

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 201**

**Senators Bacon, O'Brien**

**Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland, Coley, Balderson, Burke, Dolan, Eklund, Hackett, Hottinger, Huffman, LaRose, Lehner, Oelslager, Peterson, Schiavoni, Terhar, Williams, Wilson, Yuko Representatives Manning, Butler, Galonski, Rogers**

---

**A BILL**

To amend sections 109.42, 121.22, 149.43, 1901.021, 1  
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2  
2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 3  
2907.321, 2907.322, 2907.323, 2919.22, 2919.25, 4  
2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 5  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 6  
2929.01, 2929.13, 2929.14, 2929.142, 2929.15, 7  
2929.18, 2929.19, 2929.191, 2929.20, 2929.61, 8  
2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 9  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 10  
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 11  
5120.53, 5120.66, and 5120.80 and to enact 12  
sections 2901.011, 2929.144, 2967.271, and 13  
5120.038 of the Revised Code to provide for 14  
indefinite prison terms for first or second 15  
degree felonies, with presumptive release of 16  
offenders sentenced to such a term at the end of 17  
the minimum term; to generally allow the 18  
Department of Rehabilitation and Correction with 19  
approval of the sentencing court to reduce the 20  
minimum term for exceptional conduct or 21

adjustment to incarceration; to allow the 22  
Department to rebut the release presumption and 23  
keep the offender in prison up to the maximum 24  
term if it makes specified findings; to require 25  
the Adult Parole Authority to study the 26  
feasibility of certain GPS monitoring functions; 27  
to prioritize funding for residential service 28  
contracts that reduce homeless offenders; to 29  
name those provisions of the act the Reagan 30  
Tokes Law; to include conduct involving an 31  
impaired person within certain sex offenses 32  
relating to conduct involving a minor; and to 33  
eliminate the requirement that one of the judges 34  
of the Wayne County Municipal Court sit within 35  
the municipal corporation of Orrville. 36

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

**Section 1.** That sections 109.42, 121.22, 149.43, 1901.021, 37  
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 38  
2907.03, 2907.05, 2907.07, 2907.321, 2907.322, 2907.323, 39  
2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 40  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2929.01, 2929.13, 41  
2929.14, 2929.142, 2929.15, 2929.18, 2929.19, 2929.191, 2929.20, 42  
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 43  
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 44  
3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 be amended and 45  
sections 2901.011, 2929.144, 2967.271, and 5120.038 of the 46  
Revised Code be enacted to read as follows: 47

**Sec. 109.42.** (A) The attorney general shall prepare and 48

have printed a pamphlet that contains a compilation of all 49  
statutes relative to victim's rights in which the attorney 50  
general lists and explains the statutes in the form of a 51  
victim's bill of rights. The attorney general shall distribute 52  
the pamphlet to all sheriffs, marshals, municipal corporation 53  
and township police departments, constables, and other law 54  
enforcement agencies, to all prosecuting attorneys, city 55  
directors of law, village solicitors, and other similar chief 56  
legal officers of municipal corporations, and to organizations 57  
that represent or provide services for victims of crime. The 58  
victim's bill of rights set forth in the pamphlet shall contain 59  
a description of all of the rights of victims that are provided 60  
for in Chapter 2930. or in any other section of the Revised Code 61  
and shall include, but not be limited to, all of the following: 62

(1) The right of a victim or a victim's representative to 63  
attend a proceeding before a grand jury, in a juvenile case, or 64  
in a criminal case pursuant to a subpoena without being 65  
discharged from the victim's or representative's employment, 66  
having the victim's or representative's employment terminated, 67  
having the victim's or representative's pay decreased or 68  
withheld, or otherwise being punished, penalized, or threatened 69  
as a result of time lost from regular employment because of the 70  
victim's or representative's attendance at the proceeding 71  
pursuant to the subpoena, as set forth in section 2151.211, 72  
2930.18, 2939.121, or 2945.451 of the Revised Code; 73

(2) The potential availability pursuant to section 74  
2151.359 or 2152.61 of the Revised Code of a forfeited 75  
recognizance to pay damages caused by a child when the 76  
delinquency of the child or child's violation of probation or 77  
community control is found to be proximately caused by the 78  
failure of the child's parent or guardian to subject the child 79

to reasonable parental authority or to faithfully discharge the 80  
conditions of probation or community control; 81

(3) The availability of awards of reparations pursuant to 82  
sections 2743.51 to 2743.72 of the Revised Code for injuries 83  
caused by criminal offenses; 84

(4) The right of the victim in certain criminal or 85  
juvenile cases or a victim's representative to receive, pursuant 86  
to section 2930.06 of the Revised Code, notice of the date, 87  
time, and place of the trial or delinquency proceeding in the 88  
case or, if there will not be a trial or delinquency proceeding, 89  
information from the prosecutor, as defined in section 2930.01 90  
of the Revised Code, regarding the disposition of the case; 91

(5) The right of the victim in certain criminal or 92  
juvenile cases or a victim's representative to receive, pursuant 93  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 94  
notice of the name of the person charged with the violation, the 95  
case or docket number assigned to the charge, and a telephone 96  
number or numbers that can be called to obtain information about 97  
the disposition of the case; 98

(6) The right of the victim in certain criminal or 99  
juvenile cases or of the victim's representative pursuant to 100  
section 2930.13 or 2930.14 of the Revised Code, subject to any 101  
reasonable terms set by the court as authorized under section 102  
2930.14 of the Revised Code, to make a statement about the 103  
victimization and, if applicable, a statement relative to the 104  
sentencing or disposition of the offender; 105

(7) The opportunity to obtain a court order, pursuant to 106  
section 2945.04 of the Revised Code, to prevent or stop the 107  
commission of the offense of intimidation of a crime victim or 108

witness or an offense against the person or property of the 109  
complainant, or of the complainant's ward or child; 110

(8) The right of the victim in certain criminal or 111  
juvenile cases or a victim's representative pursuant to sections 112  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 113  
Code to receive notice of a pending motion for judicial release, 114  
release pursuant to section 2967.19 of the Revised Code, or 115  
other early release of the person who committed the offense 116  
against the victim, to make an oral or written statement at the 117  
court hearing on the motion, and to be notified of the court's 118  
decision on the motion; 119

(9) The right of the victim in certain criminal or 120  
juvenile cases or a victim's representative pursuant to section 121  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 122  
Code to receive notice of any pending commutation, pardon, 123  
parole, transitional control, discharge, other form of 124  
authorized release, post-release control, or supervised release 125  
for the person who committed the offense against the victim or 126  
any application for release of that person and to send a written 127  
statement relative to the victimization and the pending action 128  
to the adult parole authority or the release authority of the 129  
department of youth services; 130

(10) The right of the victim to bring a civil action 131  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 132  
obtain money from the offender's profit fund; 133

(11) The right, pursuant to section 3109.09 of the Revised 134  
Code, to maintain a civil action to recover compensatory damages 135  
not exceeding ten thousand dollars and costs from the parent of 136  
a minor who willfully damages property through the commission of 137  
an act that would be a theft offense, as defined in section 138

2913.01 of the Revised Code, if committed by an adult;	139
(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;	140 141 142 143
(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;	144 145 146
(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;	147 148 149 150 151 152 153 154 155 156
(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;	157 158 159 160 161 162 163 164 165 166 167

(16) The right of a victim of a sexually oriented offense 168  
or of a child-victim oriented offense that is committed by a 169  
person who is convicted of, pleads guilty to, or is adjudicated 170  
a delinquent child for committing the offense and who is in a 171  
category specified in division (B) of section 2950.10 of the 172  
Revised Code to receive, pursuant to that section, notice that 173  
the person has registered with a sheriff under section 2950.04, 174  
2950.041, or 2950.05 of the Revised Code and notice of the 175  
person's name, the person's residence that is registered, and 176  
the offender's school, institution of higher education, or place 177  
of employment address or addresses that are registered, the 178  
person's photograph, and a summary of the manner in which the 179  
victim must make a request to receive the notice. As used in 180  
this division, "sexually oriented offense" and "child-victim 181  
oriented offense" have the same meanings as in section 2950.01 182  
of the Revised Code. 183

(17) The right of a victim of certain sexually violent 184  
offenses committed by an offender who also is convicted of or 185  
pleads guilty to a sexually violent predator specification and 186  
who is sentenced to a prison term pursuant to division (A) (3) of 187  
section 2971.03 of the Revised Code, of a victim of a violation 188  
of division (A) (1) (b) of section 2907.02 of the Revised Code 189  
committed on or after January 2, 2007, by an offender who is 190  
sentenced for the violation pursuant to division (B) (1) (a), (b), 191  
or (c) of section 2971.03 of the Revised Code, of a victim of an 192  
attempted rape committed on or after January 2, 2007, by an 193  
offender who also is convicted of or pleads guilty to a 194  
specification of the type described in section 2941.1418, 195  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 196  
the violation pursuant to division (B) (2) (a), (b), or (c) of 197  
section 2971.03 of the Revised Code, and of a victim of an 198

offense that is described in division (B) (3) (a), (b), (c), or 199  
(d) of section 2971.03 of the Revised Code and is committed by 200  
an offender who is sentenced pursuant to one of those divisions 201  
to receive, pursuant to section 2930.16 of the Revised Code, 202  
notice of a hearing to determine whether to modify the 203  
requirement that the offender serve the entire prison term in a 204  
state correctional facility, whether to continue, revise, or 205  
revoke any existing modification of that requirement, or whether 206  
to terminate the prison term. As used in this division, 207  
"sexually violent offense" and "sexually violent predator 208  
specification" have the same meanings as in section 2971.01 of 209  
the Revised Code. 210

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 211  
prosecuting attorney, assistant prosecuting attorney, city 212  
director of law, assistant city director of law, village 213  
solicitor, assistant village solicitor, or similar chief legal 214  
officer of a municipal corporation or an assistant of any of 215  
those officers who prosecutes an offense committed in this 216  
state, upon first contact with the victim of the offense, the 217  
victim's family, or the victim's dependents, shall give the 218  
victim, the victim's family, or the victim's dependents a copy 219  
of the pamphlet prepared pursuant to division (A) of this 220  
section and explain, upon request, the information in the 221  
pamphlet to the victim, the victim's family, or the victim's 222  
dependents. 223

(b) Subject to division (B) (1) (c) of this section, a law 224  
enforcement agency that investigates an offense or delinquent 225  
act committed in this state shall give the victim of the offense 226  
or delinquent act, the victim's family, or the victim's 227  
dependents a copy of the pamphlet prepared pursuant to division 228  
(A) of this section at one of the following times: 229



(i) Upon first contact with the victim, the victim's 230  
family, or the victim's dependents; 231

(ii) If the offense or delinquent act is an offense of 232  
violence, if the circumstances of the offense or delinquent act 233  
and the condition of the victim, the victim's family, or the 234  
victim's dependents indicate that the victim, the victim's 235  
family, or the victim's dependents will not be able to 236  
understand the significance of the pamphlet upon first contact 237  
with the agency, and if the agency anticipates that it will have 238  
an additional contact with the victim, the victim's family, or 239  
the victim's dependents, upon the agency's second contact with 240  
the victim, the victim's family, or the victim's dependents. 241

If the agency does not give the victim, the victim's 242  
family, or the victim's dependents a copy of the pamphlet upon 243  
first contact with them and does not have a second contact with 244  
the victim, the victim's family, or the victim's dependents, the 245  
agency shall mail a copy of the pamphlet to the victim, the 246  
victim's family, or the victim's dependents at their last known 247  
address. 248

(c) In complying on and after December 9, 1994, with the 249  
duties imposed by division (B) (1) (a) or (b) of this section, an 250  
official or a law enforcement agency shall use copies of the 251  
pamphlet that are in the official's or agency's possession on 252  
December 9, 1994, until the official or agency has distributed 253  
all of those copies. After the official or agency has 254  
distributed all of those copies, the official or agency shall 255  
use only copies of the pamphlet that contain at least the 256  
information described in divisions (A) (1) to (17) of this 257  
section. 258

(2) The failure of a law enforcement agency or of a 259

prosecuting attorney, assistant prosecuting attorney, city 260  
director of law, assistant city director of law, village 261  
solicitor, assistant village solicitor, or similar chief legal 262  
officer of a municipal corporation or an assistant to any of 263  
those officers to give, as required by division (B)(1) of this 264  
section, the victim of an offense or delinquent act, the 265  
victim's family, or the victim's dependents a copy of the 266  
pamphlet prepared pursuant to division (A) of this section does 267  
not give the victim, the victim's family, the victim's 268  
dependents, or a victim's representative any rights under 269  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 270  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 271  
other provision of the Revised Code and does not affect any 272  
right under those sections. 273

(3) A law enforcement agency, a prosecuting attorney or 274  
assistant prosecuting attorney, or a city director of law, 275  
assistant city director of law, village solicitor, assistant 276  
village solicitor, or similar chief legal officer of a municipal 277  
corporation that distributes a copy of the pamphlet prepared 278  
pursuant to division (A) of this section shall not be required 279  
to distribute a copy of an information card or other printed 280  
material provided by the clerk of the court of claims pursuant 281  
to section 2743.71 of the Revised Code. 282

(C) The cost of printing and distributing the pamphlet 283  
prepared pursuant to division (A) of this section shall be paid 284  
out of the reparations fund, created pursuant to section 285  
2743.191 of the Revised Code, in accordance with division (D) of 286  
that section. 287

(D) As used in this section: 288

(1) "Victim's representative" has the same meaning as in 289

section 2930.01 of the Revised Code;	290
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	291 292
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	293 294 295 296 297
(B) As used in this section:	298
(1) "Public body" means any of the following:	299
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	300 301 302 303 304 305 306
(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;	307 308
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	309 310 311 312 313 314 315 316 317 318

(2) "Meeting" means any prearranged discussion of the	319
public business of the public body by a majority of its members.	320
(3) "Regulated individual" means either of the following:	321
(a) A student in a state or local public educational	322
institution;	323
(b) A person who is, voluntarily or involuntarily, an	324
inmate, patient, or resident of a state or local institution	325
because of criminal behavior, mental illness, an intellectual	326
disability, disease, disability, age, or other condition	327
requiring custodial care.	328
(4) "Public office" has the same meaning as in section	329
149.011 of the Revised Code.	330
(C) All meetings of any public body are declared to be	331
public meetings open to the public at all times. A member of a	332
public body shall be present in person at a meeting open to the	333
public to be considered present or to vote at the meeting and	334
for purposes of determining whether a quorum is present at the	335
meeting.	336
The minutes of a regular or special meeting of any public	337
body shall be promptly prepared, filed, and maintained and shall	338
be open to public inspection. The minutes need only reflect the	339
general subject matter of discussions in executive sessions	340
authorized under division (G) or (J) of this section.	341
(D) This section does not apply to any of the following:	342
(1) A grand jury;	343
(2) An audit conference conducted by the auditor of state	344
or independent certified public accountants with officials of	345
the public office that is the subject of the audit;	346

- (3) The adult parole authority when its hearings are 347  
conducted at a correctional institution for the sole purpose of 348  
interviewing inmates to determine parole or pardon and the 349  
department of rehabilitation and correction when its hearings 350  
are conducted at a correctional institution for the sole purpose 351  
of making determinations under section 2967.271 of the Revised 352  
Code regarding the release or maintained incarceration of an 353  
offender to whom that section applies; 354
- (4) The organized crime investigations commission 355  
established under section 177.01 of the Revised Code; 356
- (5) Meetings of a child fatality review board established 357  
under section 307.621 of the Revised Code, meetings related to a 358  
review conducted pursuant to guidelines established by the 359  
director of health under section 3701.70 of the Revised Code, 360  
and meetings conducted pursuant to sections 5153.171 to 5153.173 361  
of the Revised Code; 362
- (6) The state medical board when determining whether to 363  
suspend a certificate without a prior hearing pursuant to 364  
division (G) of either section 4730.25 or 4731.22 of the Revised 365  
Code; 366
- (7) The board of nursing when determining whether to 367  
suspend a license or certificate without a prior hearing 368  
pursuant to division (B) of section 4723.281 of the Revised 369  
Code; 370
- (8) The state board of pharmacy when determining whether 371  
to suspend a license without a prior hearing pursuant to 372  
division (D) of section 4729.16 of the Revised Code; 373
- (9) The state chiropractic board when determining whether 374  
to suspend a license without a hearing pursuant to section 375

4734.37 of the Revised Code;	376
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	377 378 379 380 381
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	382 383 384 385
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	386 387 388 389
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	390 391 392 393 394
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	395 396 397 398
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.	399 400 401 402
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting	403 404

to consider granting assistance pursuant to Chapter 122. or 166. 405  
of the Revised Code, in order to protect the interest of the 406  
applicant or the possible investment of public funds, by 407  
unanimous vote of all board or authority members present, may 408  
close the meeting during consideration of the following 409  
information confidentially received by the authority or board 410  
from the applicant: 411

(1) Marketing plans; 412

(2) Specific business strategy; 413

(3) Production techniques and trade secrets; 414

(4) Financial projections; 415

(5) Personal financial statements of the applicant or 416  
members of the applicant's immediate family, including, but not 417  
limited to, tax records or other similar information not open to 418  
public inspection. 419

The vote by the authority or board to accept or reject the 420  
application, as well as all proceedings of the authority or 421  
board not subject to this division, shall be open to the public 422  
and governed by this section. 423

(F) Every public body, by rule, shall establish a 424  
reasonable method whereby any person may determine the time and 425  
place of all regularly scheduled meetings and the time, place, 426  
and purpose of all special meetings. A public body shall not 427  
hold a special meeting unless it gives at least twenty-four 428  
hours' advance notice to the news media that have requested 429  
notification, except in the event of an emergency requiring 430  
immediate official action. In the event of an emergency, the 431  
member or members calling the meeting shall notify the news 432  
media that have requested notification immediately of the time, 433

place, and purpose of the meeting. 434

The rule shall provide that any person, upon request and 435  
payment of a reasonable fee, may obtain reasonable advance 436  
notification of all meetings at which any specific type of 437  
public business is to be discussed. Provisions for advance 438  
notification may include, but are not limited to, mailing the 439  
agenda of meetings to all subscribers on a mailing list or 440  
mailing notices in self-addressed, stamped envelopes provided by 441  
the person. 442

(G) Except as provided in divisions (G)(8) and (J) of this 443  
section, the members of a public body may hold an executive 444  
session only after a majority of a quorum of the public body 445  
determines, by a roll call vote, to hold an executive session 446  
and only at a regular or special meeting for the sole purpose of 447  
the consideration of any of the following matters: 448

(1) To consider the appointment, employment, dismissal, 449  
discipline, promotion, demotion, or compensation of a public 450  
employee or official, or the investigation of charges or 451  
complaints against a public employee, official, licensee, or 452  
regulated individual, unless the public employee, official, 453  
licensee, or regulated individual requests a public hearing. 454  
Except as otherwise provided by law, no public body shall hold 455  
an executive session for the discipline of an elected official 456  
for conduct related to the performance of the elected official's 457  
official duties or for the elected official's removal from 458  
office. If a public body holds an executive session pursuant to 459  
division (G)(1) of this section, the motion and vote to hold 460  
that executive session shall state which one or more of the 461  
approved purposes listed in division (G)(1) of this section are 462  
the purposes for which the executive session is to be held, but 463



need not include the name of any person to be considered at the meeting. 464  
465

(2) To consider the purchase of property for public 466  
purposes, the sale of property at competitive bidding, or the 467  
sale or other disposition of unneeded, obsolete, or unfit-for- 468  
use property in accordance with section 505.10 of the Revised 469  
Code, if premature disclosure of information would give an 470  
unfair competitive or bargaining advantage to a person whose 471  
personal, private interest is adverse to the general public 472  
interest. No member of a public body shall use division (G) (2) 473  
of this section as a subterfuge for providing covert information 474  
to prospective buyers or sellers. A purchase or sale of public 475  
property is void if the seller or buyer of the public property 476  
has received covert information from a member of a public body 477  
that has not been disclosed to the general public in sufficient 478  
time for other prospective buyers and sellers to prepare and 479  
submit offers. 480

If the minutes of the public body show that all meetings 481  
and deliberations of the public body have been conducted in 482  
compliance with this section, any instrument executed by the 483  
public body purporting to convey, lease, or otherwise dispose of 484  
any right, title, or interest in any public property shall be 485  
conclusively presumed to have been executed in compliance with 486  
this section insofar as title or other interest of any bona fide 487  
purchasers, lessees, or transferees of the property is 488  
concerned. 489

(3) Conferences with an attorney for the public body 490  
concerning disputes involving the public body that are the 491  
subject of pending or imminent court action; 492

(4) Preparing for, conducting, or reviewing negotiations 493

or bargaining sessions with public employees concerning their 494  
compensation or other terms and conditions of their employment; 495

(5) Matters required to be kept confidential by federal 496  
law or regulations or state statutes; 497

(6) Details relative to the security arrangements and 498  
emergency response protocols for a public body or a public 499  
office, if disclosure of the matters discussed could reasonably 500  
be expected to jeopardize the security of the public body or 501  
public office; 502

(7) In the case of a county hospital operated pursuant to 503  
Chapter 339. of the Revised Code, a joint township hospital 504  
operated pursuant to Chapter 513. of the Revised Code, or a 505  
municipal hospital operated pursuant to Chapter 749. of the 506  
Revised Code, to consider trade secrets, as defined in section 507  
1333.61 of the Revised Code; 508

(8) To consider confidential information related to the 509  
marketing plans, specific business strategy, production 510  
techniques, trade secrets, or personal financial statements of 511  
an applicant for economic development assistance, or to 512  
negotiations with other political subdivisions respecting 513  
requests for economic development assistance, provided that both 514  
of the following conditions apply: 515

(a) The information is directly related to a request for 516  
economic development assistance that is to be provided or 517  
administered under any provision of Chapter 715., 725., 1724., 518  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 519  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 520  
5709.81 of the Revised Code, or that involves public 521  
infrastructure improvements or the extension of utility services 522

that are directly related to an economic development project. 523

(b) A unanimous quorum of the public body determines, by a 524  
roll call vote, that the executive session is necessary to 525  
protect the interests of the applicant or the possible 526  
investment or expenditure of public funds to be made in 527  
connection with the economic development project. 528

If a public body holds an executive session to consider 529  
any of the matters listed in divisions (G)(2) to (8) of this 530  
section, the motion and vote to hold that executive session 531  
shall state which one or more of the approved matters listed in 532  
those divisions are to be considered at the executive session. 533

A public body specified in division (B)(1)(c) of this 534  
section shall not hold an executive session when meeting for the 535  
purposes specified in that division. 536

(H) A resolution, rule, or formal action of any kind is 537  
invalid unless adopted in an open meeting of the public body. A 538  
resolution, rule, or formal action adopted in an open meeting 539  
that results from deliberations in a meeting not open to the 540  
public is invalid unless the deliberations were for a purpose 541  
specifically authorized in division (G) or (J) of this section 542  
and conducted at an executive session held in compliance with 543  
this section. A resolution, rule, or formal action adopted in an 544  
open meeting is invalid if the public body that adopted the 545  
resolution, rule, or formal action violated division (F) of this 546  
section. 547

(I)(1) Any person may bring an action to enforce this 548  
section. An action under division (I)(1) of this section shall 549  
be brought within two years after the date of the alleged 550  
violation or threatened violation. Upon proof of a violation or 551

threatened violation of this section in an action brought by any 552  
person, the court of common pleas shall issue an injunction to 553  
compel the members of the public body to comply with its 554  
provisions. 555

(2) (a) If the court of common pleas issues an injunction 556  
pursuant to division (I) (1) of this section, the court shall 557  
order the public body that it enjoins to pay a civil forfeiture 558  
of five hundred dollars to the party that sought the injunction 559  
and shall award to that party all court costs and, subject to 560  
reduction as described in division (I) (2) of this section, 561  
reasonable attorney's fees. The court, in its discretion, may 562  
reduce an award of attorney's fees to the party that sought the 563  
injunction or not award attorney's fees to that party if the 564  
court determines both of the following: 565

(i) That, based on the ordinary application of statutory 566  
law and case law as it existed at the time of violation or 567  
threatened violation that was the basis of the injunction, a 568  
well-informed public body reasonably would believe that the 569  
public body was not violating or threatening to violate this 570  
section; 571

(ii) That a well-informed public body reasonably would 572  
believe that the conduct or threatened conduct that was the 573  
basis of the injunction would serve the public policy that 574  
underlies the authority that is asserted as permitting that 575  
conduct or threatened conduct. 576

(b) If the court of common pleas does not issue an 577  
injunction pursuant to division (I) (1) of this section and the 578  
court determines at that time that the bringing of the action 579  
was frivolous conduct, as defined in division (A) of section 580  
2323.51 of the Revised Code, the court shall award to the public 581

body all court costs and reasonable attorney's fees, as 582  
determined by the court. 583

(3) Irreparable harm and prejudice to the party that 584  
sought the injunction shall be conclusively and irrebuttably 585  
presumed upon proof of a violation or threatened violation of 586  
this section. 587

(4) A member of a public body who knowingly violates an 588  
injunction issued pursuant to division (I)(1) of this section 589  
may be removed from office by an action brought in the court of 590  
common pleas for that purpose by the prosecuting attorney or the 591  
attorney general. 592

(J) (1) Pursuant to division (C) of section 5901.09 of the 593  
Revised Code, a veterans service commission shall hold an 594  
executive session for one or more of the following purposes 595  
unless an applicant requests a public hearing: 596

(a) Interviewing an applicant for financial assistance 597  
under sections 5901.01 to 5901.15 of the Revised Code; 598

(b) Discussing applications, statements, and other 599  
documents described in division (B) of section 5901.09 of the 600  
Revised Code; 601

(c) Reviewing matters relating to an applicant's request 602  
for financial assistance under sections 5901.01 to 5901.15 of 603  
the Revised Code. 604

(2) A veterans service commission shall not exclude an 605  
applicant for, recipient of, or former recipient of financial 606  
assistance under sections 5901.01 to 5901.15 of the Revised 607  
Code, and shall not exclude representatives selected by the 608  
applicant, recipient, or former recipient, from a meeting that 609  
the commission conducts as an executive session that pertains to 610

the applicant's, recipient's, or former recipient's application 611  
for financial assistance. 612

(3) A veterans service commission shall vote on the grant 613  
or denial of financial assistance under sections 5901.01 to 614  
5901.15 of the Revised Code only in an open meeting of the 615  
commission. The minutes of the meeting shall indicate the name, 616  
address, and occupation of the applicant, whether the assistance 617  
was granted or denied, the amount of the assistance if 618  
assistance is granted, and the votes for and against the 619  
granting of assistance. 620

**Sec. 149.43.** (A) As used in this section: 621

(1) "Public record" means records kept by any public 622  
office, including, but not limited to, state, county, city, 623  
village, township, and school district units, and records 624  
pertaining to the delivery of educational services by an 625  
alternative school in this state kept by the nonprofit or for- 626  
profit entity operating the alternative school pursuant to 627  
section 3313.533 of the Revised Code. "Public record" does not 628  
mean any of the following: 629

(a) Medical records; 630

(b) Records pertaining to probation and parole proceedings 631  
~~or~~ to proceedings related to the imposition of community 632  
control sanctions and post-release control sanctions, or to 633  
proceedings related to determinations under section 2967.271 of 634  
the Revised Code regarding the release or maintained 635  
incarceration of an offender to whom that section applies; 636

(c) Records pertaining to actions under section 2151.85 637  
and division (C) of section 2919.121 of the Revised Code and to 638  
appeals of actions arising under those sections; 639

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	640 641 642
(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;	643 644 645 646 647 648
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	649 650
(g) Trial preparation records;	651
(h) Confidential law enforcement investigatory records;	652
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	653 654
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	655 656
(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;	657 658 659 660
(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;	661 662 663 664
(m) Intellectual property records;	665
(n) Donor profile records;	666

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	667 668
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	669 670 671 672 673 674 675
(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;	676 677 678 679 680
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	681 682
(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;	683 684 685 686 687 688 689 690 691 692 693 694
(t) Records provided to and statements made by the	695



executive director of a public children services agency or a 696  
prosecuting attorney acting pursuant to section 5153.171 of the 697  
Revised Code other than the information released under that 698  
section; 699

(u) Test materials, examinations, or evaluation tools used 700  
in an examination for licensure as a nursing home administrator 701  
that the board of executives of long-term services and supports 702  
administers under section 4751.04 of the Revised Code or 703  
contracts under that section with a private or government entity 704  
to administer; 705

(v) Records the release of which is prohibited by state or 706  
federal law; 707

(w) Proprietary information of or relating to any person 708  
that is submitted to or compiled by the Ohio venture capital 709  
authority created under section 150.01 of the Revised Code; 710

(x) Financial statements and data any person submits for 711  
any purpose to the Ohio housing finance agency or the 712  
controlling board in connection with applying for, receiving, or 713  
accounting for financial assistance from the agency, and 714  
information that identifies any individual who benefits directly 715  
or indirectly from financial assistance from the agency; 716

(y) Records listed in section 5101.29 of the Revised Code; 717

(z) Discharges recorded with a county recorder under 718  
section 317.24 of the Revised Code, as specified in division (B) 719  
(2) of that section; 720

(aa) Usage information including names and addresses of 721  
specific residential and commercial customers of a municipally 722  
owned or operated public utility; 723

(bb) Records described in division (C) of section 187.04	724
of the Revised Code that are not designated to be made available	725
to the public as provided in that division;	726
(cc) Information and records that are made confidential,	727
privileged, and not subject to disclosure under divisions (B)	728
and (C) of section 2949.221 of the Revised Code;	729
(dd) Personal information, as defined in section 149.45 of	730
the Revised Code;	731
(ee) The confidential name, address, and other personally	732
identifiable information of a program participant in the address	733
confidentiality program established under sections 111.41 to	734
111.47 of the Revised Code, including the contents of any	735
application for absent voter's ballots, absent voter's ballot	736
identification envelope statement of voter, or provisional	737
ballot affirmation completed by a program participant who has a	738
confidential voter registration record, and records or portions	739
of records pertaining to that program that identify the number	740
of program participants that reside within a precinct, ward,	741
township, municipal corporation, county, or any other geographic	742
area smaller than the state. As used in this division,	743
"confidential address" and "program participant" have the	744
meaning defined in section 111.41 of the Revised Code.	745
(ff) Orders for active military service of an individual	746
serving or with previous service in the armed forces of the	747
United States, including a reserve component, or the Ohio	748
organized militia, except that, such order becomes a public	749
record on the day that is fifteen years after the published date	750
or effective date of the call to order.	751
(2) "Confidential law enforcement investigatory record"	752

means any record that pertains to a law enforcement matter of a 753  
criminal, quasi-criminal, civil, or administrative nature, but 754  
only to the extent that the release of the record would create a 755  
high probability of disclosure of any of the following: 756

(a) The identity of a suspect who has not been charged 757  
with the offense to which the record pertains, or of an 758  
information source or witness to whom confidentiality has been 759  
reasonably promised; 760

(b) Information provided by an information source or 761  
witness to whom confidentiality has been reasonably promised, 762  
which information would reasonably tend to disclose the source's 763  
or witness's identity; 764

(c) Specific confidential investigatory techniques or 765  
procedures or specific investigatory work product; 766

(d) Information that would endanger the life or physical 767  
safety of law enforcement personnel, a crime victim, a witness, 768  
or a confidential information source. 769

(3) "Medical record" means any document or combination of 770  
documents, except births, deaths, and the fact of admission to 771  
or discharge from a hospital, that pertains to the medical 772  
history, diagnosis, prognosis, or medical condition of a patient 773  
and that is generated and maintained in the process of medical 774  
treatment. 775

(4) "Trial preparation record" means any record that 776  
contains information that is specifically compiled in reasonable 777  
anticipation of, or in defense of, a civil or criminal action or 778  
proceeding, including the independent thought processes and 779  
personal trial preparation of an attorney. 780

(5) "Intellectual property record" means a record, other 781

than a financial or administrative record, that is produced or 782  
collected by or for faculty or staff of a state institution of 783  
higher learning in the conduct of or as a result of study or 784  
research on an educational, commercial, scientific, artistic, 785  
technical, or scholarly issue, regardless of whether the study 786  
or research was sponsored by the institution alone or in 787  
conjunction with a governmental body or private concern, and 788  
that has not been publicly released, published, or patented. 789

(6) "Donor profile record" means all records about donors 790  
or potential donors to a public institution of higher education 791  
except the names and reported addresses of the actual donors and 792  
the date, amount, and conditions of the actual donation. 793

(7) "Peace officer, parole officer, probation officer, 794  
bailiff, prosecuting attorney, assistant prosecuting attorney, 795  
correctional employee, community-based correctional facility 796  
employee, youth services employee, firefighter, EMT, 797  
investigator of the bureau of criminal identification and 798  
investigation, or federal law enforcement officer residential 799  
and familial information" means any information that discloses 800  
any of the following about a peace officer, parole officer, 801  
probation officer, bailiff, prosecuting attorney, assistant 802  
prosecuting attorney, correctional employee, community-based 803  
correctional facility employee, youth services employee, 804  
firefighter, EMT, investigator of the bureau of criminal 805  
identification and investigation, or federal law enforcement 806  
officer: 807

(a) The address of the actual personal residence of a 808  
peace officer, parole officer, probation officer, bailiff, 809  
assistant prosecuting attorney, correctional employee, 810  
community-based correctional facility employee, youth services 811

employee, firefighter, EMT, an investigator of the bureau of 812  
criminal identification and investigation, or federal law 813  
enforcement officer, except for the state or political 814  
subdivision in which the peace officer, parole officer, 815  
probation officer, bailiff, assistant prosecuting attorney, 816  
correctional employee, community-based correctional facility 817  
employee, youth services employee, firefighter, EMT, 818  
investigator of the bureau of criminal identification and 819  
investigation, or federal law enforcement officer resides; 820

(b) Information compiled from referral to or participation 821  
in an employee assistance program; 822

