonment without parole 9090  
imposed upon the offender pursuant to division (A) of this 9091  
section. 9092

(E) If the offender is convicted of or pleads guilty to 9093  
two or more offenses for which a prison term or term of life 9094  
imprisonment without parole is required to be imposed pursuant 9095  
to division (A) of this section, divisions (A) to (D) of this 9096  
section shall be applied for each offense. All minimum terms 9097  
imposed upon the offender pursuant to division (A) (3) or (B) of 9098  
this section for those offenses shall be aggregated and served 9099  
consecutively, as if they were a single minimum term imposed 9100  
under that division. 9101

(F) (1) If an offender is convicted of or pleads guilty to 9102  
a violent sex offense and also is convicted of or pleads guilty 9103  
to a sexually violent predator specification that was included 9104  
in the indictment, count in the indictment, or information 9105  
charging that offense, or is convicted of or pleads guilty to a 9106  
designated homicide, assault, or kidnapping offense and also is 9107  
convicted of or pleads guilty to both a sexual motivation 9108  
specification and a sexually violent predator specification that 9109  
were included in the indictment, count in the indictment, or 9110  
information charging that offense, the conviction of or plea of 9111  
guilty to the offense and the sexually violent predator 9112  
specification automatically classifies the offender as a tier 9113  
III sex offender/child-victim offender for purposes of Chapter 9114  
2950. of the Revised Code. 9115

(2) If an offender is convicted of or pleads guilty to 9116  
committing on or after January 2, 2007, a violation of division 9117  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 9118

offender is sentenced under section 2971.03 of the Revised Code 9119  
or a sentence of life without parole is imposed under division 9120  
(B) of section 2907.02 of the Revised Code, the conviction of or 9121  
plea of guilty to the offense automatically classifies the 9122  
offender as a tier III sex offender/child-victim offender for 9123  
purposes of Chapter 2950. of the Revised Code. 9124

(3) If a person is convicted of or pleads guilty to 9125  
committing on or after January 2, 2007, attempted rape and also 9126  
is convicted of or pleads guilty to a specification of the type 9127  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9128  
Revised Code, the conviction of or plea of guilty to the offense 9129  
and the specification automatically classify the offender as a 9130  
tier III sex offender/child-victim offender for purposes of 9131  
Chapter 2950. of the Revised Code. 9132

(4) If a person is convicted of or pleads guilty to one of 9133  
the offenses described in division (B) (3) (a), (b), (c), or (d) 9134  
of this section and a sexual motivation specification related to 9135  
the offense and the victim of the offense is less than thirteen 9136  
years of age, the conviction of or plea of guilty to the offense 9137  
automatically classifies the offender as a tier III sex 9138  
offender/child-victim offender for purposes of Chapter 2950. of 9139  
the Revised Code. 9140

(G) Notwithstanding divisions (A) to (E) of this section, 9141  
if an offender receives or received a sentence of life 9142  
imprisonment without parole, a definite sentence, or a sentence 9143  
to an indefinite prison term under this chapter for an offense 9144  
committed when the offender was under eighteen years of age, the 9145  
offender is eligible for parole and the offender's parole 9146  
eligibility shall be determined under section 2967.132 of the 9147  
Revised Code. 9148

**Sec. 2971.07.** (A) This chapter does not apply to any 9149  
offender unless the offender is one of the following: 9150

(1) The offender is convicted of or pleads guilty to a 9151  
violent sex offense and also is convicted of or pleads guilty to 9152  
a sexually violent predator specification that was included in 9153  
the indictment, count in the indictment, or information charging 9154  
that offense. 9155

(2) The offender is convicted of or pleads guilty to a 9156  
designated homicide, assault, or kidnapping offense and also is 9157  
convicted of or pleads guilty to both a sexual motivation 9158  
specification and a sexually violent predator specification that 9159  
were included in the indictment, count in the indictment, or 9160  
information charging that offense. 9161

(3) The offender is convicted of or pleads guilty to a 9162  
violation of division (A) (1) (b) of section 2907.02 of the 9163  
Revised Code committed on or after January 2, 2007, and the 9164  
court does not sentence the offender to a term of life without 9165  
parole pursuant to division (B) of section 2907.02 of the 9166  
Revised Code or division (B) of that section prohibits the court 9167  
from sentencing the offender pursuant to section 2971.03 of the 9168  
Revised Code. 9169