(c) The social security number, the residential telephone 823  
number, any bank account, debit card, charge card, or credit 824  
card number, or the emergency telephone number of, or any 825  
medical information pertaining to, a peace officer, parole 826  
officer, probation officer, bailiff, prosecuting attorney, 827  
assistant prosecuting attorney, correctional employee, 828  
community-based correctional facility employee, youth services 829  
employee, firefighter, EMT, investigator of the bureau of 830  
criminal identification and investigation, or federal law 831  
enforcement officer; 832

(d) The name of any beneficiary of employment benefits, 833  
including, but not limited to, life insurance benefits, provided 834  
to a peace officer, parole officer, probation officer, bailiff, 835  
prosecuting attorney, assistant prosecuting attorney, 836  
correctional employee, community-based correctional facility 837  
employee, youth services employee, firefighter, EMT, 838  
investigator of the bureau of criminal identification and 839  
investigation, or federal law enforcement officer by the peace 840  
officer's, parole officer's, probation officer's, bailiff's, 841

prosecuting attorney's, assistant prosecuting attorney's, 842  
correctional employee's, community-based correctional facility 843  
employee's, youth services employee's, firefighter's, EMT's, 844  
investigator of the bureau of criminal identification and 845  
investigation's, or federal law enforcement officer's employer; 846

(e) The identity and amount of any charitable or 847  
employment benefit deduction made by the peace officer's, parole 848  
officer's, probation officer's, bailiff's, prosecuting 849  
attorney's, assistant prosecuting attorney's, correctional 850  
employee's, community-based correctional facility employee's, 851  
youth services employee's, firefighter's, EMT's, investigator of 852  
the bureau of criminal identification and investigation's, or 853  
federal law enforcement officer's employer from the peace 854  
officer's, parole officer's, probation officer's, bailiff's, 855  
prosecuting attorney's, assistant prosecuting attorney's, 856  
correctional employee's, community-based correctional facility 857  
employee's, youth services employee's, firefighter's, EMT's, 858  
investigator of the bureau of criminal identification and 859  
investigation's, or federal law enforcement officer's 860  
compensation unless the amount of the deduction is required by 861  
state or federal law; 862

(f) The name, the residential address, the name of the 863  
employer, the address of the employer, the social security 864  
number, the residential telephone number, any bank account, 865  
debit card, charge card, or credit card number, or the emergency 866  
telephone number of the spouse, a former spouse, or any child of 867  
a peace officer, parole officer, probation officer, bailiff, 868  
prosecuting attorney, assistant prosecuting attorney, 869  
correctional employee, community-based correctional facility 870  
employee, youth services employee, firefighter, EMT, 871  
investigator of the bureau of criminal identification and 872

investigation, or federal law enforcement officer; 873

(g) A photograph of a peace officer who holds a position 874  
or has an assignment that may include undercover or plain 875  
clothes positions or assignments as determined by the peace 876  
officer's appointing authority. 877

As used in divisions (A) (7) and (B) (9) of this section, 878  
"peace officer" has the same meaning as in section 109.71 of the 879  
Revised Code and also includes the superintendent and troopers 880  
of the state highway patrol; it does not include the sheriff of 881  
a county or a supervisory employee who, in the absence of the 882  
sheriff, is authorized to stand in for, exercise the authority 883  
of, and perform the duties of the sheriff. 884

As used in divisions (A) (7) and (B) (9) of this section, 885  
"correctional employee" means any employee of the department of 886  
rehabilitation and correction who in the course of performing 887  
the employee's job duties has or has had contact with inmates 888  
and persons under supervision. 889

As used in divisions (A) (7) and (B) (9) of this section, 890  
"youth services employee" means any employee of the department 891  
of youth services who in the course of performing the employee's 892  
job duties has or has had contact with children committed to the 893  
custody of the department of youth services. 894

As used in divisions (A) (7) and (B) (9) of this section, 895  
"firefighter" means any regular, paid or volunteer, member of a 896  
lawfully constituted fire department of a municipal corporation, 897  
township, fire district, or village. 898

As used in divisions (A) (7) and (B) (9) of this section, 899  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 900  
emergency medical services for a public emergency medical 901

service organization. "Emergency medical service organization," 902  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 903  
in section 4765.01 of the Revised Code. 904

As used in divisions (A)(7) and (B)(9) of this section, 905  
"investigator of the bureau of criminal identification and 906  
investigation" has the meaning defined in section 2903.11 of the 907  
Revised Code. 908

As used in divisions (A)(7) and (B)(9) of this section, 909  
"federal law enforcement officer" has the meaning defined in 910  
section 9.88 of the Revised Code. 911

(8) "Information pertaining to the recreational activities 912  
of a person under the age of eighteen" means information that is 913  
kept in the ordinary course of business by a public office, that 914  
pertains to the recreational activities of a person under the 915  
age of eighteen years, and that discloses any of the following: 916

(a) The address or telephone number of a person under the 917  
age of eighteen or the address or telephone number of that 918  
person's parent, guardian, custodian, or emergency contact 919  
person; 920

(b) The social security number, birth date, or 921  
photographic image of a person under the age of eighteen; 922

(c) Any medical record, history, or information pertaining 923  
to a person under the age of eighteen; 924

(d) Any additional information sought or required about a 925  
person under the age of eighteen for the purpose of allowing 926  
that person to participate in any recreational activity 927  
conducted or sponsored by a public office or to use or obtain 928  
admission privileges to any recreational facility owned or 929  
operated by a public office. 930



(9) "Community control sanction" has the same meaning as 931  
in section 2929.01 of the Revised Code. 932

(10) "Post-release control sanction" has the same meaning 933  
as in section 2967.01 of the Revised Code. 934

(11) "Redaction" means obscuring or deleting any 935  
information that is exempt from the duty to permit public 936  
inspection or copying from an item that otherwise meets the 937  
definition of a "record" in section 149.011 of the Revised Code. 938

(12) "Designee" and "elected official" have the same 939  
meanings as in section 109.43 of the Revised Code. 940

(B) (1) Upon request and subject to division (B) (8) of this 941  
section, all public records responsive to the request shall be 942  
promptly prepared and made available for inspection to any 943  
person at all reasonable times during regular business hours. 944  
Subject to division (B) (8) of this section, upon request, a 945  
public office or person responsible for public records shall 946  
make copies of the requested public record available at cost and 947  
within a reasonable period of time. If a public record contains 948  
information that is exempt from the duty to permit public 949  
inspection or to copy the public record, the public office or 950  
the person responsible for the public record shall make 951  
available all of the information within the public record that 952  
is not exempt. When making that public record available for 953  
public inspection or copying that public record, the public 954  
office or the person responsible for the public record shall 955  
notify the requester of any redaction or make the redaction 956  
plainly visible. A redaction shall be deemed a denial of a 957  
request to inspect or copy the redacted information, except if 958  
federal or state law authorizes or requires a public office to 959  
make the redaction. 960

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

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

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may

limit or condition the availability of public records by 992  
requiring disclosure of the requester's identity or the intended 993  
use of the requested public record. Any requirement that the 994  
requester disclose the requester's identity or the intended use 995  
of the requested public record constitutes a denial of the 996  
request. 997

(5) A public office or person responsible for public 998  
records may ask a requester to make the request in writing, may 999  
ask for the requester's identity, and may inquire about the 1000  
intended use of the information requested, but may do so only 1001  
after disclosing to the requester that a written request is not 1002  
mandatory and that the requester may decline to reveal the 1003  
requester's identity or the intended use and when a written 1004  
request or disclosure of the identity or intended use would 1005  
benefit the requester by enhancing the ability of the public 1006  
office or person responsible for public records to identify, 1007  
locate, or deliver the public records sought by the requester. 1008

(6) If any person chooses to obtain a copy of a public 1009  
record in accordance with division (B) of this section, the 1010  
public office or person responsible for the public record may 1011  
require that person to pay in advance the cost involved in 1012  
providing the copy of the public record in accordance with the 1013  
choice made by the person seeking the copy under this division. 1014  
The public office or the person responsible for the public 1015  
record shall permit that person to choose to have the public 1016  
record duplicated upon paper, upon the same medium upon which 1017  
the public office or person responsible for the public record 1018  
keeps it, or upon any other medium upon which the public office 1019  
or person responsible for the public record determines that it 1020  
reasonably can be duplicated as an integral part of the normal 1021  
operations of the public office or person responsible for the 1022

public record. When the person seeking the copy makes a choice 1023  
under this division, the public office or person responsible for 1024  
the public record shall provide a copy of it in accordance with 1025  
the choice made by the person seeking the copy. Nothing in this 1026  
section requires a public office or person responsible for the 1027  
public record to allow the person seeking a copy of the public 1028  
record to make the copies of the public record. 1029

(7) (a) Upon a request made in accordance with division (B) 1030  
of this section and subject to division (B) (6) of this section, 1031  
a public office or person responsible for public records shall 1032  
transmit a copy of a public record to any person by United 1033  
States mail or by any other means of delivery or transmission 1034  
within a reasonable period of time after receiving the request 1035  
for the copy. The public office or person responsible for the 1036  
public record may require the person making the request to pay 1037  
in advance the cost of postage if the copy is transmitted by 1038  
United States mail or the cost of delivery if the copy is 1039  
transmitted other than by United States mail, and to pay in 1040  
advance the costs incurred for other supplies used in the 1041  
mailing, delivery, or transmission. 1042

(b) Any public office may adopt a policy and procedures 1043  
that it will follow in transmitting, within a reasonable period 1044  
of time after receiving a request, copies of public records by 1045  
United States mail or by any other means of delivery or 1046  
transmission pursuant to division (B) (7) of this section. A 1047  
public office that adopts a policy and procedures under division 1048  
(B) (7) of this section shall comply with them in performing its 1049  
duties under that division. 1050

(c) In any policy and procedures adopted under division 1051  
(B) (7) of this section: 1052

(i) A public office may limit the number of records 1053  
requested by a person that the office will physically deliver by 1054  
United States mail or by another delivery service to ten per 1055  
month, unless the person certifies to the office in writing that 1056  
the person does not intend to use or forward the requested 1057  
records, or the information contained in them, for commercial 1058  
purposes; 1059

(ii) A public office that chooses to provide some or all 1060  
of its public records on a web site that is fully accessible to 1061  
and searchable by members of the public at all times, other than 1062  
during acts of God outside the public office's control or 1063  
maintenance, and that charges no fee to search, access, 1064  
download, or otherwise receive records provided on the web site, 1065  
may limit to ten per month the number of records requested by a 1066  
person that the office will deliver in a digital format, unless 1067  
the requested records are not provided on the web site and 1068  
unless the person certifies to the office in writing that the 1069  
person does not intend to use or forward the requested records, 1070  
or the information contained in them, for commercial purposes. 1071

(iii) For purposes of division (B)(7) of this section, 1072  
"commercial" shall be narrowly construed and does not include 1073  
reporting or gathering news, reporting or gathering information 1074  
to assist citizen oversight or understanding of the operation or 1075  
activities of government, or nonprofit educational research. 1076

(8) A public office or person responsible for public 1077  
records is not required to permit a person who is incarcerated 1078  
pursuant to a criminal conviction or a juvenile adjudication to 1079  
inspect or to obtain a copy of any public record concerning a 1080  
criminal investigation or prosecution or concerning what would 1081  
be a criminal investigation or prosecution if the subject of the 1082

investigation or prosecution were an adult, unless the request 1083  
to inspect or to obtain a copy of the record is for the purpose 1084  
of acquiring information that is subject to release as a public 1085  
record under this section and the judge who imposed the sentence 1086  
or made the adjudication with respect to the person, or the 1087  
judge's successor in office, finds that the information sought 1088  
in the public record is necessary to support what appears to be 1089  
a justiciable claim of the person. 1090

(9) (a) Upon written request made and signed by a 1091  
journalist on or after December 16, 1999, a public office, or 1092  
person responsible for public records, having custody of the 1093  
records of the agency employing a specified peace officer, 1094  
parole officer, probation officer, bailiff, prosecuting 1095  
attorney, assistant prosecuting attorney, correctional employee, 1096  
community-based correctional facility employee, youth services 1097  
employee, firefighter, EMT, investigator of the bureau of 1098  
criminal identification and investigation, or federal law 1099  
enforcement officer shall disclose to the journalist the address 1100  
of the actual personal residence of the peace officer, parole 1101  
officer, probation officer, bailiff, prosecuting attorney, 1102  
assistant prosecuting attorney, correctional employee, 1103  
community-based correctional facility employee, youth services 1104  
employee, firefighter, EMT, investigator of the bureau of 1105  
criminal identification and investigation, or federal law 1106  
enforcement officer and, if the peace officer's, parole 1107  
officer's, probation officer's, bailiff's, prosecuting 1108  
attorney's, assistant prosecuting attorney's, correctional 1109  
employee's, community-based correctional facility employee's, 1110  
youth services employee's, firefighter's, EMT's, investigator of 1111  
the bureau of criminal identification and investigation's, or 1112  
federal law enforcement officer's spouse, former spouse, or 1113

child is employed by a public office, the name and address of 1114  
the employer of the peace officer's, parole officer's, probation 1115  
officer's, bailiff's, prosecuting attorney's, assistant 1116  
prosecuting attorney's, correctional employee's, community-based 1117  
correctional facility employee's, youth services employee's, 1118  
firefighter's, EMT's, investigator of the bureau of criminal 1119  
identification and investigation's, or federal law enforcement 1120  
officer's spouse, former spouse, or child. The request shall 1121  
include the journalist's name and title and the name and address 1122  
of the journalist's employer and shall state that disclosure of 1123  
the information sought would be in the public interest. 1124

(b) Division (B) (9) (a) of this section also applies to 1125  
journalist requests for customer information maintained by a 1126  
municipally owned or operated public utility, other than social 1127  
security numbers and any private financial information such as 1128  
credit reports, payment methods, credit card numbers, and bank 1129  
account information. 1130

(c) As used in division (B) (9) of this section, 1131  
"journalist" means a person engaged in, connected with, or 1132  
employed by any news medium, including a newspaper, magazine, 1133  
press association, news agency, or wire service, a radio or 1134  
television station, or a similar medium, for the purpose of 1135  
gathering, processing, transmitting, compiling, editing, or 1136  
disseminating information for the general public. 1137

(C) (1) If a person allegedly is aggrieved by the failure 1138  
of a public office or the person responsible for public records 1139  
to promptly prepare a public record and to make it available to 1140  
the person for inspection in accordance with division (B) of 1141  
this section or by any other failure of a public office or the 1142  
person responsible for public records to comply with an 1143

obligation in accordance with division (B) of this section, the 1144  
person allegedly aggrieved may do only one of the following, and 1145  
not both: 1146

(a) File a complaint with the clerk of the court of claims 1147  
or the clerk of the court of common pleas under section 2743.75 1148  
of the Revised Code; 1149

(b) Commence a mandamus action to obtain a judgment that 1150  
orders the public office or the person responsible for the 1151  
public record to comply with division (B) of this section, that 1152  
awards court costs and reasonable attorney's fees to the person 1153  
that instituted the mandamus action, and, if applicable, that 1154  
includes an order fixing statutory damages under division (C) (2) 1155  
of this section. The mandamus action may be commenced in the 1156  
court of common pleas of the county in which division (B) of 1157  
this section allegedly was not complied with, in the supreme 1158  
court pursuant to its original jurisdiction under Section 2 of 1159  
Article IV, Ohio Constitution, or in the court of appeals for 1160  
the appellate district in which division (B) of this section 1161  
allegedly was not complied with pursuant to its original 1162  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1163

(2) If a requester transmits a written request by hand 1164  
delivery or certified mail to inspect or receive copies of any 1165  
public record in a manner that fairly describes the public 1166  
record or class of public records to the public office or person 1167  
responsible for the requested public records, except as 1168  
otherwise provided in this section, the requester shall be 1169  
entitled to recover the amount of statutory damages set forth in 1170  
this division if a court determines that the public office or 1171  
the person responsible for public records failed to comply with 1172  
an obligation in accordance with division (B) of this section. 1173



The amount of statutory damages shall be fixed at one 1174  
hundred dollars for each business day during which the public 1175  
office or person responsible for the requested public records 1176  
failed to comply with an obligation in accordance with division 1177  
(B) of this section, beginning with the day on which the 1178  
requester files a mandamus action to recover statutory damages, 1179  
up to a maximum of one thousand dollars. The award of statutory 1180  
damages shall not be construed as a penalty, but as compensation 1181  
for injury arising from lost use of the requested information. 1182  
The existence of this injury shall be conclusively presumed. The 1183  
award of statutory damages shall be in addition to all other 1184  
remedies authorized by this section. 1185

The court may reduce an award of statutory damages or not 1186  
award statutory damages if the court determines both of the 1187  
following: 1188

(a) That, based on the ordinary application of statutory 1189  
law and case law as it existed at the time of the conduct or 1190  
threatened conduct of the public office or person responsible 1191  
for the requested public records that allegedly constitutes a 1192  
failure to comply with an obligation in accordance with division 1193  
(B) of this section and that was the basis of the mandamus 1194  
action, a well-informed public office or person responsible for 1195  
the requested public records reasonably would believe that the 1196  
conduct or threatened conduct of the public office or person 1197  
responsible for the requested public records did not constitute 1198  
a failure to comply with an obligation in accordance with 1199  
division (B) of this section; 1200

(b) That a well-informed public office or person 1201  
responsible for the requested public records reasonably would 1202  
believe that the conduct or threatened conduct of the public 1203

office or person responsible for the requested public records 1204  
would serve the public policy that underlies the authority that 1205  
is asserted as permitting that conduct or threatened conduct. 1206

(3) In a mandamus action filed under division (C) (1) of 1207  
this section, the following apply: 1208

(a) (i) If the court orders the public office or the person 1209  
responsible for the public record to comply with division (B) of 1210  
this section, the court shall determine and award to the relator 1211  
all court costs, which shall be construed as remedial and not 1212  
punitive. 1213

(ii) If the court makes a determination described in 1214  
division (C) (3) (b) (iii) of this section, the court shall 1215  
determine and award to the relator all court costs, which shall 1216  
be construed as remedial and not punitive. 1217

(b) If the court renders a judgment that orders the public 1218  
office or the person responsible for the public record to comply 1219  
with division (B) of this section or if the court determines any 1220  
of the following, the court may award reasonable attorney's fees 1221  
to the relator, subject to the provisions of division (C) (4) of 1222  
this section: 1223

(i) The public office or the person responsible for the 1224  
public records failed to respond affirmatively or negatively to 1225  
the public records request in accordance with the time allowed 1226  
under division (B) of this section. 1227

(ii) The public office or the person responsible for the 1228  
public records promised to permit the relator to inspect or 1229  
receive copies of the public records requested within a 1230  
specified period of time but failed to fulfill that promise 1231  
within that specified period of time. 1232

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

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

(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 1263  
believe that the conduct or threatened conduct of the public 1264  
office or person responsible for the requested public records 1265  
would serve the public policy that underlies the authority that 1266  
is asserted as permitting that conduct or threatened conduct. 1267

(4) All of the following apply to any award of reasonable 1268  
attorney's fees awarded under division (C) (3) (b) of this 1269  
section: 1270

(a) The fees shall be construed as remedial and not 1271  
punitive. 1272

(b) The fees awarded shall not exceed the total of the 1273  
reasonable attorney's fees incurred before the public record was 1274  
made available to the relator and the fees described in division 1275  
(C) (4) (c) of this section. 1276

(c) Reasonable attorney's fees shall include reasonable 1277  
fees incurred to produce proof of the reasonableness and amount 1278  
of the fees and to otherwise litigate entitlement to the fees. 1279

(d) The court may reduce the amount of fees awarded if the 1280  
court determines that, given the factual circumstances involved 1281  
with the specific public records request, an alternative means 1282  
should have been pursued to more effectively and efficiently 1283  
resolve the dispute that was subject to the mandamus action 1284  
filed under division (C) (1) of this section. 1285

(5) If the court does not issue a writ of mandamus under 1286  
division (C) of this section and the court determines at that 1287  
time that the bringing of the mandamus action was frivolous 1288  
conduct as defined in division (A) of section 2323.51 of the 1289  
Revised Code, the court may award to the public office all court 1290  
costs, expenses, and reasonable attorney's fees, as determined 1291

by the court. 1292

(D) Chapter 1347. of the Revised Code does not limit the 1293  
provisions of this section. 1294

(E) (1) To ensure that all employees of public offices are 1295  
appropriately educated about a public office's obligations under 1296  
division (B) of this section, all elected officials or their 1297  
appropriate designees shall attend training approved by the 1298  
attorney general as provided in section 109.43 of the Revised 1299  
Code. In addition, all public offices shall adopt a public 1300  
records policy in compliance with this section for responding to 1301  
public records requests. In adopting a public records policy 1302  
under this division, a public office may obtain guidance from 1303  
the model public records policy developed and provided to the 1304  
public office by the attorney general under section 109.43 of 1305  
the Revised Code. Except as otherwise provided in this section, 1306  
the policy may not limit the number of public records that the 1307  
public office will make available to a single person, may not 1308  
limit the number of public records that it will make available 1309  
during a fixed period of time, and may not establish a fixed 1310  
period of time before it will respond to a request for 1311  
inspection or copying of public records, unless that period is 1312  
less than eight hours. 1313

(2) The public office shall distribute the public records 1314  
policy adopted by the public office under division (E) (1) of 1315  
this section to the employee of the public office who is the 1316  
records custodian or records manager or otherwise has custody of 1317  
the records of that office. The public office shall require that 1318  
employee to acknowledge receipt of the copy of the public 1319  
records policy. The public office shall create a poster that 1320  
describes its public records policy and shall post the poster in 1321

a conspicuous place in the public office and in all locations 1322  
where the public office has branch offices. The public office 1323  
may post its public records policy on the internet web site of 1324  
the public office if the public office maintains an internet web 1325  
site. A public office that has established a manual or handbook 1326  
of its general policies and procedures for all employees of the 1327  
public office shall include the public records policy of the 1328  
public office in the manual or handbook. 1329

(F) (1) The bureau of motor vehicles may adopt rules 1330  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1331  
the number of bulk commercial special extraction requests made 1332  
by a person for the same records or for updated records during a 1333  
calendar year. The rules may include provisions for charges to 1334  
be made for bulk commercial special extraction requests for the 1335  
actual cost of the bureau, plus special extraction costs, plus 1336  
ten per cent. The bureau may charge for expenses for redacting 1337  
information, the release of which is prohibited by law. 1338

(2) As used in division (F) (1) of this section: 1339

(a) "Actual cost" means the cost of depleted supplies, 1340  
records storage media costs, actual mailing and alternative 1341  
delivery costs, or other transmitting costs, and any direct 1342  
equipment operating and maintenance costs, including actual 1343  
costs paid to private contractors for copying services. 1344

(b) "Bulk commercial special extraction request" means a 1345  
request for copies of a record for information in a format other 1346  
than the format already available, or information that cannot be 1347  
extracted without examination of all items in a records series, 1348  
class of records, or database by a person who intends to use or 1349  
forward the copies for surveys, marketing, solicitation, or 1350  
resale for commercial purposes. "Bulk commercial special 1351

extraction request" does not include a request by a person who 1352  
gives assurance to the bureau that the person making the request 1353  
does not intend to use or forward the requested copies for 1354  
surveys, marketing, solicitation, or resale for commercial 1355  
purposes. 1356

(c) "Commercial" means profit-seeking production, buying, 1357  
or selling of any good, service, or other product. 1358

(d) "Special extraction costs" means the cost of the time 1359  
spent by the lowest paid employee competent to perform the task, 1360  
the actual amount paid to outside private contractors employed 1361  
by the bureau, or the actual cost incurred to create computer 1362  
programs to make the special extraction. "Special extraction 1363  
costs" include any charges paid to a public agency for computer 1364  
or records services. 1365

(3) For purposes of divisions (F) (1) and (2) of this 1366  
section, "surveys, marketing, solicitation, or resale for 1367  
commercial purposes" shall be narrowly construed and does not 1368  
include reporting or gathering news, reporting or gathering 1369  
information to assist citizen oversight or understanding of the 1370  
operation or activities of government, or nonprofit educational 1371  
research. 1372

(G) A request by a defendant, counsel of a defendant, or 1373  
any agent of a defendant in a criminal action that public 1374  
records related to that action be made available under this 1375  
section shall be considered a demand for discovery pursuant to 1376  
the Criminal Rules, except to the extent that the Criminal Rules 1377  
plainly indicate a contrary intent. The defendant, counsel of 1378  
the defendant, or agent of the defendant making a request under 1379  
this division shall serve a copy of the request on the 1380  
prosecuting attorney, director of law, or other chief legal 1381

officer responsible for prosecuting the action. 1382

**Sec. 1901.021.** (A) Except as otherwise provided in 1383  
division (M) of this section, the judge or judges of any 1384  
municipal court established under division (A) of section 1385  
1901.01 of the Revised Code having territorial jurisdiction 1386  
outside the corporate limits of the municipal corporation in 1387  
which it is located may sit outside the corporate limits of the 1388  
municipal corporation within the area of its territorial 1389  
jurisdiction. 1390

(B) Two or more of the judges of the Hamilton county 1391  
municipal court shall be assigned by the presiding judge of the 1392  
court to sit outside the municipal corporation of Cincinnati. 1393

(C) Two of the judges of the Portage county municipal 1394  
court shall sit within the municipal corporation of Ravenna, and 1395  
one of the judges shall sit within the municipal corporation of 1396  
Kent. The judges may sit in other incorporated areas of Portage 1397  
county. 1398

(D) ~~One of the~~ The judges of the Wayne county municipal 1399  
court shall sit within the municipal corporation of Wooster, and 1400  
~~one shall sit within the municipal corporation of Orrville. Both~~ 1401  
~~judges~~ may sit in other incorporated areas of Wayne county. 1402

(E) The judge of the Auglaize county municipal court shall 1403  
sit within the municipal corporations of Wapakoneta and St. 1404  
Marys and may sit in other incorporated areas in Auglaize 1405  
county. 1406

(F) At least one of the judges of the Miami county 1407  
municipal court shall sit within the municipal corporations of 1408  
Troy, Piqua, and Tipp City, and the judges may sit in other 1409  
incorporated areas of Miami county. 1410



(G) The judge of the Crawford county municipal court shall 1411  
sit within the municipal corporations of Bucyrus and Galion and 1412  
may sit in other incorporated areas in Crawford county. 1413

(H) The judge of the Jackson county municipal court shall 1414  
sit within the municipal corporations of Jackson and Wellston 1415  
and may sit in other incorporated areas in Jackson county. 1416

(I) Each judge of the Columbiana county municipal court 1417  
may sit within the municipal corporation of Lisbon, Salem, or 1418  
East Palestine until the judges jointly select a central 1419  
location within the territorial jurisdiction of the court. When 1420  
the judges select a central location, the judges shall sit at 1421  
that location. 1422

(J) In any municipal court, other than the Hamilton county 1423  
municipal court and the Montgomery county municipal court, that 1424  
has more than one judge, the decision for one or more judges to 1425  
sit outside the corporate limits of the municipal corporation 1426  
shall be made by rule of the court as provided in division (C) 1427  
of sections 1901.14 and 1901.16 of the Revised Code. 1428

(K) The assignment of a judge to sit in a municipal 1429  
corporation other than that in which the court is located does 1430  
not affect the jurisdiction of the mayor except as provided in 1431  
section 1905.01 of the Revised Code. 1432

(L) The judges of the Clermont county municipal court may 1433  
sit in any municipal corporation or unincorporated territory 1434  
within Clermont county. 1435

(M) Beginning July 1, 2010, the judges of the Montgomery 1436  
county municipal court shall sit in the same locations as the 1437  
judges of the Montgomery county county court sat before the 1438  
county court was abolished on that date. The legislative 1439

authority of the Montgomery county municipal court may determine 1440  
after that date that the judges of the Montgomery county 1441  
municipal court shall sit in any municipal corporation or 1442  
unincorporated territory within Montgomery county. 1443

(N) The judge of the Tiffin-Fostoria municipal court shall 1444  
sit within each of the municipal corporations of Tiffin and 1445  
Fostoria on a weekly basis. Cases that arise within the 1446  
municipal corporation of Tiffin and within Adams, Big Spring, 1447  
Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, 1448  
Seneca, Thompson, and Venice townships in Seneca county shall be 1449  
filed in the office of the clerk of the court located in the 1450  
municipal corporation of Tiffin. Cases that arise in the 1451  
municipal corporation of Fostoria and within Loudon and Jackson 1452  
townships in Seneca county, within Washington township in 1453  
Hancock county, and within Perry township, except within the 1454  
municipal corporation of West Millgrove, in Wood county, shall 1455  
be filed in the office of the special deputy clerk located in 1456  
the municipal corporation of Fostoria. 1457

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1458  
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1459  
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1460  
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1461  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1462  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1463  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 1464  
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 1465  
the enactment of sections 2901.011, 2929.144, 2967.271, and 1466  
5120.038 of the Revised Code by S.B. 201 of the 132nd general 1467  
assembly constitute the Reagan Tokes Law. 1468

**Sec. 2903.06.** (A) No person, while operating or 1469

participating in the operation of a motor vehicle, motorcycle, 1470  
snowmobile, locomotive, watercraft, or aircraft, shall cause the 1471  
death of another or the unlawful termination of another's 1472  
pregnancy in any of the following ways: 1473

(1) (a) As the proximate result of committing a violation 1474  
of division (A) of section 4511.19 of the Revised Code or of a 1475  
substantially equivalent municipal ordinance; 1476

(b) As the proximate result of committing a violation of 1477  
division (A) of section 1547.11 of the Revised Code or of a 1478  
substantially equivalent municipal ordinance; 1479

(c) As the proximate result of committing a violation of 1480  
division (A) (3) of section 4561.15 of the Revised Code or of a 1481  
substantially equivalent municipal ordinance. 1482

(2) In one of the following ways: 1483

(a) Recklessly; 1484

(b) As the proximate result of committing, while operating 1485  
or participating in the operation of a motor vehicle or 1486  
motorcycle in a construction zone, a reckless operation offense, 1487  
provided that this division applies only if the person whose 1488  
death is caused or whose pregnancy is unlawfully terminated is 1489  
in the construction zone at the time of the offender's 1490  
commission of the reckless operation offense in the construction 1491  
zone and does not apply as described in division (F) of this 1492  
section. 1493

(3) In one of the following ways: 1494

(a) Negligently; 1495

(b) As the proximate result of committing, while operating 1496  
or participating in the operation of a motor vehicle or 1497

motorcycle in a construction zone, a speeding offense, provided 1498  
that this division applies only if the person whose death is 1499  
caused or whose pregnancy is unlawfully terminated is in the 1500  
construction zone at the time of the offender's commission of 1501  
the speeding offense in the construction zone and does not apply 1502  
as described in division (F) of this section. 1503

(4) As the proximate result of committing a violation of 1504  
any provision of any section contained in Title XLV of the 1505  
Revised Code that is a minor misdemeanor or of a municipal 1506  
ordinance that, regardless of the penalty set by ordinance for 1507  
the violation, is substantially equivalent to any provision of 1508  
any section contained in Title XLV of the Revised Code that is a 1509  
minor misdemeanor. 1510

(B) (1) Whoever violates division (A) (1) or (2) of this 1511  
section is guilty of aggravated vehicular homicide and shall be 1512  
punished as provided in divisions (B) (2) and (3) of this 1513  
section. 1514

(2) (a) Except as otherwise provided in division (B) (2) (b) 1515  
or (c) of this section, aggravated vehicular homicide committed 1516  
in violation of division (A) (1) of this section is a felony of 1517  
the second degree and the court shall impose a mandatory prison 1518  
term on the offender as described in division (E) of this 1519  
section. 1520

(b) Except as otherwise provided in division (B) (2) (c) of 1521  
this section, aggravated vehicular homicide committed in 1522  
violation of division (A) (1) of this section is a felony of the 1523  
first degree, and the court shall impose a mandatory prison term 1524  
on the offender as described in division (E) of this section, if 1525  
any of the following apply: 1526

(i) At the time of the offense, the offender was driving 1527  
under a suspension or cancellation imposed under Chapter 4510. 1528  
or any other provision of the Revised Code or was operating a 1529  
motor vehicle or motorcycle, did not have a valid driver's 1530  
license, commercial driver's license, temporary instruction 1531  
permit, probationary license, or nonresident operating 1532  
privilege, and was not eligible for renewal of the offender's 1533  
driver's license or commercial driver's license without 1534  
examination under section 4507.10 of the Revised Code. 1535

(ii) The offender previously has been convicted of or 1536  
pleaded guilty to a violation of this section. 1537

(iii) The offender previously has been convicted of or 1538  
pleaded guilty to any traffic-related homicide, manslaughter, or 1539  
assault offense. 1540

(c) Aggravated vehicular homicide committed in violation 1541  
of division (A)(1) of this section is a felony of the first 1542  
degree, and the court shall sentence the offender to a mandatory 1543  
prison term as provided in section 2929.142 of the Revised Code 1544  
and described in division (E) of this section if any of the 1545  
following apply: 1546

(i) The offender previously has been convicted of or 1547  
pleaded guilty to three or more prior violations of section 1548  
4511.19 of the Revised Code or of a substantially equivalent 1549  
municipal ordinance within the previous ten years. 1550

(ii) The offender previously has been convicted of or 1551  
pleaded guilty to three or more prior violations of division (A) 1552  
of section 1547.11 of the Revised Code or of a substantially 1553  
equivalent municipal ordinance within the previous ten years. 1554

(iii) The offender previously has been convicted of or 1555

pleaded guilty to three or more prior violations of division (A) 1556  
(3) of section 4561.15 of the Revised Code or of a substantially 1557  
equivalent municipal ordinance within the previous ten years. 1558

(iv) The offender previously has been convicted of or 1559  
pleaded guilty to three or more prior violations of division (A) 1560  
(1) of this section within the previous ten years. 1561

(v) The offender previously has been convicted of or 1562  
pleaded guilty to three or more prior violations of division (A) 1563  
(1) of section 2903.08 of the Revised Code within the previous 1564  
ten years. 1565

(vi) The offender previously has been convicted of or 1566  
pleaded guilty to three or more prior violations of section 1567  
2903.04 of the Revised Code within the previous ten years in 1568  
circumstances in which division (D) of that section applied 1569  
regarding the violations. 1570

(vii) The offender previously has been convicted of or 1571  
pleaded guilty to three or more violations of any combination of 1572  
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1573  
(v), or (vi) of this section within the previous ten years. 1574

(viii) The offender previously has been convicted of or 1575  
pleaded guilty to a second or subsequent felony violation of 1576  
division (A) of section 4511.19 of the Revised Code. 1577

(d) In addition to any other sanctions imposed pursuant to 1578  
division (B) (2) (a), (b), or (c) of this section for aggravated 1579  
vehicular homicide committed in violation of division (A) (1) of 1580  
this section, the court shall impose upon the offender a class 1581  
one suspension of the offender's driver's license, commercial 1582  
driver's license, temporary instruction permit, probationary 1583  
license, or nonresident operating privilege as specified in 1584

division (A) (1) of section 4510.02 of the Revised Code. 1585

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1586  
Code apply to a suspension imposed under division (B) (2) (d) of 1587  
this section. 1588

(3) Except as otherwise provided in this division, 1589  
aggravated vehicular homicide committed in violation of division 1590  
(A) (2) of this section is a felony of the third degree. 1591  
Aggravated vehicular homicide committed in violation of division 1592  
(A) (2) of this section is a felony of the second degree if, at 1593  
the time of the offense, the offender was driving under a 1594  
suspension or cancellation imposed under Chapter 4510. or any 1595  
other provision of the Revised Code or was operating a motor 1596  
vehicle or motorcycle, did not have a valid driver's license, 1597  
commercial driver's license, temporary instruction permit, 1598  
probationary license, or nonresident operating privilege, and 1599  
was not eligible for renewal of the offender's driver's license 1600  
or commercial driver's license without examination under section 1601  
4507.10 of the Revised Code or if the offender previously has 1602  
been convicted of or pleaded guilty to a violation of this 1603  
section or any traffic-related homicide, manslaughter, or 1604  
assault offense. The court shall impose a mandatory prison term 1605  
on the offender when required by division (E) of this section. 1606

In addition to any other sanctions imposed pursuant to 1607  
this division for a violation of division (A) (2) of this 1608  
section, the court shall impose upon the offender a class two 1609  
suspension of the offender's driver's license, commercial 1610  
driver's license, temporary instruction permit, probationary 1611  
license, or nonresident operating privilege from the range 1612  
specified in division (A) (2) of section 4510.02 of the Revised 1613  
Code or, if the offender previously has been convicted of or 1614

pleaded guilty to a traffic-related murder, felonious assault, 1615  
or attempted murder offense, a class one suspension of the 1616  
offender's driver's license, commercial driver's license, 1617  
temporary instruction permit, probationary license, or 1618  
nonresident operating privilege as specified in division (A)(1) 1619  
of that section. 1620

(C) Whoever violates division (A)(3) of this section is 1621  
guilty of vehicular homicide. Except as otherwise provided in 1622  
this division, vehicular homicide is a misdemeanor of the first 1623  
degree. Vehicular homicide committed in violation of division 1624  
(A)(3) of this section is a felony of the fourth degree if, at 1625  
the time of the offense, the offender was driving under a 1626  
suspension or cancellation imposed under Chapter 4510. or any 1627  
other provision of the Revised Code or was operating a motor 1628  
vehicle or motorcycle, did not have a valid driver's license, 1629  
commercial driver's license, temporary instruction permit, 1630  
probationary license, or nonresident operating privilege, and 1631  
was not eligible for renewal of the offender's driver's license 1632  
or commercial driver's license without examination under section 1633  
4507.10 of the Revised Code or if the offender previously has 1634  
been convicted of or pleaded guilty to a violation of this 1635  
section or any traffic-related homicide, manslaughter, or 1636  
assault offense. The court shall impose a mandatory jail term or 1637  
a mandatory prison term on the offender when required by 1638  
division (E) of this section. 1639

In addition to any other sanctions imposed pursuant to 1640  
this division, the court shall impose upon the offender a class 1641  
four suspension of the offender's driver's license, commercial 1642  
driver's license, temporary instruction permit, probationary 1643  
license, or nonresident operating privilege from the range 1644  
specified in division (A)(4) of section 4510.02 of the Revised 1645



Code, or, if the offender previously has been convicted of or 1646  
pleaded guilty to a violation of this section or any traffic- 1647  
related homicide, manslaughter, or assault offense, a class 1648  
three suspension of the offender's driver's license, commercial 1649  
driver's license, temporary instruction permit, probationary 1650  
license, or nonresident operating privilege from the range 1651  
specified in division (A)(3) of that section, or, if the 1652  
offender previously has been convicted of or pleaded guilty to a 1653  
traffic-related murder, felonious assault, or attempted murder 1654  
offense, a class two suspension of the offender's driver's 1655  
license, commercial driver's license, temporary instruction 1656  
permit, probationary license, or nonresident operating privilege 1657  
as specified in division (A)(2) of that section. 1658

(D) Whoever violates division (A)(4) of this section is 1659  
guilty of vehicular manslaughter. Except as otherwise provided 1660  
in this division, vehicular manslaughter is a misdemeanor of the 1661  
second degree. Vehicular manslaughter is a misdemeanor of the 1662  
first degree if, at the time of the offense, the offender was 1663  
driving under a suspension or cancellation imposed under Chapter 1664  
4510. or any other provision of the Revised Code or was 1665  
operating a motor vehicle or motorcycle, did not have a valid 1666  
driver's license, commercial driver's license, temporary 1667  
instruction permit, probationary license, or nonresident 1668  
operating privilege, and was not eligible for renewal of the 1669  
offender's driver's license or commercial driver's license 1670  
without examination under section 4507.10 of the Revised Code or 1671  
if the offender previously has been convicted of or pleaded 1672  
guilty to a violation of this section or any traffic-related 1673  
homicide, manslaughter, or assault offense. 1674

In addition to any other sanctions imposed pursuant to 1675  
this division, the court shall impose upon the offender a class 1676

six suspension of the offender's driver's license, commercial 1677  
driver's license, temporary instruction permit, probationary 1678  
license, or nonresident operating privilege from the range 1679  
specified in division (A) (6) of section 4510.02 of the Revised 1680  
Code or, if the offender previously has been convicted of or 1681  
pleaded guilty to a violation of this section, any traffic- 1682  
related homicide, manslaughter, or assault offense, or a 1683  
traffic-related murder, felonious assault, or attempted murder 1684  
offense, a class four suspension of the offender's driver's 1685  
license, commercial driver's license, temporary instruction 1686  
permit, probationary license, or nonresident operating privilege 1687  
from the range specified in division (A) (4) of that section. 1688

(E) (1) The court shall impose a mandatory prison term on 1689  
an offender who is convicted of or pleads guilty to a violation 1690  
of division (A) (1) of this section. Except as otherwise provided 1691  
in this division, the mandatory prison term shall be a definite 1692  
term from the range of prison terms provided in division (A) (1) 1693  
(b) of section 2929.14 of the Revised Code for a felony of the 1694  
first degree or from division (A) (2) (b) of that section for a 1695  
felony of the second degree, whichever is applicable, except 1696  
that if the violation is committed on or after the effective 1697  
date of this amendment, the court shall impose as the minimum 1698  
prison term for the offense a mandatory prison term that is one 1699  
of the minimum terms prescribed for a felony of the first degree 1700  
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1701  
one of the terms prescribed for a felony of the second degree in 1702  
division (A) (2) (a) of that section, whichever is applicable. If 1703  
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1704  
(viii) of this section applies to an offender who is convicted 1705  
of or pleads guilty to the violation of division (A) (1) of this 1706  
section, the court shall impose the mandatory prison term 1707

pursuant to division (B) of section 2929.142 of the Revised Code. The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A) (3) (b) of this section and may impose upon the offender a longer jail term as authorized pursuant to section 2929.24 of the Revised Code. ~~The~~

(2) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A) (2) or (3) (a) of this section or a felony violation of division (A) (3) (b) of this section if either division (E) (2) (a) or (b) of this section applies. The mandatory prison term shall be a definite term from the range of prison terms provided in division (A) (3) (a) of section 2929.14 of the Revised Code for a felony of the third degree or from division (A) (4) of that section for a felony of the fourth degree, whichever is applicable. The court shall impose a mandatory prison term on an offender in a category described in this division if either of the following applies:

~~(1)~~ (a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.08 of the Revised Code.

~~(2)~~ (b) At the time of the offense, the offender was driving under suspension or cancellation under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code.

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1738  
apply in a particular construction zone unless signs of the type 1739  
described in section 2903.081 of the Revised Code are erected in 1740  
that construction zone in accordance with the guidelines and 1741  
design specifications established by the director of 1742  
transportation under section 5501.27 of the Revised Code. The 1743  
failure to erect signs of the type described in section 2903.081 1744  
of the Revised Code in a particular construction zone in 1745  
accordance with those guidelines and design specifications does 1746  
not limit or affect the application of division (A) (1), (A) (2) 1747  
(a), (A) (3) (a), or (A) (4) of this section in that construction 1748  
zone or the prosecution of any person who violates any of those 1749  
divisions in that construction zone. 1750

(G) (1) As used in this section: 1751

(a) "Mandatory prison term" and "mandatory jail term" have 1752  
the same meanings as in section 2929.01 of the Revised Code. 1753

(b) "Traffic-related homicide, manslaughter, or assault 1754  
offense" means a violation of section 2903.04 of the Revised 1755  
Code in circumstances in which division (D) of that section 1756  
applies, a violation of section 2903.06 or 2903.08 of the 1757  
Revised Code, or a violation of section 2903.06, 2903.07, or 1758  
2903.08 of the Revised Code as they existed prior to March 23, 1759  
2000. 1760

(c) "Construction zone" has the same meaning as in section 1761  
5501.27 of the Revised Code. 1762

(d) "Reckless operation offense" means a violation of 1763  
section 4511.20 of the Revised Code or a municipal ordinance 1764  
substantially equivalent to section 4511.20 of the Revised Code. 1765

(e) "Speeding offense" means a violation of section 1766

4511.21 of the Revised Code or a municipal ordinance pertaining 1767  
to speed. 1768

(f) "Traffic-related murder, felonious assault, or 1769  
attempted murder offense" means a violation of section 2903.01 1770  
or 2903.02 of the Revised Code in circumstances in which the 1771  
offender used a motor vehicle as the means to commit the 1772  
violation, a violation of division (A) (2) of section 2903.11 of 1773  
the Revised Code in circumstances in which the deadly weapon 1774  
used in the commission of the violation is a motor vehicle, or 1775  
an attempt to commit aggravated murder or murder in violation of 1776  
section 2923.02 of the Revised Code in circumstances in which 1777  
the offender used a motor vehicle as the means to attempt to 1778  
commit the aggravated murder or murder. 1779

(g) "Motor vehicle" has the same meaning as in section 1780  
4501.01 of the Revised Code. 1781

(2) For the purposes of this section, when a penalty or 1782  
suspension is enhanced because of a prior or current violation 1783  
of a specified law or a prior or current specified offense, the 1784  
reference to the violation of the specified law or the specified 1785  
offense includes any violation of any substantially equivalent 1786  
municipal ordinance, former law of this state, or current or 1787  
former law of another state or the United States. 1788

**Sec. 2903.08.** (A) No person, while operating or 1789  
participating in the operation of a motor vehicle, motorcycle, 1790  
snowmobile, locomotive, watercraft, or aircraft, shall cause 1791  
serious physical harm to another person or another's unborn in 1792  
any of the following ways: 1793

(1) (a) As the proximate result of committing a violation 1794  
of division (A) of section 4511.19 of the Revised Code or of a 1795

substantially equivalent municipal ordinance;	1796
(b) As the proximate result of committing a violation of	1797
division (A) of section 1547.11 of the Revised Code or of a	1798
substantially equivalent municipal ordinance;	1799
(c) As the proximate result of committing a violation of	1800
division (A) (3) of section 4561.15 of the Revised Code or of a	1801
substantially equivalent municipal ordinance.	1802
(2) In one of the following ways:	1803
(a) As the proximate result of committing, while operating	1804
or participating in the operation of a motor vehicle or	1805
motorcycle in a construction zone, a reckless operation offense,	1806
provided that this division applies only if the person to whom	1807
the serious physical harm is caused or to whose unborn the	1808
serious physical harm is caused is in the construction zone at	1809
the time of the offender's commission of the reckless operation	1810
offense in the construction zone and does not apply as described	1811
in division (E) of this section;	1812
(b) Recklessly.	1813
(3) As the proximate result of committing, while operating	1814
or participating in the operation of a motor vehicle or	1815
motorcycle in a construction zone, a speeding offense, provided	1816
that this division applies only if the person to whom the	1817
serious physical harm is caused or to whose unborn the serious	1818
physical harm is caused is in the construction zone at the time	1819
of the offender's commission of the speeding offense in the	1820
construction zone and does not apply as described in division	1821
(E) of this section.	1822
(B) (1) Whoever violates division (A) (1) of this section is	1823
guilty of aggravated vehicular assault. Except as otherwise	1824

provided in this division, aggravated vehicular assault is a 1825  
felony of the third degree. Aggravated vehicular assault is a 1826  
felony of the second degree if any of the following apply: 1827

(a) At the time of the offense, the offender was driving 1828  
under a suspension imposed under Chapter 4510. or any other 1829  
provision of the Revised Code. 1830

(b) The offender previously has been convicted of or 1831  
pleaded guilty to a violation of this section. 1832

(c) The offender previously has been convicted of or 1833  
pleaded guilty to any traffic-related homicide, manslaughter, or 1834  
assault offense. 1835

(d) The offender previously has been convicted of or 1836  
pleaded guilty to three or more prior violations of section 1837  
4511.19 of the Revised Code or a substantially equivalent 1838  
municipal ordinance within the previous ten years. 1839

(e) The offender previously has been convicted of or 1840  
pleaded guilty to three or more prior violations of division (A) 1841  
of section 1547.11 of the Revised Code or of a substantially 1842  
equivalent municipal ordinance within the previous ten years. 1843

(f) The offender previously has been convicted of or 1844  
pleaded guilty to three or more prior violations of division (A) 1845  
(3) of section 4561.15 of the Revised Code or of a substantially 1846  
equivalent municipal ordinance within the previous ten years. 1847

(g) The offender previously has been convicted of or 1848  
pleaded guilty to three or more prior violations of any 1849  
combination of the offenses listed in division (B) (1) (d), (e), 1850  
or (f) of this section. 1851

(h) The offender previously has been convicted of or 1852

pleaded guilty to a second or subsequent felony violation of 1853  
division (A) of section 4511.19 of the Revised Code. 1854

(2) In addition to any other sanctions imposed pursuant to 1855  
division (B)(1) of this section, except as otherwise provided in 1856  
this division, the court shall impose upon the offender a class 1857  
three suspension of the offender's driver's license, commercial 1858  
driver's license, temporary instruction permit, probationary 1859  
license, or nonresident operating privilege from the range 1860  
specified in division (A)(3) of section 4510.02 of the Revised 1861  
Code. If the offender previously has been convicted of or 1862  
pleaded guilty to a violation of this section, any traffic- 1863  
related homicide, manslaughter, or assault offense, or any 1864  
traffic-related murder, felonious assault, or attempted murder 1865  
offense, the court shall impose either a class two suspension of 1866  
the offender's driver's license, commercial driver's license, 1867  
temporary instruction permit, probationary license, or 1868  
nonresident operating privilege from the range specified in 1869  
division (A)(2) of that section or a class one suspension as 1870  
specified in division (A)(1) of that section. 1871

(C)(1) Whoever violates division (A)(2) or (3) of this 1872  
section is guilty of vehicular assault and shall be punished as 1873  
provided in divisions (C)(2) and (3) of this section. 1874

(2) Except as otherwise provided in this division, 1875  
vehicular assault committed in violation of division (A)(2) of 1876  
this section is a felony of the fourth degree. Vehicular assault 1877  
committed in violation of division (A)(2) of this section is a 1878  
felony of the third degree if, at the time of the offense, the 1879  
offender was driving under a suspension imposed under Chapter 1880  
4510. or any other provision of the Revised Code, if the 1881  
offender previously has been convicted of or pleaded guilty to a 1882



violation of this section or any traffic-related homicide, 1883  
manslaughter, or assault offense, or if, in the same course of 1884  
conduct that resulted in the violation of division (A) (2) of 1885  
this section, the offender also violated section 4549.02, 1886  
4549.021, or 4549.03 of the Revised Code. 1887

In addition to any other sanctions imposed, the court 1888  
shall impose upon the offender a class four suspension of the 1889  
offender's driver's license, commercial driver's license, 1890  
temporary instruction permit, probationary license, or 1891  
nonresident operating privilege from the range specified in 1892  
division (A) (4) of section 4510.02 of the Revised Code or, if 1893  
the offender previously has been convicted of or pleaded guilty 1894  
to a violation of this section, any traffic-related homicide, 1895  
manslaughter, or assault offense, or any traffic-related murder, 1896  
felonious assault, or attempted murder offense, a class three 1897  
suspension of the offender's driver's license, commercial 1898  
driver's license, temporary instruction permit, probationary 1899  
license, or nonresident operating privilege from the range 1900  
specified in division (A) (3) of that section. 1901

(3) Except as otherwise provided in this division, 1902  
vehicular assault committed in violation of division (A) (3) of 1903  
this section is a misdemeanor of the first degree. Vehicular 1904  
assault committed in violation of division (A) (3) of this 1905  
section is a felony of the fourth degree if, at the time of the 1906  
offense, the offender was driving under a suspension imposed 1907  
under Chapter 4510. or any other provision of the Revised Code 1908  
or if the offender previously has been convicted of or pleaded 1909  
guilty to a violation of this section or any traffic-related 1910  
homicide, manslaughter, or assault offense. 1911

In addition to any other sanctions imposed, the court 1912

shall impose upon the offender a class four suspension of the 1913  
offender's driver's license, commercial driver's license, 1914  
temporary instruction permit, probationary license, or 1915  
nonresident operating privilege from the range specified in 1916  
division (A) (4) of section 4510.02 of the Revised Code or, if 1917  
the offender previously has been convicted of or pleaded guilty 1918  
to a violation of this section, any traffic-related homicide, 1919  
manslaughter, or assault offense, or any traffic-related murder, 1920  
felonious assault, or attempted murder offense, a class three 1921  
suspension of the offender's driver's license, commercial 1922  
driver's license, temporary instruction permit, probationary 1923  
license, or nonresident operating privilege from the range 1924  
specified in division (A) (3) of section 4510.02 of the Revised 1925  
Code. 1926

(D) (1) The court shall impose a mandatory prison term, as 1927  
described in division (D) (4) of this section, on an offender who 1928  
is convicted of or pleads guilty to a violation of division (A) 1929  
(1) of this section. 1930

(2) The court shall impose a mandatory prison term, as 1931  
described in division (D) (4) of this section, on an offender who 1932  
is convicted of or pleads guilty to a violation of division (A) 1933  
(2) of this section or a felony violation of division (A) (3) of 1934  
this section if either of the following applies: 1935

(a) The offender previously has been convicted of or 1936  
pleaded guilty to a violation of this section or section 2903.06 1937  
of the Revised Code. 1938

(b) At the time of the offense, the offender was driving 1939  
under suspension under Chapter 4510. or any other provision of 1940  
the Revised Code. 1941

(3) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A) (3) of this section and may impose upon the offender a longer jail term as authorized pursuant to section 2929.24 of the Revised Code.

(4) A mandatory prison term required under division (D) (1) or (2) of this section shall be a definite term from the range of prison terms provided in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, from division (A) (3) (a) of that section for a felony of the third degree, or from division (A) (4) of that section for a felony of the fourth degree, whichever is applicable, except that if the violation is a felony of the second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the second degree in division (A) (2) (a) of section 2929.14 of the Revised Code.

(E) Divisions (A) (2) (a) and (3) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A) (1) or (2) (b) of this section in that construction zone or the prosecution of any person who violates either of those divisions in that construction zone.

(F) As used in this section:	1973
(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	1974 1975
(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.	1976 1977 1978 1979
(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	1980 1981
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	1982 1983 1984
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	1985 1986 1987 1988 1989 1990 1991
<b>Sec. 2903.11.</b> (A) No person shall knowingly do either of the following:	1992 1993
(1) Cause serious physical harm to another or to another's unborn;	1994 1995
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1996 1997 1998
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired	1999 2000

immunodeficiency syndrome, shall knowingly do any of the 2001  
following: 2002

(1) Engage in sexual conduct with another person without 2003  
disclosing that knowledge to the other person prior to engaging 2004  
in the sexual conduct; 2005

(2) Engage in sexual conduct with a person whom the 2006  
offender knows or has reasonable cause to believe lacks the 2007  
mental capacity to appreciate the significance of the knowledge 2008  
that the offender has tested positive as a carrier of a virus 2009  
that causes acquired immunodeficiency syndrome; 2010

(3) Engage in sexual conduct with a person under eighteen 2011  
years of age who is not the spouse of the offender. 2012

(C) The prosecution of a person under this section does 2013  
not preclude prosecution of that person under section 2907.02 of 2014  
the Revised Code. 2015

(D) (1) (a) Whoever violates this section is guilty of 2016  
felonious assault. Except as otherwise provided in this division 2017  
or division (D) (1) (b) of this section, felonious assault is a 2018  
felony of the second degree. If the victim of a violation of 2019  
division (A) of this section is a peace officer or an 2020  
investigator of the bureau of criminal identification and 2021  
investigation, felonious assault is a felony of the first 2022  
degree. 2023

(b) Regardless of whether the felonious assault is a 2024  
felony of the first or second degree under division (D) (1) (a) of 2025  
this section, if the offender also is convicted of or pleads 2026  
guilty to a specification as described in section 2941.1423 of 2027  
the Revised Code that was included in the indictment, count in 2028  
the indictment, or information charging the offense, except as 2029

otherwise provided in this division or unless a longer prison 2030  
term is required under any other provision of law, the court 2031  
shall sentence the offender to a mandatory prison term as 2032  
provided in division (B) (8) of section 2929.14 of the Revised 2033  
Code. If the victim of the offense is a peace officer or an 2034  
investigator of the bureau of criminal identification and 2035  
investigation, and if the victim suffered serious physical harm 2036  
as a result of the commission of the offense, felonious assault 2037  
is a felony of the first degree, and the court, pursuant to 2038  
division (F) of section 2929.13 of the Revised Code, shall 2039  
impose as a mandatory prison term one of the definite prison 2040  
terms prescribed for a felony of the first degree in division 2041  
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 2042  
the violation is committed on or after the effective date of 2043  
this amendment, the court shall impose as the minimum prison 2044  
term for the offense a mandatory prison term that is one of the 2045  
minimum terms prescribed for a felony of the first degree in 2046  
division (A) (1) (a) of section 2929.14 of the Revised Code. 2047

(2) In addition to any other sanctions imposed pursuant to 2048  
division (D) (1) of this section for felonious assault committed 2049  
in violation of division (A) (1) or (2) of this section, if the 2050  
offender also is convicted of or pleads guilty to a 2051  
specification of the type described in section 2941.1425 of the 2052  
Revised Code that was included in the indictment, count in the 2053  
indictment, or information charging the offense, the court shall 2054  
sentence the offender to a mandatory prison term under division 2055  
(B) (9) of section 2929.14 of the Revised Code. 2056

(3) In addition to any other sanctions imposed pursuant to 2057  
division (D) (1) of this section for felonious assault committed 2058  
in violation of division (A) (2) of this section, if the deadly 2059  
weapon used in the commission of the violation is a motor 2060

vehicle, the court shall impose upon the offender a class two 2061  
suspension of the offender's driver's license, commercial 2062  
driver's license, temporary instruction permit, probationary 2063  
license, or nonresident operating privilege as specified in 2064  
division (A) (2) of section 4510.02 of the Revised Code. 2065

(E) As used in this section: 2066

(1) "Deadly weapon" and "dangerous ordnance" have the same 2067  
meanings as in section 2923.11 of the Revised Code. 2068

(2) "Motor vehicle" has the same meaning as in section 2069  
4501.01 of the Revised Code. 2070

(3) "Peace officer" has the same meaning as in section 2071  
2935.01 of the Revised Code. 2072

(4) "Sexual conduct" has the same meaning as in section 2073  
2907.01 of the Revised Code, except that, as used in this 2074  
section, it does not include the insertion of an instrument, 2075  
apparatus, or other object that is not a part of the body into 2076  
the vaginal or anal opening of another, unless the offender knew 2077  
at the time of the insertion that the instrument, apparatus, or 2078  
other object carried the offender's bodily fluid. 2079

(5) "Investigator of the bureau of criminal identification 2080  
and investigation" means an investigator of the bureau of 2081  
criminal identification and investigation who is commissioned by 2082  
the superintendent of the bureau as a special agent for the 2083  
purpose of assisting law enforcement officers or providing 2084  
emergency assistance to peace officers pursuant to authority 2085  
granted under section 109.541 of the Revised Code. 2086

(6) "Investigator" has the same meaning as in section 2087  
109.541 of the Revised Code. 2088

(F) The provisions of division (D) (2) of this section and 2089  
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 2090  
(6) of section 2929.14, and section 2941.1425 of the Revised 2091  
Code shall be known as "Judy's Law." 2092

**Sec. 2903.12.** (A) No person, while under the influence of 2093  
sudden passion or in a sudden fit of rage, either of which is 2094  
brought on by serious provocation occasioned by the victim that 2095  
is reasonably sufficient to incite the person into using deadly 2096  
force, shall knowingly: 2097

(1) Cause serious physical harm to another or to another's 2098  
unborn; 2099

(2) Cause or attempt to cause physical harm to another or 2100  
to another's unborn by means of a deadly weapon or dangerous 2101  
ordnance, as defined in section 2923.11 of the Revised Code. 2102

(B) Whoever violates this section is guilty of aggravated 2103  
assault. Except as otherwise provided in this division, 2104  
aggravated assault is a felony of the fourth degree. If the 2105  
victim of the offense is a peace officer or an investigator of 2106  
the bureau of criminal identification and investigation, 2107  
aggravated assault is a felony of the third degree. Regardless 2108  
of whether the offense is a felony of the third or fourth degree 2109  
under this division, if the offender also is convicted of or 2110  
pleads guilty to a specification as described in section 2111  
2941.1423 of the Revised Code that was included in the 2112  
indictment, count in the indictment, or information charging the 2113  
offense, except as otherwise provided in this division, the 2114  
court shall sentence the offender to a mandatory prison term as 2115  
provided in division (B) (8) of section 2929.14 of the Revised 2116  
Code. If the victim of the offense is a peace officer or an 2117  
investigator of the bureau of criminal identification and 2118



investigation, and if the victim suffered serious physical harm 2119  
as a result of the commission of the offense, aggravated assault 2120  
is a felony of the third degree, and the court, pursuant to 2121  
division (F) of section 2929.13 of the Revised Code, shall 2122  
impose as a mandatory prison term one of the definite prison 2123  
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2124  
Revised Code for a felony of the third degree. 2125

(C) As used in this section: 2126

(1) "Investigator of the bureau of criminal identification 2127  
and investigation" has the same meaning as in section 2903.11 of 2128  
the Revised Code. 2129

(2) "Peace officer" has the same meaning as in section 2130  
2935.01 of the Revised Code. 2131

**Sec. 2905.01.** (A) No person, by force, threat, or 2132  
deception, or, in the case of a victim under the age of thirteen 2133  
or mentally incompetent, by any means, shall remove another from 2134  
the place where the other person is found or restrain the 2135  
liberty of the other person, for any of the following purposes: 2136

(1) To hold for ransom, or as a shield or hostage; 2137

(2) To facilitate the commission of any felony or flight 2138  
thereafter; 2139

(3) To terrorize, or to inflict serious physical harm on 2140  
the victim or another; 2141

(4) To engage in sexual activity, as defined in section 2142  
2907.01 of the Revised Code, with the victim against the 2143  
victim's will; 2144

(5) To hinder, impede, or obstruct a function of 2145  
government, or to force any action or concession on the part of 2146

governmental authority; 2147

(6) To hold in a condition of involuntary servitude. 2148

(B) No person, by force, threat, or deception, or, in the 2149  
case of a victim under the age of thirteen or mentally 2150  
incompetent, by any means, shall knowingly do any of the 2151  
following, under circumstances that create a substantial risk of 2152  
serious physical harm to the victim or, in the case of a minor 2153  
victim, under circumstances that either create a substantial 2154  
risk of serious physical harm to the victim or cause physical 2155  
harm to the victim: 2156

(1) Remove another from the place where the other person 2157  
is found; 2158

(2) Restrain another of the other person's liberty. 2159

(C) (1) Whoever violates this section is guilty of 2160  
kidnapping. Except as otherwise provided in this division or 2161  
division (C) (2) or (3) of this section, kidnapping is a felony 2162  
of the first degree. Except as otherwise provided in this 2163  
division or division (C) (2) or (3) of this section, if an 2164  
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2165  
of this section releases the victim in a safe place unharmed, 2166  
kidnapping is a felony of the second degree. 2167

(2) If the offender in any case also is convicted of or 2168  
pleads guilty to a specification as described in section 2169  
2941.1422 of the Revised Code that was included in the 2170  
indictment, count in the indictment, or information charging the 2171  
offense, the court shall order the offender to make restitution 2172  
as provided in division (B) (8) of section 2929.18 of the Revised 2173  
Code and, except as otherwise provided in division (C) (3) of 2174  
this section, shall sentence the offender to a mandatory prison 2175

term as provided in division (B) (7) of section 2929.14 of the Revised Code. 2176  
2177

(3) If the victim of the offense is less than thirteen years of age and if the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, kidnapping is a felony of the first degree, and, notwithstanding the definite or indefinite sentence provided for a felony of the first degree in section 2929.14 of the Revised Code, the offender shall be sentenced pursuant to section 2971.03 of the Revised Code as follows: 2178  
2179  
2180  
2181  
2182  
2183  
2184  
2185  
2186

(a) Except as otherwise provided in division (C) (3) (b) of this section, the offender shall be sentenced pursuant to that section to an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment. 2187  
2188  
2189  
2190

(b) If the offender releases the victim in a safe place unharmed, the offender shall be sentenced pursuant to that section to an indefinite term consisting of a minimum term of ten years and a maximum term of life imprisonment. 2191  
2192  
2193  
2194

(D) As used in this section: 2195

(1) "Involuntary servitude" has the same meaning as in section 2905.31 of the Revised Code. 2196  
2197

(2) "Sexual motivation specification" has the same meaning as in section 2971.01 of the Revised Code. 2198  
2199

**Sec. 2905.32.** (A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if any of the following applies: 2200  
2201  
2202  
2203  
2204

(1) The offender knows that the other person will be 2205  
subjected to involuntary servitude or be compelled to engage in 2206  
sexual activity for hire, engage in a performance that is 2207  
obscene, sexually oriented, or nudity oriented, or be a model or 2208  
participant in the production of material that is obscene, 2209  
sexually oriented, or nudity oriented. 2210

(2) The other person is less than sixteen years of age or 2211  
is a person with a developmental disability whom the offender 2212  
knows or has reasonable cause to believe is a person with a 2213  
developmental disability, and either the offender knows that the 2214  
other person will be subjected to involuntary servitude or the 2215  
offender's knowing recruitment, luring, enticement, isolation, 2216  
harboring, transportation, provision, obtaining, or maintenance 2217  
of the other person or knowing attempt to recruit, lure, entice, 2218  
isolate, harbor, transport, provide, obtain, or maintain the 2219  
other person is for any of the following purposes: 2220

(a) To engage in sexual activity for hire; 2221

(b) To engage in a performance for hire that is obscene, 2222  
sexually oriented, or nudity oriented; 2223

(c) To be a model or participant for hire in the 2224  
production of material that is obscene, sexually oriented, or 2225  
nudity oriented. 2226

(3) The other person is sixteen or seventeen years of age, 2227  
either the offender knows that the other person will be 2228  
subjected to involuntary servitude or the offender's knowing 2229  
recruitment, luring, enticement, isolation, harboring, 2230  
transportation, provision, obtaining, or maintenance of the 2231  
other person or knowing attempt to recruit, lure, entice, 2232  
isolate, harbor, transport, provide, obtain, or maintain the 2233

other person is for any purpose described in divisions (A) (2) (a) 2234  
to (c) of this section, and the circumstances described in 2235  
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2236  
of section 2907.03 of the Revised Code apply with respect to the 2237  
offender and the other person. 2238

(B) For a prosecution under division (A) (1) of this 2239  
section, the element "compelled" does not require that the 2240  
compulsion be openly displayed or physically exerted. The 2241  
element "compelled" has been established if the state proves 2242  
that the victim's will was overcome by force, fear, duress, 2243  
intimidation, or fraud. 2244

(C) In a prosecution under this section, proof that the 2245  
defendant engaged in sexual activity with any person, or 2246  
solicited sexual activity with any person, whether or not for 2247  
hire, without more, does not constitute a violation of this 2248  
section. 2249

(D) A prosecution for a violation of this section does not 2250  
preclude a prosecution of a violation of any other section of 2251  
the Revised Code. One or more acts, a series of acts, or a 2252  
course of behavior that can be prosecuted under this section or 2253  
any other section of the Revised Code may be prosecuted under 2254  
this section, the other section of the Revised Code, or both 2255  
sections. However, if an offender is convicted of or pleads 2256  
guilty to a violation of this section and also is convicted of 2257  
or pleads guilty to a violation of section 2907.21 of the 2258  
Revised Code based on the same conduct involving the same victim 2259  
that was the basis of the violation of this section, or is 2260  
convicted of or pleads guilty to any other violation of Chapter 2261  
2907. of the Revised Code based on the same conduct involving 2262  
the same victim that was the basis of the violation of this 2263

section, the two offenses are allied offenses of similar import 2264  
under section 2941.25 of the Revised Code. 2265