(4) The offender is convicted of or pleads guilty to 9170  
attempted rape committed on or after January 2, 2007, and also 9171  
is convicted of or pleads guilty to a specification of the type 9172  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9173  
Revised Code. 9174

(5) The offender is convicted of or pleads guilty to a 9175  
violation of section 2905.01 of the Revised Code and also is 9176  
convicted of or pleads guilty to a sexual motivation 9177

specification that was included in the indictment, count in the 9178  
indictment, or information charging that offense, and that 9179  
section requires a court to sentence the offender pursuant to 9180  
section 2971.03 of the Revised Code. 9181

(6) The offender is convicted of or pleads guilty to 9182  
aggravated murder and also is convicted of or pleads guilty to a 9183  
sexual motivation specification that was included in the 9184  
indictment, count in the indictment, or information charging 9185  
that offense, and division ~~(A) (2) (b) (ii) of section 2929.022,~~ 9186  
~~division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D)~~ 9187  
~~(3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A)~~ 9188  
~~or (B) (C) of section 2929.06-2929.02~~ of the Revised Code 9189  
requires a court to sentence the offender pursuant to division 9190  
(B) (3) of section 2971.03 of the Revised Code. 9191

(7) The offender is convicted of or pleads guilty to 9192  
murder and also is convicted of or pleads guilty to a sexual 9193  
motivation specification that was included in the indictment, 9194  
count in the indictment, or information charging that offense, 9195  
and division ~~(B) (2)~~ (C) (1) of section 2929.02 of the Revised 9196  
Code requires a court to sentence the offender pursuant to 9197  
section 2971.03 of the Revised Code. 9198

(B) This chapter does not limit or affect a court in 9199  
imposing upon an offender described in divisions (A) (1) to (9) 9200  
of this section any financial sanction under section 2929.18 or 9201  
any other section of the Revised Code, or, except as 9202  
specifically provided in this chapter, any other sanction that 9203  
is authorized or required for the offense or violation by any 9204  
other provision of law. 9205

(C) If an offender is sentenced to a prison term under 9206  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 9207

or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and if, pursuant to section 2971.05 of the Revised Code, the court modifies the requirement that the offender serve the entire prison term in a state correctional institution or places the offender on conditional release that involves the placement of the offender under the supervision of the adult parole authority, authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or any other real property in which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the field officer has reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release. The authority shall provide each offender with a written notice that informs the offender that authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of the modification or release if they have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release.

**Sec. 5120.113.** (A) For each inmate committed to the department of rehabilitation and correction, except as provided in division (B) of this section, the department shall prepare a written reentry plan for the inmate to help guide the inmate's rehabilitation program during imprisonment, to assist in the

inmate's reentry into the community, and to assess the inmate's 9239  
needs upon release. 9240

(B) Division (A) of this section does not apply to an 9241  
inmate who has been sentenced to life imprisonment without 9242  
parole or ~~who has been sentenced to death~~ before the effective 9243  
date of this amendment. Division (A) of this section does not 9244  
apply to any inmate who is expected to be imprisoned for thirty 9245  
days or less, but the department may prepare a written reentry 9246  
plan of the type described in that division if the department 9247  
determines that the plan is needed. 9248

(C) The department may collect, if available, any social 9249  
and other information that will aid in the preparation of 9250  
reentry plans under this section. 9251

(D) In the event the department does not prepare a written 9252  
reentry plan as specified in division (A) of this section, or 9253  
makes a decision to not prepare a written reentry plan under 9254  
division (B) of this section or to not collect information under 9255  
division (C) of this section, that fact does not give rise to a 9256  
claim for damages against the state, the department, the 9257  
director of the department, or any employee of the department. 9258

**Sec. 5120.53.** (A) If a treaty between the United States 9259  
and a foreign country provides for the transfer or exchange, 9260  
from one of the signatory countries to the other signatory 9261  
country, of convicted offenders who are citizens or nationals of 9262  
the other signatory country, the governor, subject to and in 9263  
accordance with the terms of the treaty, may authorize the 9264  
director of rehabilitation and correction to allow the transfer 9265  
or exchange of convicted offenders and to take any action 9266  
necessary to initiate participation in the treaty. If the 9267  
governor grants the director the authority described in this 9268



division, the director may take the necessary action to initiate 9269  
participation in the treaty and, subject to and in accordance 9270  
with division (B) of this section and the terms of the treaty, 9271  
may allow the transfer or exchange to a foreign country that has 9272  
signed the treaty of any convicted offender who is a citizen or 9273  
national of that signatory country. 9274