(E) Whoever violates this section is guilty of trafficking 2266  
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2267  
violation committed prior to the effective date of this 2268  
amendment, notwithstanding the range of definite terms set forth 2269  
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2270  
the court shall sentence the offender to a definite prison term 2271  
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2272  
For a violation committed on or after the effective date of this 2273  
amendment, notwithstanding the range of minimum terms set forth 2274  
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2275  
the court shall sentence the offender to an indefinite prison 2276  
term pursuant to that division, with a minimum term under that 2277  
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2278  
years. 2279

(F) As used in this section: 2280

(1) "Person with a developmental disability" means a 2281  
person whose ability to resist or consent to an act is 2282  
substantially impaired because of a mental or physical condition 2283  
or because of advanced age. 2284

(2) "Sexual activity for hire," "performance for hire," 2285  
and "model or participant for hire" mean an implicit or explicit 2286  
agreement to provide sexual activity, engage in an obscene, 2287  
sexually oriented, or nudity oriented performance, or be a model 2288  
or participant in the production of obscene, sexually oriented, 2289  
or nudity oriented material, whichever is applicable, in 2290  
exchange for anything of value paid to any of the following: 2291

(a) The person engaging in such sexual activity, 2292

performance, or modeling or participation;	2293
(b) Any person who recruits, lures, entices, isolates,	2294
harbors, transports, provides, obtains, or maintains, or	2295
attempts to recruit, lure, entice, isolate, harbor, transport,	2296
provide, obtain, or maintain the person described in division	2297
(F) (2) (a) of this section;	2298
(c) Any person associated with a person described in	2299
division (F) (2) (a) or (b) of this section.	2300
(3) "Material that is obscene, sexually oriented, or	2301
nudity oriented" and "performance that is obscene, sexually	2302
oriented, or nudity oriented" have the same meanings as in	2303
section 2929.01 of the Revised Code.	2304
<b>Sec. 2907.02.</b> (A) (1) No person shall engage in sexual	2305
conduct with another who is not the spouse of the offender or	2306
who is the spouse of the offender but is living separate and	2307
apart from the offender, when any of the following applies:	2308
(a) For the purpose of preventing resistance, the offender	2309
substantially impairs the other person's judgment or control by	2310
administering any drug, intoxicant, or controlled substance to	2311
the other person surreptitiously or by force, threat of force,	2312
or deception.	2313
(b) The other person is less than thirteen years of age,	2314
whether or not the offender knows the age of the other person.	2315
(c) The other person's ability to resist or consent is	2316
substantially impaired because of a mental or physical condition	2317
or because of advanced age, and the offender knows or has	2318
reasonable cause to believe that the other person's ability to	2319
resist or consent is substantially impaired because of a mental	2320
or physical condition or because of advanced age.	2321

(2) No person shall engage in sexual conduct with another 2322  
when the offender purposely compels the other person to submit 2323  
by force or threat of force. 2324

(B) Whoever violates this section is guilty of rape, a 2325  
felony of the first degree. If the offender under division (A) 2326  
(1) (a) of this section substantially impairs the other person's 2327  
judgment or control by administering any controlled substance 2328  
described in section 3719.41 of the Revised Code to the other 2329  
person surreptitiously or by force, threat of force, or 2330  
deception, the prison term imposed upon the offender shall be 2331  
one of the definite prison terms prescribed for a felony of the 2332  
first degree in division (A) (1) (b) of section 2929.14 of the 2333  
Revised Code that is not less than five years, except that if 2334  
the violation is committed on or after the effective date of 2335  
this amendment, the court shall impose as the minimum prison 2336  
term for the offense a mandatory prison term that is one of the 2337  
minimum terms prescribed for a felony of the first degree in 2338  
division (A) (1) (a) of section 2929.14 of the Revised Code that 2339  
is not less than five years. Except as otherwise provided in 2340  
this division, notwithstanding sections 2929.11 to 2929.14 of 2341  
the Revised Code, an offender under division (A) (1) (b) of this 2342  
section shall be sentenced to a prison term or term of life 2343  
imprisonment pursuant to section 2971.03 of the Revised Code. If 2344  
an offender is convicted of or pleads guilty to a violation of 2345  
division (A) (1) (b) of this section, if the offender was less 2346  
than sixteen years of age at the time the offender committed the 2347  
violation of that division, and if the offender during or 2348  
immediately after the commission of the offense did not cause 2349  
serious physical harm to the victim, the victim was ten years of 2350  
age or older at the time of the commission of the violation, and 2351  
the offender has not previously been convicted of or pleaded 2352



guilty to a violation of this section or a substantially similar 2353  
existing or former law of this state, another state, or the 2354  
United States, the court shall not sentence the offender to a 2355  
prison term or term of life imprisonment pursuant to section 2356  
2971.03 of the Revised Code, and instead the court shall 2357  
sentence the offender as otherwise provided in this division. If 2358  
an offender under division (A) (1) (b) of this section previously 2359  
has been convicted of or pleaded guilty to violating division 2360  
(A) (1) (b) of this section or to violating an existing or former 2361  
law of this state, another state, or the United States that is 2362  
substantially similar to division (A) (1) (b) of this section, if 2363  
the offender during or immediately after the commission of the 2364  
offense caused serious physical harm to the victim, or if the 2365  
victim under division (A) (1) (b) of this section is less than ten 2366  
years of age, in lieu of sentencing the offender to a prison 2367  
term or term of life imprisonment pursuant to section 2971.03 of 2368  
the Revised Code, the court may impose upon the offender a term 2369  
of life without parole. If the court imposes a term of life 2370  
without parole pursuant to this division, division (F) of 2371  
section 2971.03 of the Revised Code applies, and the offender 2372  
automatically is classified a tier III sex offender/child-victim 2373  
offender, as described in that division. 2374

(C) A victim need not prove physical resistance to the 2375  
offender in prosecutions under this section. 2376

(D) Evidence of specific instances of the victim's sexual 2377  
activity, opinion evidence of the victim's sexual activity, and 2378  
reputation evidence of the victim's sexual activity shall not be 2379  
admitted under this section unless it involves evidence of the 2380  
origin of semen, pregnancy, or disease, or the victim's past 2381  
sexual activity with the offender, and only to the extent that 2382  
the court finds that the evidence is material to a fact at issue 2383

in the case and that its inflammatory or prejudicial nature does 2384  
not outweigh its probative value. 2385

Evidence of specific instances of the defendant's sexual 2386  
activity, opinion evidence of the defendant's sexual activity, 2387  
and reputation evidence of the defendant's sexual activity shall 2388  
not be admitted under this section unless it involves evidence 2389  
of the origin of semen, pregnancy, or disease, the defendant's 2390  
past sexual activity with the victim, or is admissible against 2391  
the defendant under section 2945.59 of the Revised Code, and 2392  
only to the extent that the court finds that the evidence is 2393  
material to a fact at issue in the case and that its 2394  
inflammatory or prejudicial nature does not outweigh its 2395  
probative value. 2396

(E) Prior to taking testimony or receiving evidence of any 2397  
sexual activity of the victim or the defendant in a proceeding 2398  
under this section, the court shall resolve the admissibility of 2399  
the proposed evidence in a hearing in chambers, which shall be 2400  
held at or before preliminary hearing and not less than three 2401  
days before trial, or for good cause shown during the trial. 2402

(F) Upon approval by the court, the victim may be 2403  
represented by counsel in any hearing in chambers or other 2404  
proceeding to resolve the admissibility of evidence. If the 2405  
victim is indigent or otherwise is unable to obtain the services 2406  
of counsel, the court, upon request, may appoint counsel to 2407  
represent the victim without cost to the victim. 2408

(G) It is not a defense to a charge under division (A) (2) 2409  
of this section that the offender and the victim were married or 2410  
were cohabiting at the time of the commission of the offense. 2411

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 2412

with another, not the spouse of the offender, when any of the 2413  
following apply: 2414

(1) The offender knowingly coerces the other person to 2415  
submit by any means that would prevent resistance by a person of 2416  
ordinary resolution. 2417

(2) The offender knows that the other person's ability to 2418  
appraise the nature of or control the other person's own conduct 2419  
is substantially impaired. 2420

(3) The offender knows that the other person submits 2421  
because the other person is unaware that the act is being 2422  
committed. 2423

(4) The offender knows that the other person submits 2424  
because the other person mistakenly identifies the offender as 2425  
the other person's spouse. 2426

(5) The offender is the other person's natural or adoptive 2427  
parent, or a stepparent, or guardian, custodian, or person in 2428  
loco parentis of the other person. 2429

(6) The other person is in custody of law or a patient in 2430  
a hospital or other institution, and the offender has 2431  
supervisory or disciplinary authority over the other person. 2432

(7) The offender is a teacher, administrator, coach, or 2433  
other person in authority employed by or serving in a school for 2434  
which the state board of education prescribes minimum standards 2435  
pursuant to division (D) of section 3301.07 of the Revised Code, 2436  
the other person is enrolled in or attends that school, and the 2437  
offender is not enrolled in and does not attend that school. 2438

(8) The other person is a minor, the offender is a 2439  
teacher, administrator, coach, or other person in authority 2440

employed by or serving in an institution of higher education, 2441  
and the other person is enrolled in or attends that institution. 2442

(9) The other person is a minor, and the offender is the 2443  
other person's athletic or other type of coach, is the other 2444  
person's instructor, is the leader of a scouting troop of which 2445  
the other person is a member, or is a person with temporary or 2446  
occasional disciplinary control over the other person. 2447

(10) The offender is a mental health professional, the 2448  
other person is a mental health client or patient of the 2449  
offender, and the offender induces the other person to submit by 2450  
falsely representing to the other person that the sexual conduct 2451  
is necessary for mental health treatment purposes. 2452

(11) The other person is confined in a detention facility, 2453  
and the offender is an employee of that detention facility. 2454

(12) The other person is a minor, the offender is a 2455  
cleric, and the other person is a member of, or attends, the 2456  
church or congregation served by the cleric. 2457

(13) The other person is a minor, the offender is a peace 2458  
officer, and the offender is more than two years older than the 2459  
other person. 2460

(B) Whoever violates this section is guilty of sexual 2461  
battery. Except as otherwise provided in this division, sexual 2462  
battery is a felony of the third degree. If the other person is 2463  
less than thirteen years of age, sexual battery is a felony of 2464  
the second degree, and the court shall impose upon the offender 2465  
a mandatory prison term equal to one of the definite prison 2466  
terms prescribed in division (A) (2) (b) of section 2929.14 of the 2467  
Revised Code for a felony of the second degree, except that if 2468  
the violation is committed on or after the effective date of 2469

this amendment, the court shall impose as the minimum prison 2470  
term for the offense a mandatory prison term that is one of the 2471  
minimum terms prescribed in division (A) (2) (a) of that section 2472  
for a felony of the second degree. 2473

(C) As used in this section: 2474

(1) "Cleric" has the same meaning as in section 2317.02 of 2475  
the Revised Code. 2476

(2) "Detention facility" has the same meaning as in 2477  
section 2921.01 of the Revised Code. 2478

(3) "Institution of higher education" means a state 2479  
institution of higher education defined in section 3345.011 of 2480  
the Revised Code, a private nonprofit college or university 2481  
located in this state that possesses a certificate of 2482  
authorization issued by the Ohio board of regents pursuant to 2483  
Chapter 1713. of the Revised Code, or a school certified under 2484  
Chapter 3332. of the Revised Code. 2485

(4) "Peace officer" has the same meaning as in section 2486  
2935.01 of the Revised Code. 2487

**Sec. 2907.05.** (A) No person shall have sexual contact with 2488  
another, not the spouse of the offender; cause another, not the 2489  
spouse of the offender, to have sexual contact with the 2490  
offender; or cause two or more other persons to have sexual 2491  
contact when any of the following applies: 2492

(1) The offender purposely compels the other person, or 2493  
one of the other persons, to submit by force or threat of force. 2494

(2) For the purpose of preventing resistance, the offender 2495  
substantially impairs the judgment or control of the other 2496  
person or of one of the other persons by administering any drug, 2497

intoxicant, or controlled substance to the other person 2498  
surreptitiously or by force, threat of force, or deception. 2499

(3) The offender knows that the judgment or control of the 2500  
other person or of one of the other persons is substantially 2501  
impaired as a result of the influence of any drug or intoxicant 2502  
administered to the other person with the other person's consent 2503  
for the purpose of any kind of medical or dental examination, 2504  
treatment, or surgery. 2505

(4) The other person, or one of the other persons, is less 2506  
than thirteen years of age, whether or not the offender knows 2507  
the age of that person. 2508

(5) The ability of the other person to resist or consent 2509  
or the ability of one of the other persons to resist or consent 2510  
is substantially impaired because of a mental or physical 2511  
condition or because of advanced age, and the offender knows or 2512  
has reasonable cause to believe that the ability to resist or 2513  
consent of the other person or of one of the other persons is 2514  
substantially impaired because of a mental or physical condition 2515  
or because of advanced age. 2516

(B) No person shall knowingly touch the genitalia of 2517  
another, when the touching is not through clothing, the other 2518  
person is less than twelve years of age, whether or not the 2519  
offender knows the age of that person, and the touching is done 2520  
with an intent to abuse, humiliate, harass, degrade, or arouse 2521  
or gratify the sexual desire of any person. 2522

(C) Whoever violates this section is guilty of gross 2523  
sexual imposition. 2524

(1) Except as otherwise provided in this section, gross 2525  
sexual imposition committed in violation of division (A) (1), 2526

(2), (3), or (5) of this section is a felony of the fourth 2527  
degree. If the offender under division (A) (2) of this section 2528  
substantially impairs the judgment or control of the other 2529  
person or one of the other persons by administering any 2530  
controlled substance described in section 3719.41 of the Revised 2531  
Code to the person surreptitiously or by force, threat of force, 2532  
or deception, gross sexual imposition committed in violation of 2533  
division (A) (2) of this section is a felony of the third degree. 2534

(2) Gross sexual imposition committed in violation of 2535  
division (A) (4) or (B) of this section is a felony of the third 2536  
degree. Except as otherwise provided in this division, for gross 2537  
sexual imposition committed in violation of division (A) (4) or 2538  
(B) of this section there is a presumption that a prison term 2539  
shall be imposed for the offense. The court shall impose on an 2540  
offender convicted of gross sexual imposition in violation of 2541  
division (A) (4) or (B) of this section a mandatory prison term 2542  
~~equal to one of the prison terms prescribed in section 2929.14~~ 2543  
~~of the Revised Code, as described in division (C) (3) of this~~ 2544  
section, for a felony of the third degree if either of the 2545  
following applies: 2546

(a) Evidence other than the testimony of the victim was 2547  
admitted in the case corroborating the violation; 2548

(b) The offender previously was convicted of or pleaded 2549  
guilty to a violation of this section, rape, the former offense 2550  
of felonious sexual penetration, or sexual battery, and the 2551  
victim of the previous offense was less than thirteen years of 2552  
age. 2553

(3) A mandatory prison term required under division (C) (2) 2554  
of this section shall be a definite term from the range of 2555  
prison terms provided in division (A) (3) (a) of section 2929.14 2556

of the Revised Code for a felony of the third degree. 2557

(D) A victim need not prove physical resistance to the 2558  
offender in prosecutions under this section. 2559

(E) Evidence of specific instances of the victim's sexual 2560  
activity, opinion evidence of the victim's sexual activity, and 2561  
reputation evidence of the victim's sexual activity shall not be 2562  
admitted under this section unless it involves evidence of the 2563  
origin of semen, pregnancy, or disease, or the victim's past 2564  
sexual activity with the offender, and only to the extent that 2565  
the court finds that the evidence is material to a fact at issue 2566  
in the case and that its inflammatory or prejudicial nature does 2567  
not outweigh its probative value. 2568

Evidence of specific instances of the defendant's sexual 2569  
activity, opinion evidence of the defendant's sexual activity, 2570  
and reputation evidence of the defendant's sexual activity shall 2571  
not be admitted under this section unless it involves evidence 2572  
of the origin of semen, pregnancy, or disease, the defendant's 2573  
past sexual activity with the victim, or is admissible against 2574  
the defendant under section 2945.59 of the Revised Code, and 2575  
only to the extent that the court finds that the evidence is 2576  
material to a fact at issue in the case and that its 2577  
inflammatory or prejudicial nature does not outweigh its 2578  
probative value. 2579

(F) Prior to taking testimony or receiving evidence of any 2580  
sexual activity of the victim or the defendant in a proceeding 2581  
under this section, the court shall resolve the admissibility of 2582  
the proposed evidence in a hearing in chambers, which shall be 2583  
held at or before preliminary hearing and not less than three 2584  
days before trial, or for good cause shown during the trial. 2585



(G) Upon approval by the court, the victim may be 2586  
represented by counsel in any hearing in chambers or other 2587  
proceeding to resolve the admissibility of evidence. If the 2588  
victim is indigent or otherwise is unable to obtain the services 2589  
of counsel, the court, upon request, may appoint counsel to 2590  
represent the victim without cost to the victim. 2591

**Sec. 2907.07.** (A) No person shall solicit a person who is 2592  
less than thirteen years of age to engage in sexual activity 2593  
with the offender, whether or not the offender knows the age of 2594  
such person. 2595

(B) (1) No person shall solicit another, not the spouse of 2596  
the offender, to engage in sexual conduct with the offender, 2597  
when the offender is eighteen years of age or older and four or 2598  
more years older than the other person, and the other person is 2599  
thirteen years of age or older but less than sixteen years of 2600  
age, whether or not the offender knows the age of the other 2601  
person. 2602

(2) No person shall solicit another, not the spouse of the 2603  
offender, to engage in sexual conduct with the offender, when 2604  
the offender is eighteen years of age or older and four or more 2605  
years older than the other person, the other person is sixteen 2606  
or seventeen years of age and a victim of a violation of section 2607  
2905.32 of the Revised Code, and the offender knows or has 2608  
reckless disregard of the age of the other person. 2609

(C) No person shall solicit another by means of a 2610  
telecommunications device, as defined in section 2913.01 of the 2611  
Revised Code, to engage in sexual activity with the offender 2612  
when the offender is eighteen years of age or older and either 2613  
of the following applies: 2614

(1) The other person is less than thirteen years of age, 2615  
and the offender knows that the other person is less than 2616  
thirteen years of age or is reckless in that regard. 2617

(2) The other person is a law enforcement officer posing 2618  
as a person who is less than thirteen years of age, and the 2619  
offender believes that the other person is less than thirteen 2620  
years of age or is reckless in that regard. 2621

(D) No person shall solicit another by means of a 2622  
telecommunications device, as defined in section 2913.01 of the 2623  
Revised Code, to engage in sexual activity with the offender 2624  
when the offender is eighteen years of age or older and either 2625  
of the following applies: 2626

(1) The other person is thirteen years of age or older but 2627  
less than sixteen years of age, the offender knows that the 2628  
other person is thirteen years of age or older but less than 2629  
sixteen years of age or is reckless in that regard, and the 2630  
offender is four or more years older than the other person. 2631

(2) The other person is a law enforcement officer posing 2632  
as a person who is thirteen years of age or older but less than 2633  
sixteen years of age, the offender believes that the other 2634  
person is thirteen years of age or older but less than sixteen 2635  
years of age or is reckless in that regard, and the offender is 2636  
four or more years older than the age the law enforcement 2637  
officer assumes in posing as the person who is thirteen years of 2638  
age or older but less than sixteen years of age. 2639

(E) Divisions (C) and (D) of this section apply to any 2640  
solicitation that is contained in a transmission via a 2641  
telecommunications device that either originates in this state 2642  
or is received in this state. 2643

(F) (1) Whoever violates this section is guilty of 2644  
importuning. 2645

(2) Except as otherwise provided in this division, a 2646  
violation of division (A) or (C) of this section is a felony of 2647  
the third degree on a first offense, and, notwithstanding 2648  
division (C) of section 2929.13 of the Revised Code, there is a 2649  
presumption that a prison term shall be imposed as described in 2650  
division (D) of section 2929.13 of the Revised Code. If the 2651  
offender previously has been convicted of a sexually oriented 2652  
offense or a child-victim oriented offense, a violation of 2653  
division (A) or (C) of this section is a felony of the second 2654  
degree, and the court shall impose upon the offender as a 2655  
mandatory prison term one of the definite prison terms 2656  
prescribed in division (A) (2) (b) of section 2929.14 of the 2657  
Revised Code for a felony of the second degree, except that if 2658  
the violation is committed on or after the effective date of 2659  
this amendment, the court shall impose as the minimum prison 2660  
term for the offense a mandatory prison term that is one of the 2661  
minimum terms prescribed in division (A) (2) (a) of that section 2662  
for a felony of the second degree. 2663

(3) A violation of division (B) or (D) of this section is 2664  
a felony of the fifth degree on a first offense, and, 2665  
notwithstanding division (B) of section 2929.13 of the Revised 2666  
Code, there is a presumption that a prison term shall be imposed 2667  
as described in division (D) of section 2929.13 of the Revised 2668  
Code. If the offender previously has been convicted of a 2669  
sexually oriented offense or a child-victim oriented offense, a 2670  
violation of division (B) or (D) of this section is a felony of 2671  
the fourth degree, and the court shall impose upon the offender 2672  
as a mandatory prison term one of the prison terms prescribed in 2673  
section 2929.14 of the Revised Code for a felony of the fourth 2674

degree that is not less than twelve months in duration. 2675

**Sec. 2907.321.** (A) No person, with knowledge of the 2676  
character of the material or performance involved, shall do any 2677  
of the following: 2678

(1) Create, reproduce, or publish any obscene material 2679  
that has a minor or impaired person as one of its participants 2680  
or portrayed observers; 2681

(2) Promote or advertise for sale or dissemination; sell, 2682  
deliver, disseminate, display, exhibit, present, rent, or 2683  
provide; or offer or agree to sell, deliver, disseminate, 2684  
display, exhibit, present, rent, or provide, any obscene 2685  
material that has a minor or impaired person as one of its 2686  
participants or portrayed observers; 2687

(3) Create, direct, or produce an obscene performance that 2688  
has a minor or impaired person as one of its participants; 2689

(4) Advertise or promote for presentation, present, or 2690  
participate in presenting an obscene performance that has a 2691  
minor or impaired person as one of its participants; 2692

(5) Buy, procure, possess, or control any obscene 2693  
material, that has a minor or impaired person as one of its 2694  
participants; 2695

(6) Bring or cause to be brought into this state any 2696  
obscene material that has a minor or impaired person as one of 2697  
its participants or portrayed observers. 2698

(B) (1) This section does not apply to any material or 2699  
performance that is sold, disseminated, displayed, possessed, 2700  
controlled, brought or caused to be brought into this state, or 2701  
presented for a bona fide medical, scientific, educational, 2702

religious, governmental, judicial, or other proper purpose, by 2703  
or to a physician, psychologist, sociologist, scientist, 2704  
teacher, person pursuing bona fide studies or research, 2705  
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 2706  
other person having a proper interest in the material or 2707  
performance. 2708

(2) Mistake of age is not a defense to a charge under this 2709  
section. 2710

(3) In a prosecution under this section, the trier of fact 2711  
may infer that a person in the material or performance involved 2712  
is a minor or impaired person if the material or performance, 2713  
through its title, text, visual representation, or otherwise, 2714  
represents or depicts the person as a minor or impaired person. 2715

(C) Whoever violates this section is guilty of pandering 2716  
obscenity involving a minor or impaired person. ~~Violation~~ If the 2717  
offense involves a minor, a violation of division (A) (1), (2), 2718  
(3), (4), or (6) of this section is a felony of the second 2719  
degree. ~~Violation~~ If the offense involves an impaired person, a 2720  
violation of division (A) (1), (2), (3), (4), or (6) of this 2721  
section is a felony of the third degree. A violation of division 2722  
(A) (5) of this section is a felony of the fourth degree. If the 2723  
offender previously has been convicted of or pleaded guilty to a 2724  
violation of this section or section 2907.322 or 2907.323 of the 2725  
Revised Code, pandering obscenity involving a minor or impaired 2726  
person in violation of division (A) (5) of this section is a 2727  
felony of the third degree. 2728

(D) As used in this section and sections 2907.322 and 2729  
2907.323 of the Revised Code, "impaired person" means a person 2730  
whose ability to resist or consent is substantially impaired 2731  
because of a mental or physical condition or because of advanced 2732

age, and the offender knows or has reasonable cause to believe 2733  
that the other person's ability to resist or consent is 2734  
substantially impaired because of a mental or physical condition 2735  
or because of advanced age. 2736

**Sec. 2907.322.** (A) No person, with knowledge of the 2737  
character of the material or performance involved, shall do any 2738  
of the following: 2739

(1) Create, record, photograph, film, develop, reproduce, 2740  
or publish any material that shows a minor or impaired person 2741  
participating or engaging in sexual activity, masturbation, or 2742  
bestiality; 2743

(2) Advertise for sale or dissemination, sell, distribute, 2744  
transport, disseminate, exhibit, or display any material that 2745  
shows a minor or impaired person participating or engaging in 2746  
sexual activity, masturbation, or bestiality; 2747

(3) Create, direct, or produce a performance that shows a 2748  
minor or impaired person participating or engaging in sexual 2749  
activity, masturbation, or bestiality; 2750

(4) Advertise for presentation, present, or participate in 2751  
presenting a performance that shows a minor or impaired person 2752  
participating or engaging in sexual activity, masturbation, or 2753  
bestiality; 2754

(5) Knowingly solicit, receive, purchase, exchange, 2755  
possess, or control any material that shows a minor or impaired 2756  
person participating or engaging in sexual activity, 2757  
masturbation, or bestiality; 2758

(6) Bring or cause to be brought into this state any 2759  
material that shows a minor or impaired person participating or 2760  
engaging in sexual activity, masturbation, or bestiality, ~~or~~ 2761

~~bring;~~ 2762

(7) Bring, cause to be brought, or finance the bringing of 2763  
any minor or impaired person into or across this state with the 2764  
intent that the minor or impaired person engage in sexual 2765  
activity, masturbation, or bestiality in a performance or for 2766  
the purpose of producing material containing a visual 2767  
representation depicting the minor or impaired person engaged in 2768  
sexual activity, masturbation, or bestiality. 2769

(B) (1) This section does not apply to any material or 2770  
performance that is sold, disseminated, displayed, possessed, 2771  
controlled, brought or caused to be brought into this state, or 2772  
presented for a bona fide medical, scientific, educational, 2773  
religious, governmental, judicial, or other proper purpose, by 2774  
or to a physician, psychologist, sociologist, scientist, 2775  
teacher, person pursuing bona fide studies or research, 2776  
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 2777  
other person having a proper interest in the material or 2778  
performance. 2779

(2) Mistake of age is not a defense to a charge under this 2780  
section. 2781

(3) In a prosecution under this section, the trier of fact 2782  
may infer that a person in the material or performance involved 2783  
is a minor or impaired person if the material or performance, 2784  
through its title, text, visual representation, or otherwise, 2785  
represents or depicts the person as a minor or impaired person. 2786

(C) Whoever violates this section is guilty of pandering 2787  
sexually oriented matter involving a minor or impaired person. 2788  
~~Violation~~ If the offense involves a minor, a violation of 2789  
division (A) (1), (2), (3), (4), ~~or~~ (6), or (7) of this section 2790

is a felony of the second degree. If the offense involves an 2791  
impaired person, a violation of division (A) (1), (2), (3), (4), 2792  
(6), or (7) of this section is a felony of the third degree. 2793  
Violation of division (A) (5) of this section is a felony of the 2794  
fourth degree. If the offender previously has been convicted of 2795  
or pleaded guilty to a violation of this section or section 2796  
2907.321 or 2907.323 of the Revised Code, pandering sexually 2797  
oriented matter involving a minor or impaired person in 2798  
violation of division (A) (5) of this section is a felony of the 2799  
third degree. 2800

**Sec. 2907.323.** (A) No person shall do any of the 2801  
following: 2802

(1) Photograph any minor or impaired person who is not the 2803  
person's child or ward in a state of nudity, or create, direct, 2804  
produce, or transfer any material or performance that shows the 2805  
minor or impaired person in a state of nudity, unless both of 2806  
the following apply: 2807

(a) The material or performance is, or is to be, sold, 2808  
disseminated, displayed, possessed, controlled, brought or 2809  
caused to be brought into this state, or presented for a bona 2810  
fide artistic, medical, scientific, educational, religious, 2811  
governmental, judicial, or other proper purpose, by or to a 2812  
physician, psychologist, sociologist, scientist, teacher, person 2813  
pursuing bona fide studies or research, librarian, member of the 2814  
clergy, prosecutor, judge, or other person having a proper 2815  
interest in the material or performance; 2816

(b) The minor's or impaired person's parents, guardian, or 2817  
custodian consents in writing to the photographing of the minor 2818  
or impaired person, to the use of the minor or impaired person 2819  
in the material or performance, or to the transfer of the 2820



material and to the specific manner in which the material or 2821  
performance is to be used. 2822

(2) Consent to the photographing of the person's ~~minor~~ 2823  
child or ward who is a minor or impaired person, or photograph 2824  
the person's ~~minor~~ child or ward who is a minor or impaired 2825  
person, in a state of nudity or consent to the use of the 2826  
person's ~~minor~~ child or ward who is a minor or impaired person 2827  
in a state of nudity in any material or performance, or use or 2828  
transfer a material or performance of that nature, unless the 2829  
material or performance is sold, disseminated, displayed, 2830  
possessed, controlled, brought or caused to be brought into this 2831  
state, or presented for a bona fide artistic, medical, 2832  
scientific, educational, religious, governmental, judicial, or 2833  
other proper purpose, by or to a physician, psychologist, 2834  
sociologist, scientist, teacher, person pursuing bona fide 2835  
studies or research, librarian, member of the clergy, 2836  
prosecutor, judge, or other person having a proper interest in 2837  
the material or performance; 2838

(3) Possess or view any material or performance that shows 2839  
a minor or impaired person who is not the person's child or ward 2840  
in a state of nudity, unless one of the following applies: 2841

(a) The material or performance is sold, disseminated, 2842  
displayed, possessed, controlled, brought or caused to be 2843  
brought into this state, or presented for a bona fide artistic, 2844  
medical, scientific, educational, religious, governmental, 2845  
judicial, or other proper purpose, by or to a physician, 2846  
psychologist, sociologist, scientist, teacher, person pursuing 2847  
bona fide studies or research, librarian, member of the clergy, 2848  
prosecutor, judge, or other person having a proper interest in 2849  
the material or performance. 2850

(b) The person knows that the minor's or impaired person's 2851  
parents, guardian, or custodian has consented in writing to the 2852  
photographing or use of the minor or impaired person in a state 2853  
of nudity and to the manner in which the material or performance 2854  
is used or transferred. 2855

(B) Whoever violates this section is guilty of illegal use 2856  
of a minor or impaired person in a nudity-oriented material or 2857  
performance. ~~Whoever~~ If the offense involves a minor, whoever 2858  
violates division (A) (1) or (2) of this section is guilty of a 2859  
felony of the second degree. If the offense involves an impaired 2860  
person, whoever violates division (A) (1) or (2) of this section 2861  
is guilty of a felony of the third degree. Except as otherwise 2862  
provided in this division, whoever violates division (A) (3) of 2863  
this section is guilty of a felony of the fifth degree. If the 2864  
offender previously has been convicted of or pleaded guilty to a 2865  
violation of this section or section 2907.321 or 2907.322 of the 2866  
Revised Code, illegal use of a minor or impaired person in a 2867  
nudity-oriented material or performance in violation of division 2868  
(A) (3) of this section is a felony of the fourth degree. If the 2869  
offender who ~~violates~~ commits a violation of division (A) (1) or 2870  
(2) of this section that involves a minor also is convicted of 2871  
or pleads guilty to a specification as described in section 2872  
2941.1422 of the Revised Code that was included in the 2873  
indictment, count in the indictment, or information charging the 2874  
offense, the court shall sentence the offender to a mandatory 2875  
prison term as provided in division (B) (7) of section 2929.14 of 2876  
the Revised Code and shall order the offender to make 2877  
restitution as provided in division (B) (8) of section 2929.18 of 2878  
the Revised Code. 2879

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 2880  
custodian, person having custody or control, or person in loco 2881

parentis of a child under eighteen years of age or a mentally or 2882  
physically handicapped child under twenty-one years of age, 2883  
shall create a substantial risk to the health or safety of the 2884  
child, by violating a duty of care, protection, or support. It 2885  
is not a violation of a duty of care, protection, or support 2886  
under this division when the parent, guardian, custodian, or 2887  
person having custody or control of a child treats the physical 2888  
or mental illness or defect of the child by spiritual means 2889  
through prayer alone, in accordance with the tenets of a 2890  
recognized religious body. 2891

(B) No person shall do any of the following to a child 2892  
under eighteen years of age or a mentally or physically 2893  
handicapped child under twenty-one years of age: 2894

(1) Abuse the child; 2895

(2) Torture or cruelly abuse the child; 2896

(3) Administer corporal punishment or other physical 2897  
disciplinary measure, or physically restrain the child in a 2898  
cruel manner or for a prolonged period, which punishment, 2899  
discipline, or restraint is excessive under the circumstances 2900  
and creates a substantial risk of serious physical harm to the 2901  
child; 2902

(4) Repeatedly administer unwarranted disciplinary 2903  
measures to the child, when there is a substantial risk that 2904  
such conduct, if continued, will seriously impair or retard the 2905  
child's mental health or development; 2906

(5) Entice, coerce, permit, encourage, compel, hire, 2907  
employ, use, or allow the child to act, model, or in any other 2908  
way participate in, or be photographed for, the production, 2909  
presentation, dissemination, or advertisement of any material or 2910

performance that the offender knows or reasonably should know is 2911  
obscene, is sexually oriented matter, or is nudity-oriented 2912  
matter; 2913

(6) Allow the child to be on the same parcel of real 2914  
property and within one hundred feet of, or, in the case of more 2915  
than one housing unit on the same parcel of real property, in 2916  
the same housing unit and within one hundred feet of, any act in 2917  
violation of section 2925.04 or 2925.041 of the Revised Code 2918  
when the person knows that the act is occurring, whether or not 2919  
any person is prosecuted for or convicted of the violation of 2920  
section 2925.04 or 2925.041 of the Revised Code that is the 2921  
basis of the violation of this division. 2922

(C) (1) No person shall operate a vehicle, streetcar, or 2923  
trackless trolley within this state in violation of division (A) 2924  
of section 4511.19 of the Revised Code when one or more children 2925  
under eighteen years of age are in the vehicle, streetcar, or 2926  
trackless trolley. Notwithstanding any other provision of law, a 2927  
person may be convicted at the same trial or proceeding of a 2928  
violation of this division and a violation of division (A) of 2929  
section 4511.19 of the Revised Code that constitutes the basis 2930  
of the charge of the violation of this division. For purposes of 2931  
sections 4511.191 to 4511.197 of the Revised Code and all 2932  
related provisions of law, a person arrested for a violation of 2933  
this division shall be considered to be under arrest for 2934  
operating a vehicle while under the influence of alcohol, a drug 2935  
of abuse, or a combination of them or for operating a vehicle 2936  
with a prohibited concentration of alcohol, a controlled 2937  
substance, or a metabolite of a controlled substance in the 2938  
whole blood, blood serum or plasma, breath, or urine. 2939

(2) As used in division (C) (1) of this section: 2940

(a) "Controlled substance" has the same meaning as in 2941  
section 3719.01 of the Revised Code. 2942

(b) "Vehicle," "streetcar," and "trackless trolley" have 2943  
the same meanings as in section 4511.01 of the Revised Code. 2944

(D) (1) Division (B) (5) of this section does not apply to 2945  
any material or performance that is produced, presented, or 2946  
disseminated for a bona fide medical, scientific, educational, 2947  
religious, governmental, judicial, or other proper purpose, by 2948  
or to a physician, psychologist, sociologist, scientist, 2949  
teacher, person pursuing bona fide studies or research, 2950  
librarian, member of the clergy, prosecutor, judge, or other 2951  
person having a proper interest in the material or performance. 2952

(2) Mistake of age is not a defense to a charge under 2953  
division (B) (5) of this section. 2954

(3) In a prosecution under division (B) (5) of this 2955  
section, the trier of fact may infer that an actor, model, or 2956  
participant in the material or performance involved is a 2957  
juvenile if the material or performance, through its title, 2958  
text, visual representation, or otherwise, represents or depicts 2959  
the actor, model, or participant as a juvenile. 2960

(4) As used in this division and division (B) (5) of this 2961  
section: 2962

(a) "Material," "performance," "obscene," and "sexual 2963  
activity" have the same meanings as in section 2907.01 of the 2964  
Revised Code. 2965

(b) "Nudity-oriented matter" means any material or 2966  
performance that shows a minor in a state of nudity and that, 2967  
taken as a whole by the average person applying contemporary 2968  
community standards, appeals to prurient interest. 2969

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(E) (1) Whoever violates this section is guilty of endangering children.

(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies:

(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree;

(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree;

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;

(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child involved, a felony of the second degree.

(e) If the violation is a felony violation of division (B) (1) of this section and the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B) (7) of section 2929.14 of

the Revised Code and shall order the offender to make 2999  
restitution as provided in division (B) (8) of section 2929.18 of 3000  
the Revised Code. 3001

(3) If the offender violates division (B) (2), (3), (4), or 3002  
(6) of this section, except as otherwise provided in this 3003  
division, endangering children is a felony of the third degree. 3004  
If the violation results in serious physical harm to the child 3005  
involved, or if the offender previously has been convicted of an 3006  
offense under this section or of any offense involving neglect, 3007  
abandonment, contributing to the delinquency of, or physical 3008  
abuse of a child, endangering children is a felony of the second 3009  
degree. If the offender violates division (B) (2), (3), or (4) of 3010  
this section and the offender also is convicted of or pleads 3011  
guilty to a specification as described in section 2941.1422 of 3012  
the Revised Code that was included in the indictment, count in 3013  
the indictment, or information charging the offense, the court 3014  
shall sentence the offender to a mandatory prison term as 3015  
provided in division (B) (7) of section 2929.14 of the Revised 3016  
Code and shall order the offender to make restitution as 3017  
provided in division (B) (8) of section 2929.18 of the Revised 3018  
Code. If the offender violates division (B) (6) of this section 3019  
and the drug involved is methamphetamine, the court shall impose 3020  
a mandatory prison term on the offender as follows: 3021

(a) If the violation is a violation of division (B) (6) of 3022  
this section that is a felony of the third degree under division 3023  
(E) (3) of this section and the drug involved is methamphetamine, 3024  
except as otherwise provided in this division, the court shall 3025  
impose as a mandatory prison term one of the prison terms 3026  
prescribed for a felony of the third degree that is not less 3027  
than two years. If the violation is a violation of division (B) 3028  
(6) of this section that is a felony of the third degree under 3029

division (E) (3) of this section, if the drug involved is 3030  
methamphetamine, and if the offender previously has been 3031  
convicted of or pleaded guilty to a violation of division (B) (6) 3032  
of this section, a violation of division (A) of section 2925.04 3033  
of the Revised Code, or a violation of division (A) of section 3034  
2925.041 of the Revised Code, the court shall impose as a 3035  
mandatory prison term one of the prison terms prescribed for a 3036  
felony of the third degree that is not less than five years. 3037

(b) If the violation is a violation of division (B) (6) of 3038  
this section that is a felony of the second degree under 3039  
division (E) (3) of this section and the drug involved is 3040  
methamphetamine, except as otherwise provided in this division, 3041  
the court shall impose as a mandatory prison term one of the 3042  
definite prison terms prescribed for a felony of the second 3043  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3044  
Code that is not less than three years, except that if the 3045  
violation is committed on or after the effective date of this 3046  
amendment, the court shall impose as the minimum prison term for 3047  
the offense a mandatory prison term that is one of the minimum 3048  
terms prescribed for a felony of the second degree in division 3049  
(A) (2) (a) of that section that is not less than three years. If 3050  
the violation is a violation of division (B) (6) of this section 3051  
that is a felony of the second degree under division (E) (3) of 3052  
this section, if the drug involved is methamphetamine, and if 3053  
the offender previously has been convicted of or pleaded guilty 3054  
to a violation of division (B) (6) of this section, a violation 3055  
of division (A) of section 2925.04 of the Revised Code, or a 3056  
violation of division (A) of section 2925.041 of the Revised 3057  
Code, the court shall impose as a mandatory prison term one of 3058  
the definite prison terms prescribed for a felony of the second 3059  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3060



Code that is not less than five years, except that if the 3061  
violation is committed on or after the effective date of this 3062  
amendment, the court shall impose as the minimum prison term for 3063  
the offense a mandatory prison term that is one of the terms 3064  
prescribed for a felony of the second degree in division (A) (2) 3065  
(a) of that section that is not less than five years. 3066

(4) If the offender violates division (B) (5) of this 3067  
section, endangering children is a felony of the second degree. 3068  
If the offender also is convicted of or pleads guilty to a 3069  
specification as described in section 2941.1422 of the Revised 3070  
Code that was included in the indictment, count in the 3071  
indictment, or information charging the offense, the court shall 3072  
sentence the offender to a mandatory prison term as provided in 3073  
division (B) (7) of section 2929.14 of the Revised Code and shall 3074  
order the offender to make restitution as provided in division 3075  
(B) (8) of section 2929.18 of the Revised Code. 3076

(5) If the offender violates division (C) of this section, 3077  
the offender shall be punished as follows: 3078

(a) Except as otherwise provided in division (E) (5) (b) or 3079  
(c) of this section, endangering children in violation of 3080  
division (C) of this section is a misdemeanor of the first 3081  
degree. 3082

(b) If the violation results in serious physical harm to 3083  
the child involved or the offender previously has been convicted 3084  
of an offense under this section or any offense involving 3085  
neglect, abandonment, contributing to the delinquency of, or 3086  
physical abuse of a child, except as otherwise provided in 3087  
division (E) (5) (c) of this section, endangering children in 3088  
violation of division (C) of this section is a felony of the 3089  
fifth degree. 3090

(c) If the violation results in serious physical harm to the child involved and if the offender previously has been convicted of a violation of division (C) of this section, section 2903.06 or 2903.08 of the Revised Code, section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony of the fourth degree.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (E) (5) (a), (b), or (c) of this section or pursuant to any other provision of law and in addition to any suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A) (7) of section 4510.02 of the Revised Code.

(e) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction imposed upon the offender pursuant to division (E) (5) (a), (b), (c), or (d) of this section or pursuant to any other provision of law for the violation of division (C) of this section, if as part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the offender also shall be sentenced in accordance with section

4511.19 of the Revised Code for that violation of division (A) 3122  
of section 4511.19 of the Revised Code. 3123

(F) (1) (a) A court may require an offender to perform not 3124  
more than two hundred hours of supervised community service work 3125  
under the authority of an agency, subdivision, or charitable 3126  
organization. The requirement shall be part of the community 3127  
control sanction or sentence of the offender, and the court 3128  
shall impose the community service in accordance with and 3129  
subject to divisions (F) (1) (a) and (b) of this section. The 3130  
court may require an offender whom it requires to perform 3131  
supervised community service work as part of the offender's 3132  
community control sanction or sentence to pay the court a 3133  
reasonable fee to cover the costs of the offender's 3134  
participation in the work, including, but not limited to, the 3135  
costs of procuring a policy or policies of liability insurance 3136  
to cover the period during which the offender will perform the 3137  
work. If the court requires the offender to perform supervised 3138  
community service work as part of the offender's community 3139  
control sanction or sentence, the court shall do so in 3140  
accordance with the following limitations and criteria: 3141

(i) The court shall require that the community service 3142  
work be performed after completion of the term of imprisonment 3143  
or jail term imposed upon the offender for the violation of 3144  
division (C) of this section, if applicable. 3145

(ii) The supervised community service work shall be 3146  
subject to the limitations set forth in divisions (B) (1), (2), 3147  
and (3) of section 2951.02 of the Revised Code. 3148

(iii) The community service work shall be supervised in 3149  
the manner described in division (B) (4) of section 2951.02 of 3150  
the Revised Code by an official or person with the 3151

qualifications described in that division. The official or 3152  
person periodically shall report in writing to the court 3153  
concerning the conduct of the offender in performing the work. 3154

(iv) The court shall inform the offender in writing that 3155  
if the offender does not adequately perform, as determined by 3156  
the court, all of the required community service work, the court 3157  
may order that the offender be committed to a jail or workhouse 3158  
for a period of time that does not exceed the term of 3159  
imprisonment that the court could have imposed upon the offender 3160  
for the violation of division (C) of this section, reduced by 3161  
the total amount of time that the offender actually was 3162  
imprisoned under the sentence or term that was imposed upon the 3163  
offender for that violation and by the total amount of time that 3164  
the offender was confined for any reason arising out of the 3165  
offense for which the offender was convicted and sentenced as 3166  
described in sections 2949.08 and 2967.191 of the Revised Code, 3167  
and that, if the court orders that the offender be so committed, 3168  
the court is authorized, but not required, to grant the offender 3169  
credit upon the period of the commitment for the community 3170  
service work that the offender adequately performed. 3171

(b) If a court, pursuant to division (F) (1) (a) of this 3172  
section, orders an offender to perform community service work as 3173  
part of the offender's community control sanction or sentence 3174  
and if the offender does not adequately perform all of the 3175  
required community service work, as determined by the court, the 3176  
court may order that the offender be committed to a jail or 3177  
workhouse for a period of time that does not exceed the term of 3178  
imprisonment that the court could have imposed upon the offender 3179  
for the violation of division (C) of this section, reduced by 3180  
the total amount of time that the offender actually was 3181  
imprisoned under the sentence or term that was imposed upon the 3182

offender for that violation and by the total amount of time that 3183  
the offender was confined for any reason arising out of the 3184  
offense for which the offender was convicted and sentenced as 3185  
described in sections 2949.08 and 2967.191 of the Revised Code. 3186  
The court may order that a person committed pursuant to this 3187  
division shall receive hour-for-hour credit upon the period of 3188  
the commitment for the community service work that the offender 3189  
adequately performed. No commitment pursuant to this division 3190  
shall exceed the period of the term of imprisonment that the 3191  
sentencing court could have imposed upon the offender for the 3192  
violation of division (C) of this section, reduced by the total 3193  
amount of time that the offender actually was imprisoned under 3194  
that sentence or term and by the total amount of time that the 3195  
offender was confined for any reason arising out of the offense 3196  
for which the offender was convicted and sentenced as described 3197  
in sections 2949.08 and 2967.191 of the Revised Code. 3198

(2) Division (F) (1) of this section does not limit or 3199  
affect the authority of the court to suspend the sentence 3200  
imposed upon a misdemeanor offender and place the offender under 3201  
a community control sanction pursuant to section 2929.25 of the 3202  
Revised Code, to require a misdemeanor or felony offender to 3203  
perform supervised community service work in accordance with 3204  
division (B) of section 2951.02 of the Revised Code, or to place 3205  
a felony offender under a community control sanction. 3206

(G) (1) If a court suspends an offender's driver's or 3207  
commercial driver's license or permit or nonresident operating 3208  
privilege under division (E) (5) (d) of this section, the period 3209  
of the suspension shall be consecutive to, and commence after, 3210  
the period of suspension of the offender's driver's or 3211  
commercial driver's license or permit or nonresident operating 3212  
privilege that is imposed under Chapter 4506., 4509., 4510., or 3213

4511. of the Revised Code or under any other provision of law in 3214  
relation to the violation of division (C) of this section that 3215  
is the basis of the suspension under division (E) (5) (d) of this 3216  
section or in relation to the violation of division (A) of 3217  
section 4511.19 of the Revised Code that is the basis for that 3218  
violation of division (C) of this section. 3219

(2) An offender is not entitled to request, and the court 3220  
shall not grant to the offender, limited driving privileges if 3221  
the offender's license, permit, or privilege has been suspended 3222  
under division (E) (5) (d) of this section and the offender, 3223  
within the preceding six years, has been convicted of or pleaded 3224  
guilty to three or more violations of one or more of the 3225  
following: 3226

(a) Division (C) of this section; 3227

(b) Any equivalent offense, as defined in section 4511.181 3228  
of the Revised Code. 3229

(H) (1) If a person violates division (C) of this section 3230  
and if, at the time of the violation, there were two or more 3231  
children under eighteen years of age in the motor vehicle 3232  
involved in the violation, the offender may be convicted of a 3233  
violation of division (C) of this section for each of the 3234  
children, but the court may sentence the offender for only one 3235  
of the violations. 3236

(2) (a) If a person is convicted of or pleads guilty to a 3237  
violation of division (C) of this section but the person is not 3238  
also convicted of and does not also plead guilty to a separate 3239  
charge charging the violation of division (A) of section 4511.19 3240  
of the Revised Code that was the basis of the charge of the 3241  
violation of division (C) of this section, both of the following 3242

apply: 3243

(i) For purposes of the provisions of section 4511.19 of 3244  
the Revised Code that set forth the penalties and sanctions for 3245  
a violation of division (A) of section 4511.19 of the Revised 3246  
Code, the conviction of or plea of guilty to the violation of 3247  
division (C) of this section shall not constitute a violation of 3248  
division (A) of section 4511.19 of the Revised Code; 3249

(ii) For purposes of any provision of law that refers to a 3250  
conviction of or plea of guilty to a violation of division (A) 3251  
of section 4511.19 of the Revised Code and that is not described 3252  
in division (H)(2)(a)(i) of this section, the conviction of or 3253  
plea of guilty to the violation of division (C) of this section 3254  
shall constitute a conviction of or plea of guilty to a 3255  
violation of division (A) of section 4511.19 of the Revised 3256  
Code. 3257

(b) If a person is convicted of or pleads guilty to a 3258  
violation of division (C) of this section and the person also is 3259  
convicted of or pleads guilty to a separate charge charging the 3260  
violation of division (A) of section 4511.19 of the Revised Code 3261  
that was the basis of the charge of the violation of division 3262  
(C) of this section, the conviction of or plea of guilty to the 3263  
violation of division (C) of this section shall not constitute, 3264  
for purposes of any provision of law that refers to a conviction 3265  
of or plea of guilty to a violation of division (A) of section 3266  
4511.19 of the Revised Code, a conviction of or plea of guilty 3267  
to a violation of division (A) of section 4511.19 of the Revised 3268  
Code. 3269

(I) As used in this section: 3270

(1) "Community control sanction" has the same meaning as 3271

in section 2929.01 of the Revised Code; 3272

(2) "Limited driving privileges" has the same meaning as 3273  
in section 4501.01 of the Revised Code; 3274

(3) "Methamphetamine" has the same meaning as in section 3275  
2925.01 of the Revised Code. 3276

**Sec. 2919.25.** (A) No person shall knowingly cause or 3277  
attempt to cause physical harm to a family or household member. 3278

(B) No person shall recklessly cause serious physical harm 3279  
to a family or household member. 3280

(C) No person, by threat of force, shall knowingly cause a 3281  
family or household member to believe that the offender will 3282  
cause imminent physical harm to the family or household member. 3283

(D) (1) Whoever violates this section is guilty of domestic 3284  
violence, and the court shall sentence the offender as provided 3285  
in divisions (D) (2) to (6) of this section. 3286

(2) Except as otherwise provided in divisions (D) (3) to 3287  
(5) of this section, a violation of division (C) of this section 3288  
is a misdemeanor of the fourth degree, and a violation of 3289  
division (A) or (B) of this section is a misdemeanor of the 3290  
first degree. 3291

(3) Except as otherwise provided in division (D) (4) of 3292  
this section, if the offender previously has pleaded guilty to 3293  
or been convicted of domestic violence, a violation of an 3294  
existing or former municipal ordinance or law of this or any 3295  
other state or the United States that is substantially similar 3296  
to domestic violence, a violation of section 2903.14, 2909.06, 3297  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3298  
the victim of the violation was a family or household member at 3299



the time of the violation, a violation of an existing or former 3300  
municipal ordinance or law of this or any other state or the 3301  
United States that is substantially similar to any of those 3302  
sections if the victim of the violation was a family or 3303  
household member at the time of the commission of the violation, 3304  
or any offense of violence if the victim of the offense was a 3305  
family or household member at the time of the commission of the 3306  
offense, a violation of division (A) or (B) of this section is a 3307  
felony of the fourth degree, and, if the offender knew that the 3308  
victim of the violation was pregnant at the time of the 3309  
violation, the court shall impose a mandatory prison term on the 3310  
offender pursuant to division (D) (6) of this section, and a 3311  
violation of division (C) of this section is a misdemeanor of 3312  
the second degree. 3313

(4) If the offender previously has pleaded guilty to or 3314  
been convicted of two or more offenses of domestic violence or 3315  
two or more violations or offenses of the type described in 3316  
division (D) (3) of this section involving a person who was a 3317  
family or household member at the time of the violations or 3318  
offenses, a violation of division (A) or (B) of this section is 3319  
a felony of the third degree, and, if the offender knew that the 3320  
victim of the violation was pregnant at the time of the 3321  
violation, the court shall impose a mandatory prison term on the 3322  
offender pursuant to division (D) (6) of this section, and a 3323  
violation of division (C) of this section is a misdemeanor of 3324  
the first degree. 3325

(5) Except as otherwise provided in division (D) (3) or (4) 3326  
of this section, if the offender knew that the victim of the 3327  
violation was pregnant at the time of the violation, a violation 3328  
of division (A) or (B) of this section is a felony of the fifth 3329  
degree, and the court shall impose a mandatory prison term on 3330

the offender pursuant to division (D)(6) of this section, and a 3331  
violation of division (C) of this section is a misdemeanor of 3332  
the third degree. 3333

(6) If division (D)(3), (4), or (5) of this section 3334  
requires the court that sentences an offender for a violation of 3335  
division (A) or (B) of this section to impose a mandatory prison 3336  
term on the offender pursuant to this division, the court shall 3337  
impose the mandatory prison term as follows: 3338

(a) If the violation of division (A) or (B) of this 3339  
section is a felony of the fourth or fifth degree, except as 3340  
otherwise provided in division (D)(6)(b) or (c) of this section, 3341  
the court shall impose a mandatory prison term on the offender 3342  
of at least six months. 3343

(b) If the violation of division (A) or (B) of this 3344  
section is a felony of the fifth degree and the offender, in 3345  
committing the violation, caused serious physical harm to the 3346  
pregnant woman's unborn or caused the termination of the 3347  
pregnant woman's pregnancy, the court shall impose a mandatory 3348  
prison term on the offender of twelve months. 3349

(c) If the violation of division (A) or (B) of this 3350  
section is a felony of the fourth degree and the offender, in 3351  
committing the violation, caused serious physical harm to the 3352  
pregnant woman's unborn or caused the termination of the 3353  
pregnant woman's pregnancy, the court shall impose a mandatory 3354  
prison term on the offender of at least twelve months. 3355

(d) If the violation of division (A) or (B) of this 3356  
section is a felony of the third degree, except as otherwise 3357  
provided in division (D)(6)(e) of this section and 3358  
notwithstanding the range of definite prison terms prescribed in 3359

division (A) (3) of section 2929.14 of the Revised Code for a 3360  
felony of the third degree, the court shall impose a mandatory 3361  
prison term on the offender of either a definite term of six 3362  
months or one of the prison terms prescribed in division (A) (3) 3363  
(b) of section 2929.14 of the Revised Code for felonies of the 3364  
third degree. 3365

(e) If the violation of division (A) or (B) of this 3366  
section is a felony of the third degree and the offender, in 3367  
committing the violation, caused serious physical harm to the 3368  
pregnant woman's unborn or caused the termination of the 3369  
pregnant woman's pregnancy, notwithstanding the range of 3370  
definite prison terms prescribed in division (A) (3) of section 3371  
2929.14 of the Revised Code for a felony of the third degree, 3372  
the court shall impose a mandatory prison term on the offender 3373  
of either a definite term of one year or one of the prison terms 3374  
prescribed in division (A) (3) (b) of section 2929.14 of the 3375  
Revised Code for felonies of the third degree. 3376

(E) Notwithstanding any provision of law to the contrary, 3377  
no court or unit of state or local government shall charge any 3378  
fee, cost, deposit, or money in connection with the filing of 3379  
charges against a person alleging that the person violated this 3380  
section or a municipal ordinance substantially similar to this 3381  
section or in connection with the prosecution of any charges so 3382  
filed. 3383

(F) As used in this section and sections 2919.251 and 3384  
2919.26 of the Revised Code: 3385

(1) "Family or household member" means any of the 3386  
following: 3387

(a) Any of the following who is residing or has resided 3388

with the offender:	3389
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	3390 3391
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	3392 3393 3394
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	3395 3396 3397 3398
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	3399 3400 3401
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	3402 3403 3404 3405 3406 3407
(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.	3408 3409 3410 3411 3412 3413 3414 3415
(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's	3416 3417

pregnancy," as set forth in section 2903.09 of the Revised Code, 3418  
as it relates to the pregnant woman. Division (C) of that 3419  
section applies regarding the use of the term in this section, 3420  
except that the second and third sentences of division (C) (1) of 3421  
that section shall be construed for purposes of this section as 3422  
if they included a reference to this section in the listing of 3423  
Revised Code sections they contain. 3424

**Sec. 2921.321.** (A) No person shall knowingly cause, or 3425  
attempt to cause, physical harm to a police dog or horse in 3426  
either of the following circumstances: 3427

(1) The police dog or horse is assisting a law enforcement 3428  
officer in the performance of the officer's official duties at 3429  
the time the physical harm is caused or attempted. 3430

(2) The police dog or horse is not assisting a law 3431  
enforcement officer in the performance of the officer's official 3432  
duties at the time the physical harm is caused or attempted, but 3433  
the offender has actual knowledge that the dog or horse is a 3434  
police dog or horse. 3435

(B) No person shall recklessly do any of the following: 3436

(1) Taunt, torment, or strike a police dog or horse; 3437

(2) Throw an object or substance at a police dog or horse; 3438

(3) Interfere with or obstruct a police dog or horse, or 3439  
interfere with or obstruct a law enforcement officer who is 3440  
being assisted by a police dog or horse, in a manner that does 3441  
any of the following: 3442

(a) Inhibits or restricts the law enforcement officer's 3443  
control of the police dog or horse; 3444

(b) Deprives the law enforcement officer of control of the 3445

police dog or horse;	3446
(c) Releases the police dog or horse from its area of control;	3447 3448
(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;	3449 3450 3451
(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.	3452 3453
(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;	3454 3455
(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.	3456 3457 3458 3459 3460 3461 3462 3463
(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:	3464 3465 3466
(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.	3467 3468 3469
(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.	3470 3471 3472 3473

(D) No person shall recklessly do any of the following:	3474
(1) Taunt, torment, or strike an assistance dog;	3475
(2) Throw an object or substance at an assistance dog;	3476
(3) Interfere with or obstruct an assistance dog, or	3477
interfere with or obstruct a blind, deaf or hearing impaired, or	3478
mobility impaired person who is being assisted or served by an	3479
assistance dog, in a manner that does any of the following:	3480
(a) Inhibits or restricts the assisted or served person's	3481
control of the dog;	3482
(b) Deprives the assisted or served person of control of	3483
the dog;	3484
(c) Releases the dog from its area of control;	3485
(d) Enters the area of control of the dog without the	3486
consent of the assisted or served person, including placing food	3487
or any other object or substance into that area;	3488
(e) Inhibits or restricts the ability of the dog to assist	3489
the assisted or served person.	3490
(4) Engage in any conduct that is likely to cause serious	3491
physical injury or death to an assistance dog;	3492
(5) If the person is the owner, keeper, or harbinger of a	3493
dog, fail to reasonably restrain the dog from taunting,	3494
tormenting, chasing, approaching in a menacing fashion or	3495
apparent attitude of attack, or attempting to bite or otherwise	3496
endanger an assistance dog that at the time of the conduct is	3497
assisting or serving a blind, deaf or hearing impaired, or	3498
mobility impaired person or that the person knows is an	3499
assistance dog.	3500

(E) (1) Whoever violates division (A) of this section is 3501  
guilty of assaulting a police dog or horse, and shall be 3502  
punished as provided in divisions (E) (1) (a) and (b) of this 3503  
section. 3504

(a) Except as otherwise provided in this division, 3505  
assaulting a police dog or horse is a misdemeanor of the second 3506  
degree. If the violation results in the death of the police dog 3507  
or horse, assaulting a police dog or horse is a felony of the 3508  
third degree and the court shall impose as a mandatory prison 3509  
term one of the definite prison terms prescribed in division (A) 3510  
(3) (b) of section 2929.14 of the Revised Code for a felony of 3511  
the third degree. If the violation results in serious physical 3512  
harm to the police dog or horse other than its death, assaulting 3513  
a police dog or horse is a felony of the fourth degree. If the 3514  
violation results in physical harm to the police dog or horse 3515  
other than death or serious physical harm, assaulting a police 3516  
dog or horse is a misdemeanor of the first degree. 3517

(b) In addition to any other sanction imposed for 3518  
assaulting a police dog or horse, if the violation of division 3519  
(A) of this section results in the death of the police dog or 3520  
horse, the sentencing court shall impose as a financial sanction 3521  
a mandatory fine under division (B) (10) of section 2929.18 of 3522  
the Revised Code. The fine shall be paid to the law enforcement 3523  
agency that was served by the police dog or horse that was 3524  
killed, and shall be used by that agency only for one or more of 3525  
the following purposes: 3526

(i) If the dog or horse was not owned by the agency, the 3527  
payment to the owner of the dog or horse of the cost of the dog 3528  
or horse and the cost of the training of the dog or horse to 3529  
qualify it as a police dog or horse, if that cost has not 3530



previously been paid by the agency; 3531

(ii) After payment of the costs described in division (E) 3532  
(1)(b)(i) of this section, if applicable, payment of the cost of 3533  
replacing the dog or horse that was killed; 3534

(iii) After payment of the costs described in division (E) 3535  
(1)(b)(i) of this section, if applicable, payment of the cost of 3536  
training the replacement dog or horse to qualify it as a police 3537  
dog or horse; 3538

(iv) After payment of the costs described in division (E) 3539  
(1)(b)(i) of this section, if applicable, payment of the cost of 3540  
further training of the replacement dog or horse that is needed 3541  
to train it to the level of training that had been achieved by 3542  
the dog or horse that was killed. 3543

(2) Whoever violates division (B) of this section is 3544  
guilty of harassing a police dog or horse. Except as otherwise 3545  
provided in this division, harassing a police dog or horse is a 3546  
misdemeanor of the second degree. If the violation results in 3547  
the death of the police dog or horse, harassing a police dog or 3548  
horse is a felony of the third degree. If the violation results 3549  
in serious physical harm to the police dog or horse, but does 3550  
not result in its death, harassing a police dog or horse, is a 3551  
felony of the fourth degree. If the violation results in 3552  
physical harm to the police dog or horse, but does not result in 3553  
its death or in serious physical harm to it, harassing a police 3554  
dog or horse is a misdemeanor of the first degree. 3555

(3) Whoever violates division (C) of this section is 3556  
guilty of assaulting an assistance dog. Except as otherwise 3557  
provided in this division, assaulting an assistance dog is a 3558  
misdemeanor of the second degree. If the violation results in 3559

the death of the assistance dog, assaulting an assistance dog is 3560  
a felony of the third degree. If the violation results in 3561  
serious physical harm to the assistance dog other than its 3562  
death, assaulting an assistance dog is a felony of the fourth 3563  
degree. If the violation results in physical harm to the 3564  
assistance dog other than death or serious physical harm, 3565  
assaulting an assistance dog is a misdemeanor of the first 3566  
degree. 3567

(4) Whoever violates division (D) of this section is 3568  
guilty of harassing an assistance dog. Except as otherwise 3569  
provided in this division, harassing an assistance dog is a 3570  
misdemeanor of the second degree. If the violation results in 3571  
the death of the assistance dog, harassing an assistance dog is 3572  
a felony of the third degree. If the violation results in 3573  
serious physical harm to the assistance dog, but does not result 3574  
in its death, harassing an assistance dog is a felony of the 3575  
fourth degree. If the violation results in physical harm to the 3576  
assistance dog, but does not result in its death or in serious 3577  
physical harm to it, harassing an assistance dog is a 3578  
misdemeanor of the first degree. 3579

(5) In addition to any other sanction or penalty imposed 3580  
for the offense under this section, Chapter 2929., or any other 3581  
provision of the Revised Code, whoever violates division (A), 3582  
(B), (C), or (D) of this section is responsible for the payment 3583  
of all of the following: 3584

(a) Any veterinary bill or bill for medication incurred as 3585  
a result of the violation by the police department regarding a 3586  
violation of division (A) or (B) of this section or by the 3587  
blind, deaf or hearing impaired, or mobility impaired person 3588  
assisted or served by the assistance dog regarding a violation 3589

of division (C) or (D) of this section; 3590

(b) The cost of any damaged equipment that results from 3591  
the violation; 3592

(c) If the violation did not result in the death of the 3593  
police dog or horse or the assistance dog that was the subject 3594  
of the violation and if, as a result of that dog or horse being 3595  
the subject of the violation, the dog or horse needs further 3596  
training or retraining to be able to continue in the capacity of 3597  
a police dog or horse or an assistance dog, the cost of any 3598  
further training or retraining of that dog or horse by a law 3599  
enforcement officer or by the blind, deaf or hearing impaired, 3600  
or mobility impaired person assisted or served by the assistance 3601  
dog; 3602

(d) If the violation resulted in the death of the 3603  
assistance dog that was the subject of the violation or resulted 3604  
in serious physical harm to the police dog or horse or the 3605  
assistance dog or horse that was the subject of the violation to 3606  
the extent that the dog or horse needs to be replaced on either 3607  
a temporary or a permanent basis, the cost of replacing that dog 3608  
or horse and of any further training of a new police dog or 3609  
horse or a new assistance dog by a law enforcement officer or by 3610  
the blind, deaf or hearing impaired, or mobility impaired person 3611  
assisted or served by the assistance dog, which replacement or 3612  
training is required because of the death of or the serious 3613  
physical harm to the dog or horse that was the subject of the 3614  
violation. 3615

(F) This section does not apply to a licensed veterinarian 3616  
whose conduct is in accordance with Chapter 4741. of the Revised 3617  
Code. 3618

(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or an assistance dog.

(H) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog," "blind," and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code.