(B) (1) No convicted offender who is serving a term of 9275  
imprisonment in this state for aggravated murder, murder, or a 9276  
felony of the first or second degree, who is serving a mandatory 9277  
prison term imposed under section 2925.03 or 2925.11 of the 9278  
Revised Code in circumstances in which the court was required to 9279  
impose as the mandatory prison term the maximum definite prison 9280  
term or longest minimum prison term authorized for the degree of 9281  
offense committed, or who is serving a term of imprisonment in 9282  
this state imposed for an offense committed prior to July 1, 9283  
1996, that was an aggravated felony of the first or second 9284  
degree or that was aggravated trafficking in violation of 9285  
division (A) (9) or (10) of section 2925.03 of the Revised Code, ~~or~~ 9286  
~~or who has been sentenced to death in this state~~ shall be 9287  
transferred or exchanged to another country pursuant to a treaty 9288  
of the type described in division (A) of this section. 9289

(2) If a convicted offender is serving a term of 9290  
imprisonment in this state and the offender is a citizen or 9291  
national of a foreign country that has signed a treaty of the 9292  
type described in division (A) of this section, if the governor 9293  
has granted the director of rehabilitation and correction the 9294  
authority described in that division, and if the transfer or 9295  
exchange of the offender is not barred by division (B) (1) of 9296  
this section, the director or the director's designee may 9297  
approve the offender for transfer or exchange pursuant to the 9298  
treaty if the director or the designee, after consideration of 9299

the factors set forth in the rules adopted by the department 9300  
under division (D) of this section and all other relevant 9301  
factors, determines that the transfer or exchange of the 9302  
offender is appropriate. 9303

(C) Notwithstanding any provision of the Revised Code 9304  
regarding the parole eligibility of, or the duration or 9305  
calculation of a sentence of imprisonment imposed upon, an 9306  
offender, if a convicted offender is serving a term of 9307  
imprisonment in this state and the offender is a citizen or 9308  
national of a foreign country that has signed a treaty of the 9309  
type described in division (A) of this section, if the offender 9310  
is serving an indefinite term of imprisonment, if the offender 9311  
is barred from being transferred or exchanged pursuant to the 9312  
treaty due to the indefinite nature of the offender's term of 9313  
imprisonment, and if in accordance with division (B) (2) of this 9314  
section the director of rehabilitation and correction or the 9315  
director's designee approves the offender for transfer or 9316  
exchange pursuant to the treaty, the parole board, pursuant to 9317  
rules adopted by the director, shall set a date certain for the 9318  
release of the offender. To the extent possible, the date 9319  
certain that is set shall be reasonably proportionate to the 9320  
indefinite term of imprisonment that the offender is serving. 9321  
The date certain that is set for the release of the offender 9322  
shall be considered only for purposes of facilitating the 9323  
international transfer or exchange of the offender, shall not be 9324  
viable or actionable for any other purpose, and shall not create 9325  
any expectation or guarantee of release. If an offender for whom 9326  
a date certain for release is set under this division is not 9327  
transferred to or exchanged with the foreign country pursuant to 9328  
the treaty, the date certain is null and void, and the 9329  
offender's release shall be determined pursuant to the laws and 9330

rules of this state pertaining to parole eligibility and the 9331  
duration and calculation of an indefinite sentence of 9332  
imprisonment. 9333

(D) If the governor, pursuant to division (A) of this 9334  
section, authorizes the director of rehabilitation and 9335  
correction to allow any transfer or exchange of convicted 9336  
offenders as described in that division, the director shall 9337  
adopt rules under Chapter 119. of the Revised Code to implement 9338  
the provisions of this section. The rules shall include a rule 9339  
that requires the director or the director's designee, in 9340  
determining whether to approve a convicted offender who is 9341  
serving a term of imprisonment in this state for transfer or 9342  
exchange pursuant to a treaty of the type described in division 9343  
(A) of this section, to consider all of the following factors: 9344