**Sec. 2921.36.** (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in 3646  
section 2923.11 of the Revised Code, or any part of or 3647  
ammunition for use in such a deadly weapon or dangerous 3648  
ordnance; 3649

(2) Any drug of abuse, as defined in section 3719.011 of 3650  
the Revised Code; 3651

(3) Any intoxicating liquor, as defined in section 4301.01 3652  
of the Revised Code. 3653

(B) Division (A) of this section does not apply to any 3654  
person who conveys or attempts to convey an item onto the 3655  
grounds of a detention facility or of an institution, office 3656  
building, or other place under the control of the department of 3657  
mental health and addiction services, the department of 3658  
developmental disabilities, the department of youth services, or 3659  
the department of rehabilitation and correction pursuant to the 3660  
written authorization of the person in charge of the detention 3661  
facility or the institution, office building, or other place and 3662  
in accordance with the written rules of the detention facility 3663  
or the institution, office building, or other place. 3664

(C) No person shall knowingly deliver, or attempt to 3665  
deliver, to any person who is confined in a detention facility, 3666  
to a child confined in a youth services facility, to a prisoner 3667  
who is temporarily released from confinement for a work 3668  
assignment, or to any patient in an institution under the 3669  
control of the department of mental health and addiction 3670  
services or the department of developmental disabilities any 3671  
item listed in division (A) (1), (2), or (3) of this section. 3672

(D) No person shall knowingly deliver, or attempt to 3673  
deliver, cash to any person who is confined in a detention 3674

facility, to a child confined in a youth services facility, or 3675  
to a prisoner who is temporarily released from confinement for a 3676  
work assignment. 3677

(E) No person shall knowingly deliver, or attempt to 3678  
deliver, to any person who is confined in a detention facility, 3679  
to a child confined in a youth services facility, or to a 3680  
prisoner who is temporarily released from confinement for a work 3681  
assignment a cellular telephone, two-way radio, or other 3682  
electronic communications device. 3683

(F) (1) It is an affirmative defense to a charge under 3684  
division (A) (1) of this section that the weapon or dangerous 3685  
ordnance in question was being transported in a motor vehicle 3686  
for any lawful purpose, that it was not on the actor's person, 3687  
and, if the weapon or dangerous ordnance in question was a 3688  
firearm, that it was unloaded and was being carried in a closed 3689  
package, box, or case or in a compartment that can be reached 3690  
only by leaving the vehicle. 3691

(2) It is an affirmative defense to a charge under 3692  
division (C) of this section that the actor was not otherwise 3693  
prohibited by law from delivering the item to the confined 3694  
person, the child, the prisoner, or the patient and that either 3695  
of the following applies: 3696

(a) The actor was permitted by the written rules of the 3697  
detention facility or the institution, office building, or other 3698  
place to deliver the item to the confined person or the patient. 3699

(b) The actor was given written authorization by the 3700  
person in charge of the detention facility or the institution, 3701  
office building, or other place to deliver the item to the 3702  
confined person or the patient. 3703

(G) (1) Whoever violates division (A) (1) of this section or 3704  
commits a violation of division (C) of this section involving an 3705  
item listed in division (A) (1) of this section is guilty of 3706  
illegal conveyance of weapons onto the grounds of a specified 3707  
governmental facility, a felony of the third degree. If the 3708  
offender is an officer or employee of the department of 3709  
rehabilitation and correction, the court shall impose a 3710  
mandatory prison term from the range of definite prison terms 3711  
prescribed in division (A) (3) (b) of section 2929.14 of the 3712  
Revised Code for a felony of the third degree. 3713

(2) Whoever violates division (A) (2) of this section or 3714  
commits a violation of division (C) of this section involving 3715  
any drug of abuse is guilty of illegal conveyance of drugs of 3716  
abuse onto the grounds of a specified governmental facility, a 3717  
felony of the third degree. If the offender is an officer or 3718  
employee of the department of rehabilitation and correction or 3719  
of the department of youth services, the court shall impose a 3720  
mandatory prison term from the range of definite prison terms 3721  
prescribed in division (A) (3) (b) of section 2929.14 of the 3722  
Revised Code for a felony of the third degree. 3723

(3) Whoever violates division (A) (3) of this section or 3724  
commits a violation of division (C) of this section involving 3725  
any intoxicating liquor is guilty of illegal conveyance of 3726  
intoxicating liquor onto the grounds of a specified governmental 3727  
facility, a misdemeanor of the second degree. 3728

(4) Whoever violates division (D) of this section is 3729  
guilty of illegal conveyance of cash onto the grounds of a 3730  
detention facility, a misdemeanor of the first degree. If the 3731  
offender previously has been convicted of or pleaded guilty to a 3732  
violation of division (D) of this section, illegal conveyance of 3733

cash onto the grounds of a detention facility is a felony of the 3734  
fifth degree. 3735

(5) Whoever violates division (E) of this section is 3736  
guilty of illegal conveyance of a communications device onto the 3737  
grounds of a specified governmental facility, a misdemeanor of 3738  
the first degree, or if the offender previously has been 3739  
convicted of or pleaded guilty to a violation of division (E) of 3740  
this section, a felony of the fifth degree. 3741

**Sec. 2923.132.** (A) As used in this section: 3742

(1) (a) "Violent career criminal" means a person who within 3743  
the preceding eight years, subject to extension as provided in 3744  
division (A) (1) (b) of this section, has been convicted of or 3745  
pleaded guilty to two or more violent felony offenses that are 3746  
separated by intervening sentences and are not so closely 3747  
related to each other and connected in time and place that they 3748  
constitute a course of criminal conduct. 3749

(b) Except as provided in division (A) (1) (c) of this 3750  
section, the eight-year period described in division (A) (1) (a) 3751  
of this section shall be extended by a period of time equal to 3752  
any period of time during which the person, within that eight- 3753  
year period, was confined as a result of having been accused of 3754  
an offense, having been convicted of or pleaded guilty to an 3755  
offense, or having been accused of violating or found to have 3756  
violated any community control sanction, post-release control 3757  
sanction, or term or condition of supervised release. 3758

(c) Division (A) (1) (b) of this section shall not apply to 3759  
extend the eight-year period described in division (A) (1) (a) of 3760  
this section by any period of time during which a person is 3761  
confined if the person is acquitted of the charges or the 3762



charges are dismissed in final disposition of the case or during 3763  
which a person is confined as a result of having been accused of 3764  
violating any sanction, term, or condition described in division 3765  
(A) (1) (b) of this section if the person subsequently is not 3766  
found to have violated that sanction, term, or condition. 3767

(2) "Violent felony offense" means any of the following: 3768

(a) A violation of section 2903.01, 2903.02, 2903.03, 3769  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3770  
2911.01, 2911.02, or 2911.11 of the Revised Code; 3771

(b) A violation of division (A) (1) or (2) of section 3772  
2911.12 of the Revised Code; 3773

(c) A felony violation of section 2907.02, 2907.03, 3774  
2907.04, or 2907.05 of the Revised Code; 3775

(d) A felony violation of section 2909.24 of the Revised 3776  
Code or a violation of section 2919.25 of the Revised Code that 3777  
is a felony of the third degree; 3778

(e) A felony violation of any existing or former ordinance 3779  
or law of this state, another state, or the United States that 3780  
is or was substantially equivalent to any offense listed or 3781  
described in divisions (A) (2) (a) to (e) of this section; 3782

(f) A conspiracy or attempt to commit, or complicity in 3783  
committing, any of the offenses listed or described in divisions 3784  
(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 3785  
complicity is a felony of the first or second degree. 3786

(3) "Dangerous ordnance" and "firearm" have the same 3787  
meanings as in section 2923.11 of the Revised Code. 3788

(4) "Community control sanction" has the same meaning as 3789  
in section 2929.01 of the Revised Code. 3790

(5) "Post-release control sanction" has the same meaning 3791  
as in section 2967.01 of the Revised Code. 3792

(6) "Supervised release" has the same meaning as in 3793  
section 2950.01 of the Revised Code. 3794

(B) No violent career criminal shall knowingly use any 3795  
firearm or dangerous ordnance. 3796

(C) Whoever violates this section is guilty of unlawful 3797  
use of a weapon by a violent career criminal, a felony of the 3798  
first degree, ~~and. For an offense committed prior to the~~ 3799  
effective date of this amendment, notwithstanding the range of 3800  
definite prison terms set forth in division (A) (1) (b) of section 3801  
2929.14 of the Revised Code, the court shall impose upon the 3802  
offender a mandatory prison term that is a definite prison term 3803  
of two, three, four, five, six, seven, eight, nine, ten, or 3804  
eleven years. For an offense committed on or after the effective 3805  
date of this amendment, notwithstanding the range of minimum 3806  
prison terms set forth in division (A) (1) (a) of section 2929.14 3807  
of the Revised Code, the court shall impose upon the offender an 3808  
indefinite prison term pursuant to that division, with a minimum 3809  
term under that sentence that is a mandatory prison term of two, 3810  
three, four, five, six, seven, eight, nine, ten, or eleven 3811  
years. 3812

**Sec. 2925.01.** As used in this chapter: 3813

(A) "Administer," "controlled substance," "controlled 3814  
substance analog," "dispense," "distribute," "hypodermic," 3815  
"manufacturer," "official written order," "person," 3816  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 3817  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 3818  
have the same meanings as in section 3719.01 of the Revised 3819

Code. 3820

(B) "Drug dependent person" and "drug of abuse" have the 3821  
same meanings as in section 3719.011 of the Revised Code. 3822

(C) "Drug," "dangerous drug," "licensed health 3823  
professional authorized to prescribe drugs," and "prescription" 3824  
have the same meanings as in section 4729.01 of the Revised 3825  
Code. 3826

(D) "Bulk amount" of a controlled substance means any of 3827  
the following: 3828

(1) For any compound, mixture, preparation, or substance 3829  
included in schedule I, schedule II, or schedule III, with the 3830  
exception of controlled substance analogs, marihuana, cocaine, 3831  
L.S.D., heroin, and hashish and except as provided in division 3832  
(D) (2) or (5) of this section, whichever of the following is 3833  
applicable: 3834

(a) An amount equal to or exceeding ten grams or twenty- 3835  
five unit doses of a compound, mixture, preparation, or 3836  
substance that is or contains any amount of a schedule I opiate 3837  
or opium derivative; 3838

(b) An amount equal to or exceeding ten grams of a 3839  
compound, mixture, preparation, or substance that is or contains 3840  
any amount of raw or gum opium; 3841

(c) An amount equal to or exceeding thirty grams or ten 3842  
unit doses of a compound, mixture, preparation, or substance 3843  
that is or contains any amount of a schedule I hallucinogen 3844  
other than tetrahydrocannabinol or lysergic acid amide, or a 3845  
schedule I stimulant or depressant; 3846

(d) An amount equal to or exceeding twenty grams or five 3847

times the maximum daily dose in the usual dose range specified 3848  
in a standard pharmaceutical reference manual of a compound, 3849  
mixture, preparation, or substance that is or contains any 3850  
amount of a schedule II opiate or opium derivative; 3851

(e) An amount equal to or exceeding five grams or ten unit 3852  
doses of a compound, mixture, preparation, or substance that is 3853  
or contains any amount of phencyclidine; 3854

(f) An amount equal to or exceeding one hundred twenty 3855  
grams or thirty times the maximum daily dose in the usual dose 3856  
range specified in a standard pharmaceutical reference manual of 3857  
a compound, mixture, preparation, or substance that is or 3858  
contains any amount of a schedule II stimulant that is in a 3859  
final dosage form manufactured by a person authorized by the 3860  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3861  
U.S.C.A. 301, as amended, and the federal drug abuse control 3862  
laws, as defined in section 3719.01 of the Revised Code, that is 3863  
or contains any amount of a schedule II depressant substance or 3864  
a schedule II hallucinogenic substance; 3865

(g) An amount equal to or exceeding three grams of a 3866  
compound, mixture, preparation, or substance that is or contains 3867  
any amount of a schedule II stimulant, or any of its salts or 3868  
isomers, that is not in a final dosage form manufactured by a 3869  
person authorized by the Federal Food, Drug, and Cosmetic Act 3870  
and the federal drug abuse control laws. 3871

(2) An amount equal to or exceeding one hundred twenty 3872  
grams or thirty times the maximum daily dose in the usual dose 3873  
range specified in a standard pharmaceutical reference manual of 3874  
a compound, mixture, preparation, or substance that is or 3875  
contains any amount of a schedule III or IV substance other than 3876  
an anabolic steroid or a schedule III opiate or opium 3877

derivative; 3878

(3) An amount equal to or exceeding twenty grams or five 3879  
times the maximum daily dose in the usual dose range specified 3880  
in a standard pharmaceutical reference manual of a compound, 3881  
mixture, preparation, or substance that is or contains any 3882  
amount of a schedule III opiate or opium derivative; 3883

(4) An amount equal to or exceeding two hundred fifty 3884  
milliliters or two hundred fifty grams of a compound, mixture, 3885  
preparation, or substance that is or contains any amount of a 3886  
schedule V substance; 3887

(5) An amount equal to or exceeding two hundred solid 3888  
dosage units, sixteen grams, or sixteen milliliters of a 3889  
compound, mixture, preparation, or substance that is or contains 3890  
any amount of a schedule III anabolic steroid. 3891

(E) "Unit dose" means an amount or unit of a compound, 3892  
mixture, or preparation containing a controlled substance that 3893  
is separately identifiable and in a form that indicates that it 3894  
is the amount or unit by which the controlled substance is 3895  
separately administered to or taken by an individual. 3896

(F) "Cultivate" includes planting, watering, fertilizing, 3897  
or tilling. 3898

(G) "Drug abuse offense" means any of the following: 3899

(1) A violation of division (A) of section 2913.02 that 3900  
constitutes theft of drugs, or a violation of section 2925.02, 3901  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3902  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3903  
or 2925.37 of the Revised Code; 3904

(2) A violation of an existing or former law of this or 3905

any other state or of the United States that is substantially 3906  
equivalent to any section listed in division (G) (1) of this 3907  
section; 3908

(3) An offense under an existing or former law of this or 3909  
any other state, or of the United States, of which planting, 3910  
cultivating, harvesting, processing, making, manufacturing, 3911  
producing, shipping, transporting, delivering, acquiring, 3912  
possessing, storing, distributing, dispensing, selling, inducing 3913  
another to use, administering to another, using, or otherwise 3914  
dealing with a controlled substance is an element; 3915

(4) A conspiracy to commit, attempt to commit, or 3916  
complicity in committing or attempting to commit any offense 3917  
under division (G) (1), (2), or (3) of this section. 3918

(H) "Felony drug abuse offense" means any drug abuse 3919  
offense that would constitute a felony under the laws of this 3920  
state, any other state, or the United States. 3921

(I) "Harmful intoxicant" does not include beer or 3922  
intoxicating liquor but means any of the following: 3923

(1) Any compound, mixture, preparation, or substance the 3924  
gas, fumes, or vapor of which when inhaled can induce 3925  
intoxication, excitement, giddiness, irrational behavior, 3926  
depression, stupefaction, paralysis, unconsciousness, 3927  
asphyxiation, or other harmful physiological effects, and 3928  
includes, but is not limited to, any of the following: 3929

(a) Any volatile organic solvent, plastic cement, model 3930  
cement, fingernail polish remover, lacquer thinner, cleaning 3931  
fluid, gasoline, or other preparation containing a volatile 3932  
organic solvent; 3933

(b) Any aerosol propellant; 3934

(c) Any fluorocarbon refrigerant;	3935
(d) Any anesthetic gas.	3936
(2) Gamma Butyrolactone;	3937
(3) 1,4 Butanediol.	3938
(J) "Manufacture" means to plant, cultivate, harvest,	3939
process, make, prepare, or otherwise engage in any part of the	3940
production of a drug, by propagation, extraction, chemical	3941
synthesis, or compounding, or any combination of the same, and	3942
includes packaging, repackaging, labeling, and other activities	3943
incident to production.	3944
(K) "Possess" or "possession" means having control over a	3945
thing or substance, but may not be inferred solely from mere	3946
access to the thing or substance through ownership or occupation	3947
of the premises upon which the thing or substance is found.	3948
(L) "Sample drug" means a drug or pharmaceutical	3949
preparation that would be hazardous to health or safety if used	3950
without the supervision of a licensed health professional	3951
authorized to prescribe drugs, or a drug of abuse, and that, at	3952
one time, had been placed in a container plainly marked as a	3953
sample by a manufacturer.	3954
(M) "Standard pharmaceutical reference manual" means the	3955
current edition, with cumulative changes if any, of references	3956
that are approved by the state board of pharmacy.	3957
(N) "Juvenile" means a person under eighteen years of age.	3958
(O) "Counterfeit controlled substance" means any of the	3959
following:	3960
(1) Any drug that bears, or whose container or label	3961

bears, a trademark, trade name, or other identifying mark used 3962  
without authorization of the owner of rights to that trademark, 3963  
trade name, or identifying mark; 3964

(2) Any unmarked or unlabeled substance that is 3965  
represented to be a controlled substance manufactured, 3966  
processed, packed, or distributed by a person other than the 3967  
person that manufactured, processed, packed, or distributed it; 3968

(3) Any substance that is represented to be a controlled 3969  
substance but is not a controlled substance or is a different 3970  
controlled substance; 3971

(4) Any substance other than a controlled substance that a 3972  
reasonable person would believe to be a controlled substance 3973  
because of its similarity in shape, size, and color, or its 3974  
markings, labeling, packaging, distribution, or the price for 3975  
which it is sold or offered for sale. 3976

(P) An offense is "committed in the vicinity of a school" 3977  
if the offender commits the offense on school premises, in a 3978  
school building, or within one thousand feet of the boundaries 3979  
of any school premises, regardless of whether the offender knows 3980  
the offense is being committed on school premises, in a school 3981  
building, or within one thousand feet of the boundaries of any 3982  
school premises. 3983

(Q) "School" means any school operated by a board of 3984  
education, any community school established under Chapter 3314. 3985  
of the Revised Code, or any nonpublic school for which the state 3986  
board of education prescribes minimum standards under section 3987  
3301.07 of the Revised Code, whether or not any instruction, 3988  
extracurricular activities, or training provided by the school 3989  
is being conducted at the time a criminal offense is committed. 3990



- (R) "School premises" means either of the following: 3991
- (1) The parcel of real property on which any school is 3992  
situated, whether or not any instruction, extracurricular 3993  
activities, or training provided by the school is being 3994  
conducted on the premises at the time a criminal offense is 3995  
committed; 3996
- (2) Any other parcel of real property that is owned or 3997  
leased by a board of education of a school, the governing 3998  
authority of a community school established under Chapter 3314. 3999  
of the Revised Code, or the governing body of a nonpublic school 4000  
for which the state board of education prescribes minimum 4001  
standards under section 3301.07 of the Revised Code and on which 4002  
some of the instruction, extracurricular activities, or training 4003  
of the school is conducted, whether or not any instruction, 4004  
extracurricular activities, or training provided by the school 4005  
is being conducted on the parcel of real property at the time a 4006  
criminal offense is committed. 4007
- (S) "School building" means any building in which any of 4008  
the instruction, extracurricular activities, or training 4009  
provided by a school is conducted, whether or not any 4010  
instruction, extracurricular activities, or training provided by 4011  
the school is being conducted in the school building at the time 4012  
a criminal offense is committed. 4013
- (T) "Disciplinary counsel" means the disciplinary counsel 4014  
appointed by the board of commissioners on grievances and 4015  
discipline of the supreme court under the Rules for the 4016  
Government of the Bar of Ohio. 4017
- (U) "Certified grievance committee" means a duly 4018  
constituted and organized committee of the Ohio state bar 4019

association or of one or more local bar associations of the 4020  
state of Ohio that complies with the criteria set forth in Rule 4021  
V, section 6 of the Rules for the Government of the Bar of Ohio. 4022

(V) "Professional license" means any license, permit, 4023  
certificate, registration, qualification, admission, temporary 4024  
license, temporary permit, temporary certificate, or temporary 4025  
registration that is described in divisions (W) (1) to (36) of 4026  
this section and that qualifies a person as a professionally 4027  
licensed person. 4028

(W) "Professionally licensed person" means any of the 4029  
following: 4030

(1) A person who has obtained a license as a manufacturer 4031  
of controlled substances or a wholesaler of controlled 4032  
substances under Chapter 3719. of the Revised Code; 4033

(2) A person who has received a certificate or temporary 4034  
certificate as a certified public accountant or who has 4035  
registered as a public accountant under Chapter 4701. of the 4036  
Revised Code and who holds an Ohio permit issued under that 4037  
chapter; 4038

(3) A person who holds a certificate of qualification to 4039  
practice architecture issued or renewed and registered under 4040  
Chapter 4703. of the Revised Code; 4041

(4) A person who is registered as a landscape architect 4042  
under Chapter 4703. of the Revised Code or who holds a permit as 4043  
a landscape architect issued under that chapter; 4044

(5) A person licensed under Chapter 4707. of the Revised 4045  
Code; 4046

(6) A person who has been issued a certificate of 4047

registration as a registered barber under Chapter 4709. of the 4048  
Revised Code; 4049

(7) A person licensed and regulated to engage in the 4050  
business of a debt pooling company by a legislative authority, 4051  
under authority of Chapter 4710. of the Revised Code; 4052

(8) A person who has been issued a cosmetologist's 4053  
license, hair designer's license, manicurist's license, 4054  
esthetician's license, natural hair stylist's license, advanced 4055  
cosmetologist's license, advanced hair designer's license, 4056  
advanced manicurist's license, advanced esthetician's license, 4057  
advanced natural hair stylist's license, cosmetology 4058  
instructor's license, hair design instructor's license, 4059  
manicurist instructor's license, esthetics instructor's license, 4060  
natural hair style instructor's license, independent 4061  
contractor's license, or tanning facility permit under Chapter 4062  
4713. of the Revised Code; 4063

(9) A person who has been issued a license to practice 4064  
dentistry, a general anesthesia permit, a conscious intravenous 4065  
sedation permit, a limited resident's license, a limited 4066  
teaching license, a dental hygienist's license, or a dental 4067  
hygienist's teacher's certificate under Chapter 4715. of the 4068  
Revised Code; 4069

(10) A person who has been issued an embalmer's license, a 4070  
funeral director's license, a funeral home license, or a 4071  
crematory license, or who has been registered for an embalmer's 4072  
or funeral director's apprenticeship under Chapter 4717. of the 4073  
Revised Code; 4074

(11) A person who has been licensed as a registered nurse 4075  
or practical nurse, or who has been issued a certificate for the 4076

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	4077 4078
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	4079 4080 4081
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	4082 4083
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	4084 4085
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	4086 4087 4088 4089
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	4090 4091
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	4092 4093 4094 4095 4096
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	4097 4098
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	4099 4100 4101
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4102 4103

(21) A person licensed to act as a real estate broker or	4104
real estate salesperson under Chapter 4735. of the Revised Code;	4105
(22) A person registered as a registered sanitarian under	4106
Chapter 4736. of the Revised Code;	4107
(23) A person licensed to operate or maintain a junkyard	4108
under Chapter 4737. of the Revised Code;	4109
(24) A person who has been issued a motor vehicle salvage	4110
dealer's license under Chapter 4738. of the Revised Code;	4111
(25) A person who has been licensed to act as a steam	4112
engineer under Chapter 4739. of the Revised Code;	4113
(26) A person who has been issued a license or temporary	4114
permit to practice veterinary medicine or any of its branches,	4115
or who is registered as a graduate animal technician under	4116
Chapter 4741. of the Revised Code;	4117
(27) A person who has been issued a hearing aid dealer's	4118
or fitter's license or trainee permit under Chapter 4747. of the	4119
Revised Code;	4120
(28) A person who has been issued a class A, class B, or	4121
class C license or who has been registered as an investigator or	4122
security guard employee under Chapter 4749. of the Revised Code;	4123
(29) A person licensed and registered to practice as a	4124
nursing home administrator under Chapter 4751. of the Revised	4125
Code;	4126
(30) A person licensed to practice as a speech-language	4127
pathologist or audiologist under Chapter 4753. of the Revised	4128
Code;	4129
(31) A person issued a license as an occupational	4130

therapist or physical therapist under Chapter 4755. of the 4131  
Revised Code; 4132

(32) A person who is licensed as a licensed professional 4133  
clinical counselor, licensed professional counselor, social 4134  
worker, independent social worker, independent marriage and 4135  
family therapist, or marriage and family therapist, or 4136  
registered as a social work assistant under Chapter 4757. of the 4137  
Revised Code; 4138

(33) A person issued a license to practice dietetics under 4139  
Chapter 4759. of the Revised Code; 4140

(34) A person who has been issued a license or limited 4141  
permit to practice respiratory therapy under Chapter 4761. of 4142  
the Revised Code; 4143

(35) A person who has been issued a real estate appraiser 4144  
certificate under Chapter 4763. of the Revised Code; 4145

(36) A person who has been admitted to the bar by order of 4146  
the supreme court in compliance with its prescribed and 4147  
published rules. 4148

(X) "Cocaine" means any of the following: 4149

(1) A cocaine salt, isomer, or derivative, a salt of a 4150  
cocaine isomer or derivative, or the base form of cocaine; 4151

(2) Coca leaves or a salt, compound, derivative, or 4152  
preparation of coca leaves, including ecgonine, a salt, isomer, 4153  
or derivative of ecgonine, or a salt of an isomer or derivative 4154  
of ecgonine; 4155

(3) A salt, compound, derivative, or preparation of a 4156  
substance identified in division (X)(1) or (2) of this section 4157  
that is chemically equivalent to or identical with any of those 4158

substances, except that the substances shall not include 4159  
decocainized coca leaves or extraction of coca leaves if the 4160  
extractions do not contain cocaine or ecgonine. 4161

(Y) "L.S.D." means lysergic acid diethylamide. 4162

(Z) "Hashish" means the resin or a preparation of the 4163  
resin contained in marihuana, whether in solid form or in a 4164  
liquid concentrate, liquid extract, or liquid distillate form. 4165

(AA) "Marihuana" has the same meaning as in section 4166  
3719.01 of the Revised Code, except that it does not include 4167  
hashish. 4168

(BB) An offense is "committed in the vicinity of a 4169  
juvenile" if the offender commits the offense within one hundred 4170  
feet of a juvenile or within the view of a juvenile, regardless 4171  
of whether the offender knows the age of the juvenile, whether 4172  
the offender knows the offense is being committed within one 4173  
hundred feet of or within view of the juvenile, or whether the 4174  
juvenile actually views the commission of the offense. 4175

(CC) "Presumption for a prison term" or "presumption that 4176  
a prison term shall be imposed" means a presumption, as 4177  
described in division (D) of section 2929.13 of the Revised 4178  
Code, that a prison term is a necessary sanction for a felony in 4179  
order to comply with the purposes and principles of sentencing 4180  
under section 2929.11 of the Revised Code. 4181

(DD) "Major drug offender" has the same meaning as in 4182  
section 2929.01 of the Revised Code. 4183

(EE) "Minor drug possession offense" means either of the 4184  
following: 4185

(1) A violation of section 2925.11 of the Revised Code as 4186

it existed prior to July 1, 1996; 4187

(2) A violation of section 2925.11 of the Revised Code as 4188  
it exists on and after July 1, 1996, that is a misdemeanor or a 4189  
felony of the fifth degree. 4190

(FF) "Mandatory prison term" has the same meaning as in 4191  
section 2929.01 of the Revised Code. 4192

(GG) "Adulterate" means to cause a drug to be adulterated 4193  
as described in section 3715.63 of the Revised Code. 4194

(HH) "Public premises" means any hotel, restaurant, 4195  
tavern, store, arena, hall, or other place of public 4196  
accommodation, business, amusement, or resort. 4197

(II) "Methamphetamine" means methamphetamine, any salt, 4198  
isomer, or salt of an isomer of methamphetamine, or any 4199  
compound, mixture, preparation, or substance containing 4200  
methamphetamine or any salt, isomer, or salt of an isomer of 4201  
methamphetamine. 4202

(JJ) "Lawful prescription" means a prescription that is 4203  
issued for a legitimate medical purpose by a licensed health 4204  
professional authorized to prescribe drugs, that is not altered 4205  
or forged, and that was not obtained by means of deception or by 4206  
the commission of any theft offense. 4207

(KK) "Deception" and "theft offense" have the same 4208  
meanings as in section 2913.01 of the Revised Code. 4209

(LL) "First degree felony mandatory prison term" means one 4210  
of the definite prison terms prescribed in division (A) (1) (b) of 4211  
section 2929.14 of the Revised Code for a felony of the first 4212  
degree, except that if the violation for which sentence is being 4213  
imposed is committed on or after the effective date of this 4214



amendment, it means one of the minimum prison terms prescribed 4215  
in division (A) (1) (a) of that section for a felony of the first 4216  
degree. 4217

(MM) "Second degree felony mandatory prison term" means 4218  
one of the definite prison terms prescribed in division (A) (2) 4219  
(b) of section 2929.14 of the Revised Code for a felony of the 4220  
second degree, except that if the violation for which sentence 4221  
is being imposed is committed on or after the effective date of 4222  
this amendment, it means one of the minimum prison terms 4223  
prescribed in division (A) (2) (a) of that section for a felony of 4224  
the second degree. 4225

(NN) "Maximum first degree felony mandatory prison term" 4226  
means the maximum definite prison term prescribed in division 4227  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 4228  
the first degree, except that if the violation for which 4229  
sentence is being imposed is committed on or after the effective 4230  
date of this amendment, it means the longest minimum prison term 4231  
prescribed in division (A) (1) (a) of that section for a felony of 4232  
the first degree. 4233

(OO) "Maximum second degree felony mandatory prison term" 4234  
means the maximum definite prison term prescribed in division 4235  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 4236  
the second degree, except that if the violation for which 4237  
sentence is being imposed is committed on or after the effective 4238  
date of this amendment, it means the longest minimum prison term 4239  
prescribed in division (A) (2) (a) of that section for a felony of 4240  
the second degree. 4241

**Sec. 2925.02.** (A) No person shall knowingly do any of the 4242  
following: 4243

- (1) By force, threat, or deception, administer to another 4244  
or induce or cause another to use a controlled substance; 4245
- (2) By any means, administer or furnish to another or 4246  
induce or cause another to use a controlled substance with 4247  
purpose to cause serious physical harm to the other person, or 4248  
with purpose to cause the other person to become drug dependent; 4249
- (3) By any means, administer or furnish to another or 4250  
induce or cause another to use a controlled substance, and 4251  
thereby cause serious physical harm to the other person, or 4252  
cause the other person to become drug dependent; 4253
- (4) By any means, do any of the following: 4254
- (a) Furnish or administer a controlled substance to a 4255  
juvenile who is at least two years the offender's junior, when 4256  
the offender knows the age of the juvenile or is reckless in 4257  
that regard; 4258
- (b) Induce or cause a juvenile who is at least two years 4259  
the offender's junior to use a controlled substance, when the 4260  
offender knows the age of the juvenile or is reckless in that 4261  
regard; 4262
- (c) Induce or cause a juvenile who is at least two years 4263  
the offender's junior to commit a felony drug abuse offense, 4264  
when the offender knows the age of the juvenile or is reckless 4265  
in that regard; 4266
- (d) Use a juvenile, whether or not the offender knows the 4267  
age of the juvenile, to perform any surveillance activity that 4268  
is intended to prevent the detection of the offender or any 4269  
other person in the commission of a felony drug abuse offense or 4270  
to prevent the arrest of the offender or any other person for 4271  
the commission of a felony drug abuse offense. 4272

(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.

(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code.

(C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense shall be determined as follows:

(1) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (1) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(2) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (2) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and there is a presumption for a prison term for the offense.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of 4331  
this section, corrupting another with drugs committed in those 4332  
circumstances is a felony of the fourth degree and division (C) 4333  
of section 2929.13 of the Revised Code applies in determining 4334  
whether to impose a prison term on the offender. 4335

(b) If the offense was committed in the vicinity of a 4336  
school, corrupting another with drugs committed in those 4337  
circumstances is a felony of the third degree and division (C) 4338  
of section 2929.13 of the Revised Code applies in determining 4339  
whether to impose a prison term on the offender. 4340

(4) If the offense is a violation of division (A) (5) of 4341  
this section and the drug involved is any compound, mixture, 4342  
preparation, or substance included in schedule I or II, with the 4343  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4344  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4345  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4346  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4347  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4348  
felony of the first degree and, subject to division (E) of this 4349  
section, the court shall impose as a mandatory prison term ~~one~~ 4350  
~~of the prison terms prescribed for a felony of the first degree~~ 4351  
a first degree felony mandatory prison term. 4352

(5) If the offense is a violation of division (A) (5) of 4353  
this section and the drug involved is any compound, mixture, 4354  
preparation, or substance included in schedule III, IV, or V, 4355  
corrupting another with drugs is a felony of the second degree 4356  
and the court shall impose as a mandatory prison term ~~one of the~~ 4357  
~~prison terms prescribed for a felony of the second degree~~ a 4358  
second degree felony mandatory prison term. 4359

(6) If the offense is a violation of division (A) (5) of 4360

this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:

(1) (a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 4391  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4392  
to division (D) (1) (a) of this section and any fine imposed for a 4393  
violation of this section pursuant to division (A) of section 4394  
2929.18 of the Revised Code shall be paid by the clerk of the 4395  
court in accordance with and subject to the requirements of, and 4396  
shall be used as specified in, division (F) of section 2925.03 4397  
of the Revised Code. 4398

(c) If a person is charged with any violation of this 4399  
section that is a felony of the first, second, or third degree, 4400  
posts bail, and forfeits the bail, the forfeited bail shall be 4401  
paid by the clerk of the court pursuant to division (D) (1) (b) of 4402  
this section as if it were a fine imposed for a violation of 4403  
this section. 4404

(2) If the offender is a professionally licensed person, 4405  
in addition to any other sanction imposed for a violation of 4406  
this section, the court immediately shall comply with section 4407  
2925.38 of the Revised Code. 4408

(E) Notwithstanding the prison term otherwise authorized 4409  
or required for the offense under division (C) of this section 4410  
and sections 2929.13 and 2929.14 of the Revised Code, if the 4411  
violation of division (A) of this section involves the sale, 4412  
offer to sell, or possession of a schedule I or II controlled 4413  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4414  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4415  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4416  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4417  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4418  
if the court imposing sentence upon the offender finds that the 4419  
offender as a result of the violation is a major drug offender 4420

and is guilty of a specification of the type described in 4421  
section 2941.1410 of the Revised Code, the court, in lieu of the 4422  
prison term that otherwise is authorized or required, shall 4423  
impose upon the offender the mandatory prison term specified in 4424  
division (B) (3) (a) of section 2929.14 of the Revised Code. 4425

(F) (1) If the sentencing court suspends the offender's 4426  
driver's or commercial driver's license or permit under division 4427  
(D) of this section, the offender, at any time after the 4428  
expiration of two years from the day on which the offender's 4429  
sentence was imposed or from the day on which the offender 4430  
finally was released from a prison term under the sentence, 4431  
whichever is later, may file a motion with the sentencing court 4432  
requesting termination of the suspension. Upon the filing of the 4433  
motion and the court's finding of good cause for the 4434  
determination, the court may terminate the suspension. 4435

(2) Any offender who received a mandatory suspension of 4436  
the offender's driver's or commercial driver's license or permit 4437  
under this section prior to ~~the effective date of this amendment~~ 4438  
September 13, 2016, may file a motion with the sentencing court 4439  
requesting the termination of the suspension. However, an 4440  
offender who pleaded guilty to or was convicted of a violation 4441  
of section 4511.19 of the Revised Code or a substantially 4442  
similar municipal ordinance or law of another state or the 4443  
United States that arose out of the same set of circumstances as 4444  
the violation for which the offender's license or permit was 4445  
suspended under this section shall not file such a motion. 4446

Upon the filing of a motion under division (F) (2) of this 4447  
section, the sentencing court, in its discretion, may terminate 4448  
the suspension. 4449

**Sec. 2925.03.** (A) No person shall knowingly do any of the 4450



following: 4451

(1) Sell or offer to sell a controlled substance or a 4452  
controlled substance analog; 4453

(2) Prepare for shipment, ship, transport, deliver, 4454  
prepare for distribution, or distribute a controlled substance 4455  
or a controlled substance analog, when the offender knows or has 4456  
reasonable cause to believe that the controlled substance or a 4457  
controlled substance analog is intended for sale or resale by 4458  
the offender or another person. 4459

(B) This section does not apply to any of the following: 4460

(1) Manufacturers, licensed health professionals 4461  
authorized to prescribe drugs, pharmacists, owners of 4462  
pharmacies, and other persons whose conduct is in accordance 4463  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4464  
4741. of the Revised Code; 4465

(2) If the offense involves an anabolic steroid, any 4466  
person who is conducting or participating in a research project 4467  
involving the use of an anabolic steroid if the project has been 4468  
approved by the United States food and drug administration; 4469

(3) Any person who sells, offers for sale, prescribes, 4470  
dispenses, or administers for livestock or other nonhuman 4471  
species an anabolic steroid that is expressly intended for 4472  
administration through implants to livestock or other nonhuman 4473  
species and approved for that purpose under the "Federal Food, 4474  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4475  
as amended, and is sold, offered for sale, prescribed, 4476  
dispensed, or administered for that purpose in accordance with 4477  
that act. 4478

(C) Whoever violates division (A) of this section is 4479

guilty of one of the following: 4480

(1) If the drug involved in the violation is any compound, 4481  
mixture, preparation, or substance included in schedule I or 4482  
schedule II, with the exception of marihuana, cocaine, L.S.D., 4483  
heroin, hashish, and controlled substance analogs, whoever 4484  
violates division (A) of this section is guilty of aggravated 4485  
trafficking in drugs. The penalty for the offense shall be 4486  
determined as follows: 4487

(a) Except as otherwise provided in division (C) (1) (b), 4488  
(c), (d), (e), or (f) of this section, aggravated trafficking in 4489  
drugs is a felony of the fourth degree, and division (C) of 4490  
section 2929.13 of the Revised Code applies in determining 4491  
whether to impose a prison term on the offender. 4492

(b) Except as otherwise provided in division (C) (1) (c), 4493  
(d), (e), or (f) of this section, if the offense was committed 4494  
in the vicinity of a school or in the vicinity of a juvenile, 4495  
aggravated trafficking in drugs is a felony of the third degree, 4496  
and division (C) of section 2929.13 of the Revised Code applies 4497  
in determining whether to impose a prison term on the offender. 4498

(c) Except as otherwise provided in this division, if the 4499  
amount of the drug involved equals or exceeds the bulk amount 4500  
but is less than five times the bulk amount, aggravated 4501  
trafficking in drugs is a felony of the third degree, and, 4502  
except as otherwise provided in this division, there is a 4503  
presumption for a prison term for the offense. If aggravated 4504  
trafficking in drugs is a felony of the third degree under this 4505  
division and if the offender two or more times previously has 4506  
been convicted of or pleaded guilty to a felony drug abuse 4507  
offense, the court shall impose as a mandatory prison term one 4508  
of the prison terms prescribed for a felony of the third degree. 4509

If the amount of the drug involved is within that range and if 4510  
the offense was committed in the vicinity of a school or in the 4511  
vicinity of a juvenile, aggravated trafficking in drugs is a 4512  
felony of the second degree, and the court shall impose as a 4513  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4514  
~~felony of the second degree~~ a second degree felony mandatory 4515  
prison term. 4516

(d) Except as otherwise provided in this division, if the 4517  
amount of the drug involved equals or exceeds five times the 4518  
bulk amount but is less than fifty times the bulk amount, 4519  
aggravated trafficking in drugs is a felony of the second 4520  
degree, and the court shall impose as a mandatory prison term 4521  
~~one of the prison terms prescribed for a felony of the second-~~ 4522  
~~degree~~ a second degree felony mandatory prison term. If the 4523  
amount of the drug involved is within that range and if the 4524  
offense was committed in the vicinity of a school or in the 4525  
vicinity of a juvenile, aggravated trafficking in drugs is a 4526  
felony of the first degree, and the court shall impose as a 4527  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4528  
~~felony of the first degree~~ a first degree felony mandatory 4529  
prison term. 4530

(e) If the amount of the drug involved equals or exceeds 4531  
fifty times the bulk amount but is less than one hundred times 4532  
the bulk amount and regardless of whether the offense was 4533  
committed in the vicinity of a school or in the vicinity of a 4534  
juvenile, aggravated trafficking in drugs is a felony of the 4535  
first degree, and the court shall impose as a mandatory prison 4536  
term ~~one of the prison terms prescribed for a felony of the~~ 4537  
~~first degree~~ a first degree felony mandatory prison term. 4538

(f) If the amount of the drug involved equals or exceeds 4539

one hundred times the bulk amount and regardless of whether the 4540  
offense was committed in the vicinity of a school or in the 4541  
vicinity of a juvenile, aggravated trafficking in drugs is a 4542  
felony of the first degree, the offender is a major drug 4543  
offender, and the court shall impose as a mandatory prison term 4544  
~~the maximum prison term prescribed for a felony of the first-~~ 4545  
~~degree a maximum first degree felony mandatory prison term.~~ 4546

(2) If the drug involved in the violation is any compound, 4547  
mixture, preparation, or substance included in schedule III, IV, 4548  
or V, whoever violates division (A) of this section is guilty of 4549  
trafficking in drugs. The penalty for the offense shall be 4550  
determined as follows: 4551

(a) Except as otherwise provided in division (C) (2) (b), 4552  
(c), (d), or (e) of this section, trafficking in drugs is a 4553  
felony of the fifth degree, and division (B) of section 2929.13 4554  
of the Revised Code applies in determining whether to impose a 4555  
prison term on the offender. 4556

(b) Except as otherwise provided in division (C) (2) (c), 4557  
(d), or (e) of this section, if the offense was committed in the 4558  
vicinity of a school or in the vicinity of a juvenile, 4559  
trafficking in drugs is a felony of the fourth degree, and 4560  
division (C) of section 2929.13 of the Revised Code applies in 4561  
determining whether to impose a prison term on the offender. 4562

(c) Except as otherwise provided in this division, if the 4563  
amount of the drug involved equals or exceeds the bulk amount 4564  
but is less than five times the bulk amount, trafficking in 4565  
drugs is a felony of the fourth degree, and division (B) of 4566  
section 2929.13 of the Revised Code applies in determining 4567  
whether to impose a prison term for the offense. If the amount 4568  
of the drug involved is within that range and if the offense was 4569

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty

for the offense shall be determined as follows: 4600

(a) Except as otherwise provided in division (C) (3) (b), 4601  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4602  
marihuana is a felony of the fifth degree, and division (B) of 4603  
section 2929.13 of the Revised Code applies in determining 4604  
whether to impose a prison term on the offender. 4605

(b) Except as otherwise provided in division (C) (3) (c), 4606  
(d), (e), (f), (g), or (h) of this section, if the offense was 4607  
committed in the vicinity of a school or in the vicinity of a 4608  
juvenile, trafficking in marihuana is a felony of the fourth 4609  
degree, and division (B) of section 2929.13 of the Revised Code 4610  
applies in determining whether to impose a prison term on the 4611  
offender. 4612

(c) Except as otherwise provided in this division, if the 4613  
amount of the drug involved equals or exceeds two hundred grams 4614  
but is less than one thousand grams, trafficking in marihuana is 4615  
a felony of the fourth degree, and division (B) of section 4616  
2929.13 of the Revised Code applies in determining whether to 4617  
impose a prison term on the offender. If the amount of the drug 4618  
involved is within that range and if the offense was committed 4619  
in the vicinity of a school or in the vicinity of a juvenile, 4620  
trafficking in marihuana is a felony of the third degree, and 4621  
division (C) of section 2929.13 of the Revised Code applies in 4622  
determining whether to impose a prison term on the offender. 4623

(d) Except as otherwise provided in this division, if the 4624  
amount of the drug involved equals or exceeds one thousand grams 4625  
but is less than five thousand grams, trafficking in marihuana 4626  
is a felony of the third degree, and division (C) of section 4627  
2929.13 of the Revised Code applies in determining whether to 4628  
impose a prison term on the offender. If the amount of the drug 4629

involved is within that range and if the offense was committed 4630  
in the vicinity of a school or in the vicinity of a juvenile, 4631  
trafficking in marihuana is a felony of the second degree, and 4632  
there is a presumption that a prison term shall be imposed for 4633  
the offense. 4634

(e) Except as otherwise provided in this division, if the 4635  
amount of the drug involved equals or exceeds five thousand 4636  
grams but is less than twenty thousand grams, trafficking in 4637  
marihuana is a felony of the third degree, and there is a 4638  
presumption that a prison term shall be imposed for the offense. 4639  
If the amount of the drug involved is within that range and if 4640  
the offense was committed in the vicinity of a school or in the 4641  
vicinity of a juvenile, trafficking in marihuana is a felony of 4642  
the second degree, and there is a presumption that a prison term 4643  
shall be imposed for the offense. 4644

(f) Except as otherwise provided in this division, if the 4645  
amount of the drug involved equals or exceeds twenty thousand 4646  
grams but is less than forty thousand grams, trafficking in 4647  
marihuana is a felony of the second degree, and the court shall 4648  
impose as a mandatory prison term a second degree felony 4649  
mandatory prison term of five, six, seven, or eight years. If 4650  
the amount of the drug involved is within that range and if the 4651  
offense was committed in the vicinity of a school or in the 4652  
vicinity of a juvenile, trafficking in marihuana is a felony of 4653  
the first degree, and the court shall impose as a mandatory 4654  
prison term ~~the maximum prison term prescribed for a felony of~~ 4655  
~~the first degree~~ a maximum first degree felony mandatory prison 4656  
term. 4657

(g) Except as otherwise provided in this division, if the 4658  
amount of the drug involved equals or exceeds forty thousand 4659

grams, trafficking in marihuana is a felony of the second 4660  
degree, and the court shall impose as a mandatory prison term 4661  
~~the maximum prison term prescribed for a felony of the second-~~ 4662  
~~degree~~ a maximum second degree felony mandatory prison term. If 4663  
the amount of the drug involved equals or exceeds forty thousand 4664  
grams and if the offense was committed in the vicinity of a 4665  
school or in the vicinity of a juvenile, trafficking in 4666  
marihuana is a felony of the first degree, and the court shall 4667  
impose as a mandatory prison term ~~the maximum prison term-~~ 4668  
~~prescribed for a felony of the first degree~~ a maximum first 4669  
degree felony mandatory prison term. 4670

(h) Except as otherwise provided in this division, if the 4671  
offense involves a gift of twenty grams or less of marihuana, 4672  
trafficking in marihuana is a minor misdemeanor upon a first 4673  
offense and a misdemeanor of the third degree upon a subsequent 4674  
offense. If the offense involves a gift of twenty grams or less 4675  
of marihuana and if the offense was committed in the vicinity of 4676  
a school or in the vicinity of a juvenile, trafficking in 4677  
marihuana is a misdemeanor of the third degree. 4678

(4) If the drug involved in the violation is cocaine or a 4679  
compound, mixture, preparation, or substance containing cocaine, 4680  
whoever violates division (A) of this section is guilty of 4681  
trafficking in cocaine. The penalty for the offense shall be 4682  
determined as follows: 4683

(a) Except as otherwise provided in division (C) (4) (b), 4684  
(c), (d), (e), (f), or (g) of this section, trafficking in 4685  
cocaine is a felony of the fifth degree, and division (B) of 4686  
section 2929.13 of the Revised Code applies in determining 4687  
whether to impose a prison term on the offender. 4688

(b) Except as otherwise provided in division (C) (4) (c), 4689



(d), (e), (f), or (g) of this section, if the offense was 4690  
committed in the vicinity of a school or in the vicinity of a 4691  
juvenile, trafficking in cocaine is a felony of the fourth 4692  
degree, and division (C) of section 2929.13 of the Revised Code 4693  
applies in determining whether to impose a prison term on the 4694  
offender. 4695

(c) Except as otherwise provided in this division, if the 4696  
amount of the drug involved equals or exceeds five grams but is 4697  
less than ten grams of cocaine, trafficking in cocaine is a 4698  
felony of the fourth degree, and division (B) of section 2929.13 4699  
of the Revised Code applies in determining whether to impose a 4700  
prison term for the offense. If the amount of the drug involved 4701  
is within that range and if the offense was committed in the 4702  
vicinity of a school or in the vicinity of a juvenile, 4703  
trafficking in cocaine is a felony of the third degree, and 4704  
there is a presumption for a prison term for the offense. 4705

(d) Except as otherwise provided in this division, if the 4706  
amount of the drug involved equals or exceeds ten grams but is 4707  
less than twenty grams of cocaine, trafficking in cocaine is a 4708  
felony of the third degree, and, except as otherwise provided in 4709  
this division, there is a presumption for a prison term for the 4710  
offense. If trafficking in cocaine is a felony of the third 4711  
degree under this division and if the offender two or more times 4712  
previously has been convicted of or pleaded guilty to a felony 4713  
drug abuse offense, the court shall impose as a mandatory prison 4714  
term one of the prison terms prescribed for a felony of the 4715  
third degree. If the amount of the drug involved is within that 4716  
range and if the offense was committed in the vicinity of a 4717  
school or in the vicinity of a juvenile, trafficking in cocaine 4718  
is a felony of the second degree, and the court shall impose as 4719  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4720

~~felony of the second degree~~ a second degree felony mandatory  
prison term. 4721  
4722

(e) Except as otherwise provided in this division, if the 4723  
amount of the drug involved equals or exceeds twenty grams but 4724  
is less than twenty-seven grams of cocaine, trafficking in 4725  
cocaine is a felony of the second degree, and the court shall 4726  
impose as a mandatory prison term ~~one of the prison terms~~ 4727  
~~prescribed for a felony of the second degree~~ a second degree  
felony mandatory prison term. If the amount of the drug involved 4728  
is within that range and if the offense was committed in the 4729  
vicinity of a school or in the vicinity of a juvenile, 4730  
trafficking in cocaine is a felony of the first degree, and the 4731  
court shall impose as a mandatory prison term ~~one of the prison~~ 4732  
~~terms prescribed for a felony of the first degree~~ a first degree  
felony mandatory prison term. 4733  
4734  
4735

(f) If the amount of the drug involved equals or exceeds 4736  
twenty-seven grams but is less than one hundred grams of cocaine 4737  
and regardless of whether the offense was committed in the 4738  
vicinity of a school or in the vicinity of a juvenile, 4739  
trafficking in cocaine is a felony of the first degree, and the 4740  
court shall impose as a mandatory prison term ~~one of the prison~~ 4741  
~~terms prescribed for a felony of the first degree~~ a first degree  
felony mandatory prison term. 4742  
4743

(g) If the amount of the drug involved equals or exceeds 4744  
one hundred grams of cocaine and regardless of whether the 4745  
offense was committed in the vicinity of a school or in the 4746  
vicinity of a juvenile, trafficking in cocaine is a felony of 4747  
the first degree, the offender is a major drug offender, and the 4748  
court shall impose as a mandatory prison term ~~the maximum prison~~ 4749  
~~term prescribed for a felony of the first degree~~ a maximum first  
degree felony mandatory prison term. 4750

degree felony mandatory prison term. 4751

(5) If the drug involved in the violation is L.S.D. or a 4752  
compound, mixture, preparation, or substance containing L.S.D., 4753  
whoever violates division (A) of this section is guilty of 4754  
trafficking in L.S.D. The penalty for the offense shall be 4755  
determined as follows: 4756

(a) Except as otherwise provided in division (C) (5) (b), 4757  
(c), (d), (e), (f), or (g) of this section, trafficking in 4758  
L.S.D. is a felony of the fifth degree, and division (B) of 4759  
section 2929.13 of the Revised Code applies in determining 4760  
whether to impose a prison term on the offender. 4761

(b) Except as otherwise provided in division (C) (5) (c), 4762  
(d), (e), (f), or (g) of this section, if the offense was 4763  
committed in the vicinity of a school or in the vicinity of a 4764  
juvenile, trafficking in L.S.D. is a felony of the fourth 4765  
degree, and division (C) of section 2929.13 of the Revised Code 4766  
applies in determining whether to impose a prison term on the 4767  
offender. 4768

(c) Except as otherwise provided in this division, if the 4769  
amount of the drug involved equals or exceeds ten unit doses but 4770  
is less than fifty unit doses of L.S.D. in a solid form or 4771  
equals or exceeds one gram but is less than five grams of L.S.D. 4772  
in a liquid concentrate, liquid extract, or liquid distillate 4773  
form, trafficking in L.S.D. is a felony of the fourth degree, 4774  
and division (B) of section 2929.13 of the Revised Code applies 4775  
in determining whether to impose a prison term for the offense. 4776  
If the amount of the drug involved is within that range and if 4777  
the offense was committed in the vicinity of a school or in the 4778  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4779  
third degree, and there is a presumption for a prison term for 4780

the offense. 4781

(d) Except as otherwise provided in this division, if the 4782  
amount of the drug involved equals or exceeds fifty unit doses 4783  
but is less than two hundred fifty unit doses of L.S.D. in a 4784  
solid form or equals or exceeds five grams but is less than 4785  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 4786  
extract, or liquid distillate form, trafficking in L.S.D. is a 4787  
felony of the third degree, and, except as otherwise provided in 4788  
this division, there is a presumption for a prison term for the 4789  
offense. If trafficking in L.S.D. is a felony of the third 4790  
degree under this division and if the offender two or more times 4791  
previously has been convicted of or pleaded guilty to a felony 4792  
drug abuse offense, the court shall impose as a mandatory prison 4793  
term one of the prison terms prescribed for a felony of the 4794  
third degree. If the amount of the drug involved is within that 4795  
range and if the offense was committed in the vicinity of a 4796  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4797  
is a felony of the second degree, and the court shall impose as 4798  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4799  
felony of the second degree a second degree felony mandatory 4800  
prison term. 4801

(e) Except as otherwise provided in this division, if the 4802  
amount of the drug involved equals or exceeds two hundred fifty 4803  
unit doses but is less than one thousand unit doses of L.S.D. in 4804  
a solid form or equals or exceeds twenty-five grams but is less 4805  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4806  
extract, or liquid distillate form, trafficking in L.S.D. is a 4807  
felony of the second degree, and the court shall impose as a 4808  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4809  
felony of the second degree a second degree felony mandatory 4810  
prison term. If the amount of the drug involved is within that 4811

range and if the offense was committed in the vicinity of a 4812  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4813  
is a felony of the first degree, and the court shall impose as a 4814  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4815  
~~felony of the first degree~~ a first degree felony mandatory 4816  
prison term. 4817

(f) If the amount of the drug involved equals or exceeds 4818  
one thousand unit doses but is less than five thousand unit 4819  
doses of L.S.D. in a solid form or equals or exceeds one hundred 4820  
grams but is less than five hundred grams of L.S.D. in a liquid 4821  
concentrate, liquid extract, or liquid distillate form and 4822  
regardless of whether the offense was committed in the vicinity 4823  
of a school or in the vicinity of a juvenile, trafficking in 4824  
L.S.D. is a felony of the first degree, and the court shall 4825  
impose as a mandatory prison term ~~one of the prison terms~~ 4826  
~~prescribed for a felony of the first degree~~ a first degree 4827  
felony mandatory prison term. 4828

(g) If the amount of the drug involved equals or exceeds 4829  
five thousand unit doses of L.S.D. in a solid form or equals or 4830  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4831  
liquid extract, or liquid distillate form and regardless of 4832  
whether the offense was committed in the vicinity of a school or 4833  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4834  
of the first degree, the offender is a major drug offender, and 4835  
the court shall impose as a mandatory prison term ~~the maximum~~ 4836  
~~prison term prescribed for a felony of the first degree~~ a 4837  
maximum first degree felony mandatory prison term. 4838

(6) If the drug involved in the violation is heroin or a 4839  
compound, mixture, preparation, or substance containing heroin, 4840  
whoever violates division (A) of this section is guilty of 4841

trafficking in heroin. The penalty for the offense shall be 4842  
determined as follows: 4843

(a) Except as otherwise provided in division (C) (6) (b), 4844  
(c), (d), (e), (f), or (g) of this section, trafficking in 4845  
heroin is a felony of the fifth degree, and division (B) of 4846  
section 2929.13 of the Revised Code applies in determining 4847  
whether to impose a prison term on the offender. 4848

(b) Except as otherwise provided in division (C) (6) (c), 4849  
(d), (e), (f), or (g) of this section, if the offense was 4850  
committed in the vicinity of a school or in the vicinity of a 4851  
juvenile, trafficking in heroin is a felony of the fourth 4852  
degree, and division (C) of section 2929.13 of the Revised Code 4853  
applies in determining whether to impose a prison term on the 4854  
offender. 4855

(c) Except as otherwise provided in this division, if the 4856  
amount of the drug involved equals or exceeds ten unit doses but 4857  
is less than fifty unit doses or equals or exceeds one gram but 4858  
is less than five grams, trafficking in heroin is a felony of 4859  
the fourth degree, and division (B) of section 2929.13 of the 4860  
Revised Code applies in determining whether to impose a prison 4861  
term for the offense. If the amount of the drug involved is 4862  
within that range and if the offense was committed in the 4863  
vicinity of a school or in the vicinity of a juvenile, 4864  
trafficking in heroin is a felony of the third degree, and there 4865  
is a presumption for a prison term for the offense. 4866

(d) Except as otherwise provided in this division, if the 4867  
amount of the drug involved equals or exceeds fifty unit doses 4868  
but is less than one hundred unit doses or equals or exceeds 4869  
five grams but is less than ten grams, trafficking in heroin is 4870  
a felony of the third degree, and there is a presumption for a 4871

prison term for the offense. If the amount of the drug involved 4872  
is within that range and if the offense was committed in the 4873  
vicinity of a school or in the vicinity of a juvenile, 4874  
trafficking in heroin is a felony of the second degree, and 4875  
there is a presumption for a prison term for the offense. 4876

(e) Except as otherwise provided in this division, if the 4877  
amount of the drug involved equals or exceeds one hundred unit 4878  
doses but is less than five hundred unit doses or equals or 4879  
exceeds ten grams but is less than fifty grams, trafficking in 4880  
heroin is a felony of the second degree, and the court shall 4881  
impose as a mandatory prison term ~~one of the prison terms~~ 4882  
prescribed for a felony of the second degree a second degree 4883  
felony mandatory prison term. If the amount of the drug involved 4884  
is within that range and if the offense was committed in the 4885  
vicinity of a school or in the vicinity of a juvenile, 4886  
trafficking in heroin is a felony of the first degree, and the 4887  
court shall impose as a mandatory prison term ~~one of the prison~~ 4888  
~~terms prescribed for a felony of the first degree~~ a first degree 4889  
felony mandatory prison term. 4890

(f) If the amount of the drug involved equals or exceeds 4891  
five hundred unit doses but is less than one thousand unit doses 4892  
or equals or exceeds fifty grams but is less than one hundred 4893  
grams and regardless of whether the offense was committed in the 4894  
vicinity of a school or in the vicinity of a juvenile, 4895  
trafficking in heroin is a felony of the first degree, and the 4896  
court shall impose as a mandatory prison term ~~one of the prison~~ 4897  
~~terms prescribed for a felony of the first degree~~ a first degree 4898  
felony mandatory prison term. 4899

(g) If the amount of the drug involved equals or exceeds 4900  
one thousand unit doses or equals or exceeds one hundred grams 4901

and regardless of whether the offense was committed in the 4902  
vicinity of a school or in the vicinity of a juvenile, 4903  
trafficking in heroin is a felony of the first degree, the 4904  
offender is a major drug offender, and the court shall impose as 4905  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4906  
~~felony of the first degree~~ a maximum first degree felony 4907  
mandatory prison term. 4908

(7) If the drug involved in the violation is hashish or a 4909  
compound, mixture, preparation, or substance containing hashish, 4910  
whoever violates division (A) of this section is guilty of 4911  
trafficking in hashish. The penalty for the offense shall be 4912  
determined as follows: 4913

(a) Except as otherwise provided in division (C) (7) (b), 4914  
(c), (d), (e), (f), or (g) of this section, trafficking in 4915  
hashish is a felony of the fifth degree, and division (B) of 4916  
section 2929.13 of the Revised Code applies in determining 4917  
whether to impose a prison term on the offender. 4918

(b) Except as otherwise provided in division (C) (7) (c), 4919  
(d), (e), (f), or (g) of this section, if the offense was 4920  
committed in the vicinity of a school or in the vicinity of a 4921  
juvenile, trafficking in hashish is a felony of the fourth 4922  
degree, and division (B) of section 2929.13 of the Revised Code 4923  
applies in determining whether to impose a prison term on the 4924  
offender. 4925

(c) Except as otherwise provided in this division, if the 4926  
amount of the drug involved equals or exceeds ten grams but is 4927  
less than fifty grams of hashish in a solid form or equals or 4928  
exceeds two grams but is less than ten grams of hashish in a 4929  
liquid concentrate, liquid extract, or liquid distillate form, 4930  
trafficking in hashish is a felony of the fourth degree, and 4931



division (B) of section 2929.13 of the Revised Code applies in 4932  
determining whether to impose a prison term on the offender. If 4933  
the amount of the drug involved is within that range and if the 4934  
offense was committed in the vicinity of a school or in the 4935  
vicinity of a juvenile, trafficking in hashish is a felony of 4936  
the third degree, and division (C) of section 2929.13 of the 4937  
Revised Code applies in determining whether to impose a prison 4938  
term on the offender. 4939

(d) Except as otherwise provided in this division, if the 4940  
amount of the drug involved equals or exceeds fifty grams but is 4941  
less than two hundred fifty grams of hashish in a solid form or 4942  
equals or exceeds ten grams but is less than fifty grams of 4943  
hashish in a liquid concentrate, liquid extract, or liquid 4944  
distillate form, trafficking in hashish is a felony of the third 4945  
degree, and division (C) of section 2929.13 of the Revised Code 4946  
applies in determining whether to impose a prison term on the 4947  
offender. If the amount of the drug involved is within that 4948  
range and if the offense was committed in the vicinity of a 4949  
school or in the vicinity of a juvenile, trafficking in hashish 4950  
is a felony of the second degree, and there is a presumption 4951  
that a prison term shall be imposed for the offense. 4952

(e) Except as otherwise provided in this division, if the 4953  
amount of the drug involved equals or exceeds two hundred fifty 4954  
grams but is less than one thousand grams of hashish in a solid 4955  
form or equals or exceeds fifty grams but is less than two 4956  
hundred grams of hashish in a liquid concentrate, liquid 4957  
extract, or liquid distillate form, trafficking in hashish is a 4958  
felony of the third degree, and there is a presumption that a 4959  
prison term shall be imposed for the offense. If the amount of 4960  
the drug involved is within that range and if the offense was 4961  
committed in the vicinity of a school or in the vicinity of a 4962

juvenile, trafficking in hashish is a felony of the second 4963  
degree, and there is a presumption that a prison term shall be 4964  
imposed for the offense. 4965

(f) Except as otherwise provided in this division, if the 4966  
amount of the drug involved equals or exceeds one thousand grams 4967  
but is less than two thousand grams of hashish in a solid form 4968  
or equals or exceeds two hundred grams but is less than four 4969  
hundred grams of hashish in a liquid concentrate, liquid 4970  
extract, or liquid distillate form, trafficking in hashish is a 4971  
felony of the second degree, and the court shall impose as a 4972  
mandatory prison term a second degree felony mandatory prison 4973  
term of five, six, seven, or eight years. If the amount of the 4974  
drug involved is within that range and if the offense was 4975  
committed in the vicinity of a school or in the vicinity of a 4976  
juvenile, trafficking in hashish is a felony of the first 4977  
degree, and the court shall impose as a mandatory prison term 4978  
~~the maximum prison term prescribed for a felony of the first~~ 4979  
~~degree~~ a maximum first degree felony mandatory prison term. 4980

(g) Except as otherwise provided in this division, if the 4981  
amount of the drug involved equals or exceeds two thousand grams 4982  
of hashish in a solid form or equals or exceeds four hundred 4983  
grams of hashish in a liquid concentrate, liquid extract, or 4984  
liquid distillate form, trafficking in hashish is a felony of 4985  
the second degree, and the court shall impose as a mandatory 4986  
prison term ~~the maximum prison term prescribed for a felony of~~ 4987  
~~the second degree~~ a maximum second degree felony mandatory 4988  
prison term. If the amount of the drug involved equals or 4989  
exceeds two thousand grams of hashish in a solid form or equals 4990  
or exceeds four hundred grams of hashish in a liquid 4991  
concentrate, liquid extract, or liquid distillate form and if 4992  
the offense was committed in the vicinity of a school or in the 4993

vicinity of a juvenile, trafficking in hashish is a felony of 4994  
the first degree, and the court shall impose as a mandatory 4995  
prison term ~~the maximum prison term prescribed for a felony of~~ 4996  
~~the first degree~~ a maximum first degree felony mandatory prison 4997  
term. 4998

(8) If the drug involved in the violation is a controlled 4999  
substance analog or compound, mixture, preparation, or substance 5000  
that contains a controlled substance analog, whoever violates 5001  
division (A) of this section is guilty of trafficking in a 5002  
controlled substance analog. The penalty for the offense shall 5003  
be determined as follows: 5004

(a) Except as otherwise provided in division (C) (8) (b), 5005  
(c), (d), (e), (f), or (g) of this section, trafficking in a 5006  
controlled substance analog is a felony of the fifth degree, and 5007  
division (C) of section 2929.13 of the Revised Code applies in 5008  
determining whether to impose a prison term on the offender. 5009

(b) Except as otherwise provided in division (C) (8) (c), 5010  
(d), (e), (f), or (g) of this section, if the offense was 5011  
committed in the vicinity of a school or in the vicinity of a 5012  
juvenile, trafficking in a controlled substance analog is a 5013  
felony of the fourth degree, and division (C) of section 2929.13 5014  
of the Revised Code applies in determining whether to impose a 5015  
prison term on the offender. 5016

(c) Except as otherwise provided in this division, if the 5017  
amount of the drug involved equals or exceeds ten grams but is 5018  
less than twenty grams, trafficking in a controlled substance 5019  
analog is a felony of the fourth degree, and division (B) of 5020  
section 2929.13 of the Revised Code applies in determining 5021  
whether to impose a prison term for the offense. If the amount 5022  
of the drug involved is within that range and if the offense was 5023

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or

in the vicinity of a juvenile, trafficking in a controlled 5054  
substance analog is a felony of the first degree, and the court 5055  
shall impose as a mandatory prison term ~~one of the prison terms~~ 5056  
~~prescribed for a felony of the first degree~~ a first degree 5057  
felony mandatory prison term. 5058

(g) If the amount of the drug involved equals or exceeds 5059  
fifty grams and regardless of whether the offense was committed 5060  
in the vicinity of a school or in the vicinity of a juvenile, 5061  
trafficking in a controlled substance analog is a felony of the 5062  
first degree, the offender is a major drug offender, and the 5063  
court shall impose as a mandatory prison term ~~the maximum prison~~ 5064  
~~term prescribed for a felony of the first degree~~ a maximum first 5065  
degree felony mandatory prison term. 5066

(D) In addition to any prison term authorized or required 5067  
by division (C) of this section and sections 2929.13 and 2929.14 5068  
of the Revised Code, and in addition to any other sanction 5069  
imposed for the offense under this section or sections 2929.11 5070  
to 2929.18 of the Revised Code, the court that sentences an 5071  
offender who is convicted of or pleads guilty to a violation of 5072  
division (A) of this section may suspend the driver's or 5073  
commercial driver's license or permit of the offender in 5074  
accordance with division (G) of this section. However, if the 5075  
offender pleaded guilty to or was convicted of a violation of 5076  
section 4511.19 of the Revised Code or a substantially similar 5077  
municipal ordinance or the law of another state or the United 5078  
States arising out of the same set of circumstances as the 5079  
violation, the court shall suspend the offender's driver's or 5080  
commercial driver's license or permit in accordance with 5081  
division (G) of this section. If applicable, the court also 5082  
shall do the following: 5083

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the

finding and return is to the effect that the amount of the 5115  
controlled substance involved is the requisite amount, or that 5116  
the amount of the controlled substance involved is less than the 5117  
requisite amount. 5118

(F) (1) Notwithstanding any contrary provision of section 5119  
3719.21 of the Revised Code and except as provided in division 5120  
(H) of this section, the clerk of the court shall pay any 5121  
mandatory fine imposed pursuant to division (D) (1) of this 5122  
section and any fine other than a mandatory fine that is imposed 5123  
for a violation of this section pursuant to division (A) or (B) 5124  
(5) of section 2929.18 of the Revised Code to the county, 5125  
township, municipal corporation, park district, as created 5126  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 5127  
state law enforcement agencies in this state that primarily were 5128  
responsible for or involved in making the arrest of, and in 5129  
prosecuting, the offender. However, the clerk shall not pay a 5130  
mandatory fine so imposed to a law enforcement agency unless the 5131  
agency has adopted a written internal control policy under 5132  
division (F) (2) of this section that addresses the use of the 5133  
fine moneys that it receives. Each agency shall use the 5134  
mandatory fines so paid to subsidize the agency's law 5135  
enforcement efforts that pertain to drug offenses, in accordance 5136  
with the written internal control policy adopted by the 5137  
recipient agency under division (F) (2) of this section. 5138