(1) The nature of the offense for which the offender is 9345  
serving the term of imprisonment in this state; 9346

(2) The likelihood that, if the offender is transferred or 9347  
exchanged to a foreign country pursuant to the treaty, the 9348  
offender will serve a shorter period of time in imprisonment in 9349  
the foreign country than the offender would serve if the 9350  
offender is not transferred or exchanged to the foreign country 9351  
pursuant to the treaty; 9352

(3) The likelihood that, if the offender is transferred or 9353  
exchanged to a foreign country pursuant to the treaty, the 9354  
offender will return or attempt to return to this state after 9355  
the offender has been released from imprisonment in the foreign 9356  
country; 9357

(4) The degree of any shock to the conscience of justice 9358  
and society that will be experienced in this state if the 9359

offender is transferred or exchanged to a foreign country 9360  
pursuant to the treaty; 9361

(5) All other factors that the department determines are 9362  
relevant to the determination. 9363

**Sec. 5120.61.** (A) (1) Not later than ninety days after 9364  
January 1, 1997, the department of rehabilitation and correction 9365  
shall adopt standards that it will use under this section to 9366  
assess the following criminal offenders and may periodically 9367  
revise the standards: 9368

(a) A criminal offender who is convicted of or pleads 9369  
guilty to a violent sex offense or designated homicide, assault, 9370  
or kidnapping offense and is adjudicated a sexually violent 9371  
predator in relation to that offense; 9372

(b) A criminal offender who is convicted of or pleads 9373  
guilty to a violation of division (A) (1) (b) of section 2907.02 9374  
of the Revised Code committed on or after January 2, 2007, and 9375  
either who is sentenced under section 2971.03 of the Revised 9376  
Code or upon whom a sentence of life without parole is imposed 9377  
under division (B) of section 2907.02 of the Revised Code; 9378

(c) A criminal offender who is convicted of or pleads 9379  
guilty to attempted rape committed on or after January 2, 2007, 9380  
and a specification of the type described in section 2941.1418, 9381  
2941.1419, or 2941.1420 of the Revised Code; 9382

(d) A criminal offender who is convicted of or pleads 9383  
guilty to a violation of section 2905.01 of the Revised Code and 9384  
also is convicted of or pleads guilty to a sexual motivation 9385  
specification that was included in the indictment, count in the 9386  
indictment, or information charging that offense, and who is 9387  
sentenced pursuant to section 2971.03 of the Revised Code; 9388

(e) A criminal offender who is convicted of or pleads 9389  
guilty to aggravated murder and also is convicted of or pleads 9390  
guilty to a sexual motivation specification that was included in 9391  
the indictment, count in the indictment, or information charging 9392  
that offense, and who pursuant to division ~~(A) (2) (b) (ii) of~~ 9393  
~~section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a)~~ 9394  
~~(ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section~~ 9395  
~~2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ 9396  
of the Revised Code is sentenced pursuant to division (B) (3) of 9397  
section 2971.03 of the Revised Code; 9398

(f) A criminal offender who is convicted of or pleads 9399  
guilty to murder and also is convicted of or pleads guilty to a 9400  
sexual motivation specification that was included in the 9401  
indictment, count in the indictment, or information charging 9402  
that offense, and who pursuant to division ~~(B) (2)~~ (C) (1) of 9403  
section 2929.02 of the Revised Code is sentenced pursuant to 9404  
section 2971.03 of the Revised Code. 9405

(2) When the department is requested by the parole board 9406  
or the court to provide a risk assessment report of the offender 9407  
under section 2971.04 or 2971.05 of the Revised Code, it shall 9408  
assess the offender and complete the assessment as soon as 9409  
possible after the offender has commenced serving the prison 9410  
term or term of life imprisonment without parole imposed under 9411  
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 9412  
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9413  
Code. Thereafter, the department shall update a risk assessment 9414  
report pertaining to an offender as follows: 9415

(a) Periodically, in the discretion of the department, 9416  
provided that each report shall be updated no later than two 9417  
years after its initial preparation or most recent update; 9418

(b) Upon the request of the parole board for use in 9419  
determining pursuant to section 2971.04 of the Revised Code 9420  
whether it should terminate its control over an offender's 9421  
service of a prison term imposed upon the offender under 9422  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 9423  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9424  
Code; 9425

(c) Upon the request of the court. 9426

(3) After the department of rehabilitation and correction 9427  
assesses an offender pursuant to division (A) (2) of this 9428  
section, it shall prepare a report that contains its risk 9429  
assessment for the offender or, if a risk assessment report 9430  
previously has been prepared, it shall update the risk 9431  
assessment report. 9432

(4) The department of rehabilitation and correction shall 9433  
provide each risk assessment report that it prepares or updates 9434  
pursuant to this section regarding an offender to all of the 9435  
following: 9436

(a) The parole board for its use in determining pursuant 9437  
to section 2971.04 of the Revised Code whether it should 9438  
terminate its control over an offender's service of a prison 9439  
term imposed upon the offender under division (A) (3), (B) (1) (a), 9440  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 9441  
(d) of section 2971.03 of the Revised Code, if the parole board 9442  
has not terminated its control over the offender; 9443

(b) The court for use in determining, pursuant to section 9444  
2971.05 of the Revised Code, whether to modify the requirement 9445  
that the offender serve the entire prison term imposed upon the 9446  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 9447

(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 9448  
2971.03 of the Revised Code in a state correctional institution, 9449  
whether to revise any modification previously made, or whether 9450  
to terminate the prison term; 9451

(c) The prosecuting attorney who prosecuted the case, or 9452  
the successor in office to that prosecuting attorney; 9453

(d) The offender. 9454

(B) When the department of rehabilitation and correction 9455  
provides a risk assessment report regarding an offender to the 9456  
parole board or court pursuant to division (A) (4) (a) or (b) of 9457  
this section, the department, prior to the parole board's or 9458  
court's hearing, also shall provide to the offender or to the 9459  
offender's attorney of record a copy of the report and a copy of 9460  
any other relevant documents the department possesses regarding 9461  
the offender that the department does not consider to be 9462  
confidential. 9463

(C) As used in this section: 9464

(1) "Adjudicated a sexually violent predator" has the same 9465  
meaning as in section 2929.01 of the Revised Code, and a person 9466  
is "adjudicated a sexually violent predator" in the same manner 9467  
and the same circumstances as are described in that section. 9468

(2) "Designated homicide, assault, or kidnapping offense" 9469  
and "violent sex offense" have the same meanings as in section 9470  
2971.01 of the Revised Code. 9471

**Sec. 5139.04.** The department of youth services shall do 9472  
all of the following: 9473

(A) Support service districts through a central 9474  
administrative office that shall have as its administrative head 9475

a deputy director who shall be appointed by the director of the department. When a vacancy occurs in the office of that deputy director, an assistant deputy director shall act as that deputy director until the vacancy is filled. The position of deputy director and assistant deputy director described in this division shall be in the unclassified civil service of the state.

(B) Receive custody of all children committed to it under Chapter 2152. of the Revised Code, cause a study to be made of those children, and issue any orders, as it considers best suited to the needs of any of those children and the interest of the public, for the treatment of each of those children;

(C) Obtain personnel necessary for the performance of its duties;

(D) Adopt rules that regulate its organization and operation, that implement sections 5139.34 and 5139.41 to 5139.43 of the Revised Code, and that pertain to the administration of other sections of this chapter;

(E) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;

(F) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;

(G) Develop a standard form for the disposition investigation report that a juvenile court is required pursuant to section 2152.18 of the Revised Code to complete and provide to the department when the court commits a child to the legal



custody of the department; 9505

(H) Provide the state public defender the reasonable 9506  
access authorized under division ~~(I)~~(H) of section 120.06 of 9507  
the Revised Code in order to fulfill the department's 9508  
constitutional obligation to provide juveniles who have been 9509  
committed to the department's care access to the courts. 9510

(I) Do all other acts necessary or desirable to carry out 9511  
this chapter. 9512

**Sec. 5919.16.** (A) Commissioned and warrant officers in the 9513  
Ohio national guard shall be discharged by the adjutant general 9514  
upon either of the following: 9515

(1) The officer's resignation; 9516

(2) Approval of a board's recommendation for withdrawal of 9517  
federal recognition by the chief of the national guard bureau. 9518

(B) An officer also may be discharged under any of the 9519  
following circumstances: 9520

(1) Pursuant to other federal regulations; 9521

(2) If absent without leave for three months, upon 9522  
recommendation of an efficiency board; 9523

(3) Pursuant to sentence by court-martial; 9524

(4) If the officer has been convicted of a crime 9525  
classified as a felony as described in division (C) or (D) ~~or~~ 9526  
~~(E)~~ of section 2901.02 of the Revised Code. 9527

**Section 2.** That existing sections 9.07, 120.03, 120.041, 9528  
120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 9529  
120.34, 149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 9530  
2307.60, 2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 9531

2929.13, 2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 9532  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 9533  
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 9534  
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 9535  
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 9536  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 9537  
and 5919.16 of the Revised Code are hereby repealed. 9538

**Section 3.** That sections 109.97, 120.35, 2725.19, 9539  
2929.021, 2929.022, 2929.023, 2929.024, 2929.025, 2929.03, 9540  
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 9541  
2949.221, 2949.222, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 9542  
2949.29, 2949.31, and 2967.08 of the Revised Code are hereby 9543  
repealed. 9544

**Section 4.** (A) An offender whose sentence of death has 9545  
been set aside, nullified, or vacated pursuant to section 9546  
2929.06 of the Revised Code as it existed immediately before the 9547  
effective date of this section but who has not been resentenced 9548  
under that section as of the effective date of this section 9549  
shall be resentenced in accordance with that section as it 9550  
existed immediately before the effective date of this section. 9551

(B) Nothing in this act is intended to nullify or mitigate 9552  
the sentence of an offender who was sentenced to death before 9553  
the effective date of this section. An offender who was 9554  
sentenced to death before the effective date of this section has 9555  
the same rights to appeal and to postconviction remedies as the 9556  
offender had under the provisions of Chapter 2953. of the 9557  
Revised Code as those provisions existed immediately before the 9558  
effective date of this section or as those provisions may 9559  
hereafter be amended, and courts have the same powers and duties 9560  
with respect to those offenders under those provisions as courts 9561

had before the effective date of this section. 9562

(C) All reports and payments relating to capital cases 9563  
that were required to be made under any provision of Chapter 9564  
120. or section 109.97 of the Revised Code as those provisions 9565  
existed immediately before the effective date of this section 9566  
shall be made each calendar or fiscal year, as applicable, in 9567  
accordance with those provisions as they existed immediately 9568  
before the effective date of this section, and the Capital Case 9569  
Attorney Fee Council created under section 120.33 of the Revised 9570  
Code shall continue under the provisions of that section as it 9571  
existed immediately before the effective date of this section, 9572  
until each case in which a defendant was sentenced to death 9573  
before the effective date of this section is finally resolved. 9574

(D) In an action in which an offender was sentenced to 9575  
death before the effective date of this section, a court of 9576  
common pleas shall preserve the records of the action as 9577  
required by section 2301.20 of the Revised Code as it existed 9578  
immediately before the effective date of this section. 9579

**Section 5.** Attorneys appointed to represent indigent 9580  
defendants in postconviction relief proceedings in cases in 9581  
which the defendant was sentenced to death before the effective 9582  
date of this section shall be certified under the Rules for 9583  
Appointment of Counsel in Capital Cases in the same manner as 9584  
those certifications were required under Rule 20 of the Rules of 9585  
Superintendence for the Courts of Ohio by sections 120.06, 9586  
120.14, 120.26, and 120.33 of the Revised Code as those sections 9587  
existed immediately before the effective date of this section. 9588

**Section 6.** The General Assembly, applying the principle 9589  
stated in division (B) of section 1.52 of the Revised Code that 9590  
amendments are to be harmonized if reasonably capable of 9591

simultaneous operation, finds that the following sections, 9592  
presented in this act as composites of the sections as amended 9593  
by the acts indicated, are the resulting versions of the 9594  
sections in effect prior to the effective date of the sections 9595  
as presented in this act: 9596

Section 2929.02 of the Revised Code as amended by both 9597  
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9598

Section 2929.14 of the Revised Code as amended by both 9599  
H.B. 56 and S.B. 106 of the 135th General Assembly. 9600

Section 2953.07 of the Revised Code as amended by both 9601  
S.B. 2 and S.B. 4 of the 121st General Assembly. 9602

Section 2971.03 of the Revised Code as amended by both 9603  
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9604