(2) Prior to receiving any fine moneys under division (F) 5139  
(1) of this section or division (B) of section 2925.42 of the 5140  
Revised Code, a law enforcement agency shall adopt a written 5141  
internal control policy that addresses the agency's use and 5142  
disposition of all fine moneys so received and that provides for 5143  
the keeping of detailed financial records of the receipts of 5144  
those fine moneys, the general types of expenditures made out of 5145

those fine moneys, and the specific amount of each general type 5146  
of expenditure. The policy shall not provide for or permit the 5147  
identification of any specific expenditure that is made in an 5148  
ongoing investigation. All financial records of the receipts of 5149  
those fine moneys, the general types of expenditures made out of 5150  
those fine moneys, and the specific amount of each general type 5151  
of expenditure by an agency are public records open for 5152  
inspection under section 149.43 of the Revised Code. 5153  
Additionally, a written internal control policy adopted under 5154  
this division is such a public record, and the agency that 5155  
adopted it shall comply with it. 5156

(3) As used in division (F) of this section: 5157

(a) "Law enforcement agencies" includes, but is not 5158  
limited to, the state board of pharmacy and the office of a 5159  
prosecutor. 5160

(b) "Prosecutor" has the same meaning as in section 5161  
2935.01 of the Revised Code. 5162

(G) (1) If the sentencing court suspends the offender's 5163  
driver's or commercial driver's license or permit under division 5164  
(D) of this section or any other provision of this chapter, the 5165  
court shall suspend the license, by order, for not more than 5166  
five years. If an offender's driver's or commercial driver's 5167  
license or permit is suspended pursuant to this division, the 5168  
offender, at any time after the expiration of two years from the 5169  
day on which the offender's sentence was imposed or from the day 5170  
on which the offender finally was released from a prison term 5171  
under the sentence, whichever is later, may file a motion with 5172  
the sentencing court requesting termination of the suspension; 5173  
upon the filing of such a motion and the court's finding of good 5174  
cause for the termination, the court may terminate the 5175



suspension. 5176

(2) Any offender who received a mandatory suspension of 5177  
the offender's driver's or commercial driver's license or permit 5178  
under this section prior to ~~the effective date of this amendment~~ 5179  
September 13, 2016, may file a motion with the sentencing court 5180  
requesting the termination of the suspension. However, an 5181  
offender who pleaded guilty to or was convicted of a violation 5182  
of section 4511.19 of the Revised Code or a substantially 5183  
similar municipal ordinance or law of another state or the 5184  
United States that arose out of the same set of circumstances as 5185  
the violation for which the offender's license or permit was 5186  
suspended under this section shall not file such a motion. 5187

Upon the filing of a motion under division (G)(2) of this 5188  
section, the sentencing court, in its discretion, may terminate 5189  
the suspension. 5190

(H)(1) In addition to any prison term authorized or 5191  
required by division (C) of this section and sections 2929.13 5192  
and 2929.14 of the Revised Code, in addition to any other 5193  
penalty or sanction imposed for the offense under this section 5194  
or sections 2929.11 to 2929.18 of the Revised Code, and in 5195  
addition to the forfeiture of property in connection with the 5196  
offense as prescribed in Chapter 2981. of the Revised Code, the 5197  
court that sentences an offender who is convicted of or pleads 5198  
guilty to a violation of division (A) of this section may impose 5199  
upon the offender an additional fine specified for the offense 5200  
in division (B)(4) of section 2929.18 of the Revised Code. A 5201  
fine imposed under division (H)(1) of this section is not 5202  
subject to division (F) of this section and shall be used solely 5203  
for the support of one or more eligible community addiction 5204  
services providers in accordance with divisions (H)(2) and (3) 5205

of this section. 5206

(2) The court that imposes a fine under division (H) (1) of 5207  
this section shall specify in the judgment that imposes the fine 5208  
one or more eligible community addiction services providers for 5209  
the support of which the fine money is to be used. No community 5210  
addiction services provider shall receive or use money paid or 5211  
collected in satisfaction of a fine imposed under division (H) 5212  
(1) of this section unless the services provider is specified in 5213  
the judgment that imposes the fine. No community addiction 5214  
services provider shall be specified in the judgment unless the 5215  
services provider is an eligible community addiction services 5216  
provider and, except as otherwise provided in division (H) (2) of 5217  
this section, unless the services provider is located in the 5218  
county in which the court that imposes the fine is located or in 5219  
a county that is immediately contiguous to the county in which 5220  
that court is located. If no eligible community addiction 5221  
services provider is located in any of those counties, the 5222  
judgment may specify an eligible community addiction services 5223  
provider that is located anywhere within this state. 5224

(3) Notwithstanding any contrary provision of section 5225  
3719.21 of the Revised Code, the clerk of the court shall pay 5226  
any fine imposed under division (H) (1) of this section to the 5227  
eligible community addiction services provider specified 5228  
pursuant to division (H) (2) of this section in the judgment. The 5229  
eligible community addiction services provider that receives the 5230  
fine moneys shall use the moneys only for the alcohol and drug 5231  
addiction services identified in the application for 5232  
certification of services under section 5119.36 of the Revised 5233  
Code or in the application for a license under section 5119.391 5234  
of the Revised Code filed with the department of mental health 5235  
and addiction services by the community addiction services 5236

provider specified in the judgment. 5237

(4) Each community addiction services provider that 5238  
receives in a calendar year any fine moneys under division (H) 5239  
(3) of this section shall file an annual report covering that 5240  
calendar year with the court of common pleas and the board of 5241  
county commissioners of the county in which the services 5242  
provider is located, with the court of common pleas and the 5243  
board of county commissioners of each county from which the 5244  
services provider received the moneys if that county is 5245  
different from the county in which the services provider is 5246  
located, and with the attorney general. The community addiction 5247  
services provider shall file the report no later than the first 5248  
day of March in the calendar year following the calendar year in 5249  
which the services provider received the fine moneys. The report 5250  
shall include statistics on the number of persons served by the 5251  
community addiction services provider, identify the types of 5252  
alcohol and drug addiction services provided to those persons, 5253  
and include a specific accounting of the purposes for which the 5254  
fine moneys received were used. No information contained in the 5255  
report shall identify, or enable a person to determine the 5256  
identity of, any person served by the community addiction 5257  
services provider. Each report received by a court of common 5258  
pleas, a board of county commissioners, or the attorney general 5259  
is a public record open for inspection under section 149.43 of 5260  
the Revised Code. 5261

(5) As used in divisions (H) (1) to (5) of this section: 5262

(a) "Community addiction services provider" and "alcohol 5263  
and drug addiction services" have the same meanings as in 5264  
section 5119.01 of the Revised Code. 5265

(b) "Eligible community addiction services provider" means 5266

a community addiction services provider, as defined in section 5267  
5119.01 of the Revised Code, or a community addiction services 5268  
provider that maintains a methadone treatment program licensed 5269  
under section 5119.391 of the Revised Code. 5270

(I) As used in this section, "drug" includes any substance 5271  
that is represented to be a drug. 5272

(J) It is an affirmative defense to a charge of 5273  
trafficking in a controlled substance analog under division (C) 5274  
(8) of this section that the person charged with violating that 5275  
offense sold or offered to sell, or prepared for shipment, 5276  
shipped, transported, delivered, prepared for distribution, or 5277  
distributed an item described in division (HH) (2) (a), (b), or 5278  
(c) of section 3719.01 of the Revised Code. 5279

**Sec. 2925.04.** (A) No person shall knowingly cultivate 5280  
marihuana or knowingly manufacture or otherwise engage in any 5281  
part of the production of a controlled substance. 5282

(B) This section does not apply to any person listed in 5283  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5284  
Code to the extent and under the circumstances described in 5285  
those divisions. 5286

(C) (1) Whoever commits a violation of division (A) of this 5287  
section that involves any drug other than marihuana is guilty of 5288  
illegal manufacture of drugs, and whoever commits a violation of 5289  
division (A) of this section that involves marihuana is guilty 5290  
of illegal cultivation of marihuana. 5291

(2) Except as otherwise provided in this division, if the 5292  
drug involved in the violation of division (A) of this section 5293  
is any compound, mixture, preparation, or substance included in 5294  
schedule I or II, with the exception of methamphetamine or 5295

marihuana, illegal manufacture of drugs is a felony of the 5296  
second degree, and, subject to division (E) of this section, the 5297  
court shall impose as a mandatory prison term ~~one of the prison~~ 5298  
~~terms prescribed for a felony of the second degree~~ a second 5299  
degree felony mandatory prison term. 5300

If the drug involved in the violation is any compound, 5301  
mixture, preparation, or substance included in schedule I or II, 5302  
with the exception of methamphetamine or marihuana, and if the 5303  
offense was committed in the vicinity of a juvenile or in the 5304  
vicinity of a school, illegal manufacture of drugs is a felony 5305  
of the first degree, and, subject to division (E) of this 5306  
section, the court shall impose as a mandatory prison term ~~one~~ 5307  
~~of the prison terms prescribed for a felony of the first degree~~ 5308  
a first degree felony mandatory prison term. 5309

(3) If the drug involved in the violation of division (A) 5310  
of this section is methamphetamine, the penalty for the 5311  
violation shall be determined as follows: 5312

(a) Except as otherwise provided in division (C) (3) (b) of 5313  
this section, if the drug involved in the violation is 5314  
methamphetamine, illegal manufacture of drugs is a felony of the 5315  
second degree, and, subject to division (E) of this section, the 5316  
court shall impose a mandatory prison term on the offender 5317  
determined in accordance with this division. Except as otherwise 5318  
provided in this division, the court shall impose as a mandatory 5319  
prison term ~~one of the prison terms prescribed for a felony of~~ 5320  
~~the second degree~~ a second degree felony mandatory prison term 5321  
that is not less than three years. If the offender previously 5322  
has been convicted of or pleaded guilty to a violation of 5323  
division (A) of this section, a violation of division (B) (6) of 5324  
section 2919.22 of the Revised Code, or a violation of division 5325

(A) of section 2925.041 of the Revised Code, the court shall 5326  
impose as a mandatory prison term ~~one of the prison terms~~ 5327  
~~prescribed for a felony of the second degree~~ a second degree 5328  
felony mandatory prison term that is not less than five years. 5329

(b) If the drug involved in the violation is 5330  
methamphetamine and if the offense was committed in the vicinity 5331  
of a juvenile, in the vicinity of a school, or on public 5332  
premises, illegal manufacture of drugs is a felony of the first 5333  
degree, and, subject to division (E) of this section, the court 5334  
shall impose a mandatory prison term on the offender determined 5335  
in accordance with this division. Except as otherwise provided 5336  
in this division, the court shall impose as a mandatory prison 5337  
term ~~one of the prison terms prescribed for a felony of the~~ 5338  
~~first degree~~ a first degree felony mandatory prison term that is 5339  
not less than four years. If the offender previously has been 5340  
convicted of or pleaded guilty to a violation of division (A) of 5341  
this section, a violation of division (B) (6) of section 2919.22 5342  
of the Revised Code, or a violation of division (A) of section 5343  
2925.041 of the Revised Code, the court shall impose as a 5344  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5345  
~~felony of the first degree~~ a first degree felony mandatory 5346  
prison term that is not less than five years. 5347

(4) If the drug involved in the violation of division (A) 5348  
of this section is any compound, mixture, preparation, or 5349  
substance included in schedule III, IV, or V, illegal 5350  
manufacture of drugs is a felony of the third degree or, if the 5351  
offense was committed in the vicinity of a school or in the 5352  
vicinity of a juvenile, a felony of the second degree, and there 5353  
is a presumption for a prison term for the offense. 5354

(5) If the drug involved in the violation is marihuana, 5355

the penalty for the offense shall be determined as follows: 5356

(a) Except as otherwise provided in division (C) (5) (b), 5357  
(c), (d), (e), or (f) of this section, illegal cultivation of 5358  
marihuana is a minor misdemeanor or, if the offense was 5359  
committed in the vicinity of a school or in the vicinity of a 5360  
juvenile, a misdemeanor of the fourth degree. 5361

(b) If the amount of marihuana involved equals or exceeds 5362  
one hundred grams but is less than two hundred grams, illegal 5363  
cultivation of marihuana is a misdemeanor of the fourth degree 5364  
or, if the offense was committed in the vicinity of a school or 5365  
in the vicinity of a juvenile, a misdemeanor of the third 5366  
degree. 5367

(c) If the amount of marihuana involved equals or exceeds 5368  
two hundred grams but is less than one thousand grams, illegal 5369  
cultivation of marihuana is a felony of the fifth degree or, if 5370  
the offense was committed in the vicinity of a school or in the 5371  
vicinity of a juvenile, a felony of the fourth degree, and 5372  
division (B) of section 2929.13 of the Revised Code applies in 5373  
determining whether to impose a prison term on the offender. 5374

(d) If the amount of marihuana involved equals or exceeds 5375  
one thousand grams but is less than five thousand grams, illegal 5376  
cultivation of marihuana is a felony of the third degree or, if 5377  
the offense was committed in the vicinity of a school or in the 5378  
vicinity of a juvenile, a felony of the second degree, and 5379  
division (C) of section 2929.13 of the Revised Code applies in 5380  
determining whether to impose a prison term on the offender. 5381

(e) If the amount of marihuana involved equals or exceeds 5382  
five thousand grams but is less than twenty thousand grams, 5383  
illegal cultivation of marihuana is a felony of the third degree 5384

or, if the offense was committed in the vicinity of a school or 5385  
in the vicinity of a juvenile, a felony of the second degree, 5386  
and there is a presumption for a prison term for the offense. 5387

(f) Except as otherwise provided in this division, if the 5388  
amount of marihuana involved equals or exceeds twenty thousand 5389  
grams, illegal cultivation of marihuana is a felony of the 5390  
second degree, and the court shall impose as a mandatory prison 5391  
~~term the maximum prison term prescribed for a felony of the~~ 5392  
~~second degree a maximum second degree felony mandatory prison~~ 5393  
term. If the amount of the drug involved equals or exceeds 5394  
twenty thousand grams and if the offense was committed in the 5395  
vicinity of a school or in the vicinity of a juvenile, illegal 5396  
cultivation of marihuana is a felony of the first degree, and 5397  
the court shall impose as a mandatory prison term ~~the maximum~~ 5398  
~~prison term prescribed for a felony of the first degree a~~ 5399  
maximum first degree felony mandatory prison term. 5400

(D) In addition to any prison term authorized or required 5401  
by division (C) or (E) of this section and sections 2929.13 and 5402  
2929.14 of the Revised Code and in addition to any other 5403  
sanction imposed for the offense under this section or sections 5404  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5405  
an offender who is convicted of or pleads guilty to a violation 5406  
of division (A) of this section may suspend the offender's 5407  
driver's or commercial driver's license or permit in accordance 5408  
with division (G) of section 2925.03 of the Revised Code. 5409  
However, if the offender pleaded guilty to or was convicted of a 5410  
violation of section 4511.19 of the Revised Code or a 5411  
substantially similar municipal ordinance or the law of another 5412  
state or the United States arising out of the same set of 5413  
circumstances as the violation, the court shall suspend the 5414  
offender's driver's or commercial driver's license or permit in 5415



accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of

the Revised Code, the court, in lieu of the prison term 5446  
otherwise authorized or required, shall impose upon the offender 5447  
the mandatory prison term specified in division (B) (3) of 5448  
section 2929.14 of the Revised Code. 5449

(F) It is an affirmative defense, as provided in section 5450  
2901.05 of the Revised Code, to a charge under this section for 5451  
a fifth degree felony violation of illegal cultivation of 5452  
marihuana that the marihuana that gave rise to the charge is in 5453  
an amount, is in a form, is prepared, compounded, or mixed with 5454  
substances that are not controlled substances in a manner, or is 5455  
possessed or cultivated under any other circumstances that 5456  
indicate that the marihuana was solely for personal use. 5457

Notwithstanding any contrary provision of division (F) of 5458  
this section, if, in accordance with section 2901.05 of the 5459  
Revised Code, a person who is charged with a violation of 5460  
illegal cultivation of marihuana that is a felony of the fifth 5461  
degree sustains the burden of going forward with evidence of and 5462  
establishes by a preponderance of the evidence the affirmative 5463  
defense described in this division, the person may be prosecuted 5464  
for and may be convicted of or plead guilty to a misdemeanor 5465  
violation of illegal cultivation of marihuana. 5466

(G) Arrest or conviction for a minor misdemeanor violation 5467  
of this section does not constitute a criminal record and need 5468  
not be reported by the person so arrested or convicted in 5469  
response to any inquiries about the person's criminal record, 5470  
including any inquiries contained in an application for 5471  
employment, a license, or any other right or privilege or made 5472  
in connection with the person's appearance as a witness. 5473

(H) (1) If the sentencing court suspends the offender's 5474  
driver's or commercial driver's license or permit under this 5475

section in accordance with division (G) of section 2925.03 of 5476  
the Revised Code, the offender may request termination of, and 5477  
the court may terminate, the suspension of the offender in 5478  
accordance with that division. 5479

(2) Any offender who received a mandatory suspension of 5480  
the offender's driver's or commercial driver's license or permit 5481  
under this section prior to ~~the effective date of this amendment~~ 5482  
September 13, 2016, may file a motion with the sentencing court 5483  
requesting the termination of the suspension. However, an 5484  
offender who pleaded guilty to or was convicted of a violation 5485  
of section 4511.19 of the Revised Code or a substantially 5486  
similar municipal ordinance or law of another state or the 5487  
United States that arose out of the same set of circumstances as 5488  
the violation for which the offender's license or permit was 5489  
suspended under this section shall not file such a motion. 5490

Upon the filing of a motion under division (H) (2) of this 5491  
section, the sentencing court, in its discretion, may terminate 5492  
the suspension. 5493

**Sec. 2925.041.** (A) No person shall knowingly assemble or 5494  
possess one or more chemicals that may be used to manufacture a 5495  
controlled substance in schedule I or II with the intent to 5496  
manufacture a controlled substance in schedule I or II in 5497  
violation of section 2925.04 of the Revised Code. 5498

(B) In a prosecution under this section, it is not 5499  
necessary to allege or prove that the offender assembled or 5500  
possessed all chemicals necessary to manufacture a controlled 5501  
substance in schedule I or II. The assembly or possession of a 5502  
single chemical that may be used in the manufacture of a 5503  
controlled substance in schedule I or II, with the intent to 5504  
manufacture a controlled substance in either schedule, is 5505

sufficient to violate this section. 5506

(C) Whoever violates this section is guilty of illegal 5507  
assembly or possession of chemicals for the manufacture of 5508  
drugs. Except as otherwise provided in this division, illegal 5509  
assembly or possession of chemicals for the manufacture of drugs 5510  
is a felony of the third degree, and, except as otherwise 5511  
provided in division (C)(1) or (2) of this section, division (C) 5512  
of section 2929.13 of the Revised Code applies in determining 5513  
whether to impose a prison term on the offender. If the offense 5514  
was committed in the vicinity of a juvenile or in the vicinity 5515  
of a school, illegal assembly or possession of chemicals for the 5516  
manufacture of drugs is a felony of the second degree, and, 5517  
except as otherwise provided in division (C)(1) or (2) of this 5518  
section, division (C) of section 2929.13 of the Revised Code 5519  
applies in determining whether to impose a prison term on the 5520  
offender. If the violation of division (A) of this section is a 5521  
felony of the third degree under this division and if the 5522  
chemical or chemicals assembled or possessed in violation of 5523  
division (A) of this section may be used to manufacture 5524  
methamphetamine, there either is a presumption for a prison term 5525  
for the offense or the court shall impose a mandatory prison 5526  
term on the offender, determined as follows: 5527

(1) Except as otherwise provided in this division, there 5528  
is a presumption for a prison term for the offense. If the 5529  
offender two or more times previously has been convicted of or 5530  
pleaded guilty to a felony drug abuse offense, except as 5531  
otherwise provided in this division, the court shall impose as a 5532  
mandatory prison term one of the prison terms prescribed for a 5533  
felony of the third degree that is not less than two years. If 5534  
the offender two or more times previously has been convicted of 5535  
or pleaded guilty to a felony drug abuse offense and if at least 5536

one of those previous convictions or guilty pleas was to a 5537  
violation of division (A) of this section, a violation of 5538  
division (B) (6) of section 2919.22 of the Revised Code, or a 5539  
violation of division (A) of section 2925.04 of the Revised 5540  
Code, the court shall impose as a mandatory prison term one of 5541  
the prison terms prescribed for a felony of the third degree 5542  
that is not less than five years. 5543

(2) If the violation of division (A) of this section is a 5544  
felony of the second degree under division (C) of this section 5545  
and the chemical or chemicals assembled or possessed in 5546  
committing the violation may be used to manufacture 5547  
methamphetamine, the court shall impose as a mandatory prison 5548  
term ~~one of the prison terms prescribed for a felony of the~~ 5549  
~~second degree~~ a second degree felony mandatory prison term that 5550  
is not less than three years. If the violation of division (A) 5551  
of this section is a felony of the second degree under division 5552  
(C) of this section, if the chemical or chemicals assembled or 5553  
possessed in committing the violation may be used to manufacture 5554  
methamphetamine, and if the offender previously has been 5555  
convicted of or pleaded guilty to a violation of division (A) of 5556  
this section, a violation of division (B) (6) of section 2919.22 5557  
of the Revised Code, or a violation of division (A) of section 5558  
2925.04 of the Revised Code, the court shall impose as a 5559  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5560  
~~felony of the second degree~~ a second degree felony mandatory 5561  
prison term that is not less than five years. 5562

(D) In addition to any prison term authorized by division 5563  
(C) of this section and sections 2929.13 and 2929.14 of the 5564  
Revised Code and in addition to any other sanction imposed for 5565  
the offense under this section or sections 2929.11 to 2929.18 of 5566  
the Revised Code, the court that sentences an offender who is 5567

convicted of or pleads guilty to a violation of this section may 5568  
suspend the offender's driver's or commercial driver's license 5569  
or permit in accordance with division (G) of section 2925.03 of 5570  
the Revised Code. However, if the offender pleaded guilty to or 5571  
was convicted of a violation of section 4511.19 of the Revised 5572  
Code or a substantially similar municipal ordinance or the law 5573  
of another state or the United States arising out of the same 5574  
set of circumstances as the violation, the court shall suspend 5575  
the offender's driver's or commercial driver's license or permit 5576  
in accordance with division (G) of section 2925.03 of the 5577  
Revised Code. If applicable, the court also shall do the 5578  
following: 5579

(1) The court shall impose upon the offender the mandatory 5580  
fine specified for the offense under division (B)(1) of section 5581  
2929.18 of the Revised Code unless, as specified in that 5582  
division, the court determines that the offender is indigent. 5583  
The clerk of the court shall pay a mandatory fine or other fine 5584  
imposed for a violation of this section under division (A) of 5585  
section 2929.18 of the Revised Code in accordance with and 5586  
subject to the requirements of division (F) of section 2925.03 5587  
of the Revised Code. The agency that receives the fine shall use 5588  
the fine as specified in division (F) of section 2925.03 of the 5589  
Revised Code. If a person charged with a violation of this 5590  
section posts bail and forfeits the bail, the clerk shall pay 5591  
the forfeited bail as if the forfeited bail were a fine imposed 5592  
for a violation of this section. 5593

(2) If the offender is a professionally licensed person or 5594  
a person who has been admitted to the bar by order of the 5595  
supreme court in compliance with its prescribed and published 5596  
rules, the court shall comply with section 2925.38 of the 5597  
Revised Code. 5598

(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (E) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

**Sec. 2925.05.** (A) No person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating section 2925.04 of the Revised Code or for the purpose of selling or offering to sell the controlled substance in the following amount:

(1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine,

L.S.D., heroin, and hashish, or schedule III, IV, or V, an amount of the drug that equals or exceeds the bulk amount of the drug;

(2) If the drug to be sold or offered for sale is marihuana or a compound, mixture, preparation, or substance other than hashish containing marihuana, an amount of the marihuana that equals or exceeds two hundred grams;

(3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the cocaine that equals or exceeds five grams;

(4) If the drug to be sold or offered for sale is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the L.S.D. that equals or exceeds ten unit doses if the L.S.D. is in a solid form or equals or exceeds one gram if the L.S.D. is in a liquid concentrate, liquid extract, or liquid distillate form;

(5) If the drug to be sold or offered for sale is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the heroin that equals or exceeds ten unit doses or equals or exceeds one gram;

(6) If the drug to be sold or offered for sale is hashish or a compound, mixture, preparation, or substance containing hashish, an amount of the hashish that equals or exceeds ten grams if the hashish is in a solid form or equals or exceeds two grams if the hashish is in a liquid concentrate, liquid extract, or liquid distillate form.

(B) This section does not apply to any person listed in division (B)(1), (2), or (3) of section 2925.03 of the Revised



Code to the extent and under the circumstances described in 5658  
those divisions. 5659

(C) (1) If the drug involved in the violation is any 5660  
compound, mixture, preparation, or substance included in 5661  
schedule I or II, with the exception of marihuana, whoever 5662  
violates division (A) of this section is guilty of aggravated 5663  
funding of drug trafficking, a felony of the first degree, and, 5664  
subject to division (E) of this section, the court shall impose 5665  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5666  
~~for a felony of the first degree~~ a first degree felony mandatory 5667  
prison term. 5668

(2) If the drug involved in the violation is any compound, 5669  
mixture, preparation, or substance included in schedule III, IV, 5670  
or V, whoever violates division (A) of this section is guilty of 5671  
funding of drug trafficking, a felony of the second degree, and 5672  
the court shall impose as a mandatory prison term ~~one of the~~ 5673  
~~prison terms prescribed for a felony of the second degree~~ a 5674  
second degree felony mandatory prison term. 5675

(3) If the drug involved in the violation is marihuana, 5676  
whoever violates division (A) of this section is guilty of 5677  
funding of marihuana trafficking, a felony of the third degree, 5678  
and, except as otherwise provided in this division, there is a 5679  
presumption for a prison term for the offense. If funding of 5680  
marihuana trafficking is a felony of the third degree under this 5681  
division and if the offender two or more times previously has 5682  
been convicted of or pleaded guilty to a felony drug abuse 5683  
offense, the court shall impose as a mandatory prison term one 5684  
of the prison terms prescribed for a felony of the third degree. 5685

(D) In addition to any prison term authorized or required 5686  
by division (C) or (E) of this section and sections 2929.13 and 5687

2929.14 of the Revised Code and in addition to any other 5688  
sanction imposed for the offense under this section or sections 5689  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5690  
an offender who is convicted of or pleads guilty to a violation 5691  
of division (A) of this section may suspend the offender's 5692  
driver's or commercial driver's license or permit in accordance 5693  
with division (G) of section 2925.03 of the Revised Code. 5694  
However, if the offender pleaded guilty to or was convicted of a 5695  
violation of section 4511.19 of the Revised Code or a 5696  
substantially similar municipal ordinance or the law of another 5697  
state or the United States arising out of the same set of 5698  
circumstances as the violation, the court shall suspend the 5699  
offender's driver's or commercial driver's license or permit in 5700  
accordance with division (G) of section 2925.03 of the Revised 5701  
Code. If applicable, the court also shall do the following: 5702

(1) The court shall impose the mandatory fine specified 5703  
for the offense under division (B)(1) of section 2929.18 of the 5704  
Revised Code unless, as specified in that division, the court 5705  
determines that the offender is indigent. The clerk of the court 5706  
shall pay a mandatory fine or other fine imposed for a violation 5707  
of this section pursuant to division (A) of section 2929.18 of 5708  
the Revised Code in accordance with and subject to the 5709  
requirements of division (F) of section 2925.03 of the Revised 5710  
Code. The agency that receives the fine shall use the fine in 5711  
accordance with division (F) of section 2925.03 of the Revised 5712  
Code. If a person is charged with a violation of this section, 5713  
posts bail, and forfeits the bail, the forfeited bail shall be 5714  
paid as if the forfeited bail were a fine imposed for a 5715  
violation of this section. 5716

(2) If the offender is a professionally licensed person, 5717  
the court immediately shall comply with section 2925.38 of the 5718

Revised Code. 5719

(E) Notwithstanding the prison term otherwise authorized 5720  
or required for the offense under division (C) of this section 5721  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5722  
violation of division (A) of this section involves the sale, 5723  
offer to sell, or possession of a schedule I or II controlled 5724  
substance, with the exception of marihuana, and if the court 5725  
imposing sentence upon the offender finds that the offender as a 5726  
result of the violation is a major drug offender and is guilty 5727  
of a specification of the type described in section 2941.1410 of 5728  
the Revised Code, the court, in lieu of the prison term 5729  
otherwise authorized or required, shall impose upon the offender 5730  
the mandatory prison term specified in division (B) (3) of 5731  
section 2929.14 of the Revised Code. 5732

(F) (1) If the sentencing court suspends the offender's 5733  
driver's or commercial driver's license or permit under this 5734  
section in accordance with division (G) of section 2925.03 of 5735  
the Revised Code, the offender may request termination of, and 5736  
the court may terminate, the suspension in accordance with that 5737  
division. 5738

(2) Any offender who received a mandatory suspension of 5739  
the offender's driver's or commercial driver's license or permit 5740  
under this section prior to ~~the effective date of this amendment~~ 5741  
September 13, 2016, may file a motion with the sentencing court 5742  
requesting the termination of the suspension. However, an 5743  
offender who pleaded guilty to or was convicted of a violation 5744  
of section 4511.19 of the Revised Code or a substantially 5745  
similar municipal ordinance or law of another state or the 5746  
United States that arose out of the same set of circumstances as 5747  
the violation for which the offender's license or permit was 5748

suspended under this section shall not file such a motion. 5749

Upon the filing of a motion under division (F) (2) of this 5750  
section, the sentencing court, in its discretion, may terminate 5751  
the suspension. 5752

**Sec. 2925.11.** (A) No person shall knowingly obtain, 5753  
possess, or use a controlled substance or a controlled substance 5754  
analog. 5755

(B) (1) This section does not apply to any of the 5756  
following: 5757

(a) Manufacturers, licensed health professionals 5758  
authorized to prescribe drugs, pharmacists, owners of 5759  
pharmacies, and other persons whose conduct was in accordance 5760  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5761  
4741. of the Revised Code; 5762

(b) If the offense involves an anabolic steroid, any 5763  
person who is conducting or participating in a research project 5764  
involving the use of an anabolic steroid if the project has been 5765  
approved by the United States food and drug administration; 5766

(c) Any person who sells, offers for sale, prescribes, 5767  
dispenses, or administers for livestock or other nonhuman 5768  
species an anabolic steroid that is expressly intended for 5769  
administration through implants to livestock or other nonhuman 5770  
species and approved for that purpose under the "Federal Food, 5771  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5772  
as amended, and is sold, offered for sale, prescribed, 5773  
dispensed, or administered for that purpose in accordance with 5774  
that act; 5775

(d) Any person who obtained the controlled substance 5776  
pursuant to a lawful prescription issued by a licensed health 5777

professional authorized to prescribe drugs.	5778
(2) (a) As used in division (B) (2) of this section:	5779
(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	5780 5781
(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	5782 5783 5784
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	5785 5786
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	5787 5788 5789
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	5790 5791
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	5792 5793
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	5794 5795
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	5796 5797 5798 5799 5800 5801 5802 5803
(ix) "Seek or obtain medical assistance" includes, but is	5804

not limited to making a 9-1-1 call, contacting in person or by 5805  
telephone call an on-duty peace officer, or transporting or 5806  
presenting a person to a health care facility. 5807

(b) Subject to division (B) (2) (f) of this section, a 5808  
qualified individual shall not be arrested, charged, prosecuted, 5809  
convicted, or penalized pursuant to this chapter for a minor 5810  
drug possession offense if all of the following apply: 5811

(i) The evidence of the obtaining, possession, or use of 5812  
the controlled substance or controlled substance analog that 5813  
would be the basis of the offense was obtained as a result of 5814  
the qualified individual seeking the medical assistance or 5815  
experiencing an overdose and needing medical assistance. 5816

(ii) Subject to division (B) (2) (g) of this section, within 5817  
thirty days after seeking or obtaining the medical assistance, 5818  
the qualified individual seeks and obtains a screening and 5819  
receives a referral for treatment from a community addiction 5820  
services provider or a properly credentialed addiction treatment 5821  
professional. 5822

(iii) Subject to division (B) (2) (g) of this section, the 5823  
qualified individual who obtains a screening and receives a 5824  
referral for treatment under division (B) (2) (b) (ii) of this 5825  
section, upon the request of any prosecuting attorney, submits 5826  
documentation to the prosecuting attorney that verifies that the 5827  
qualified individual satisfied the requirements of that 5828  
division. The documentation shall be limited to the date and 5829  
time of the screening obtained and referral received. 5830

(c) If a person is found to be in violation of any 5831  
community control sanction and if the violation is a result of 5832  
either of the following, the court shall first consider ordering 5833

the person's participation or continued participation in a drug 5834  
treatment program or mitigating the penalty specified in section 5835  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5836  
applicable, after which the court has the discretion either to 5837  
order the person's participation or continued participation in a 5838  
drug treatment program or to impose the penalty with the 5839  
mitigating factor specified in any of those applicable sections: 5840

(i) Seeking or obtaining medical assistance in good faith 5841  
for another person who is experiencing a drug overdose; 5842

(ii) Experiencing a drug overdose and seeking medical 5843  
assistance for that overdose or being the subject of another 5844  
person seeking or obtaining medical assistance for that overdose 5845  
as described in division (B) (2) (b) of this section. 5846

(d) If a person is found to be in violation of any post- 5847  
release control sanction and if the violation is a result of 5848  
either of the following, the court or the parole board shall 5849  
first consider ordering the person's participation or continued 5850  
participation in a drug treatment program or mitigating the 5851  
penalty specified in section 2929.141 or 2967.28 of the Revised 5852  
Code, whichever is applicable, after which the court or the 5853  
parole board has the discretion either to order the person's 5854  
participation or continued participation in a drug treatment 5855  
program or to impose the penalty with the mitigating factor 5856  
specified in either of those applicable sections: 5857

(i) Seeking or obtaining medical assistance in good faith 5858  
for another person who is experiencing a drug overdose; 5859

(ii) Experiencing a drug overdose and seeking medical 5860  
assistance for that emergency or being the subject of another 5861  
person seeking or obtaining medical assistance for that overdose 5862

as described in division (B) (2) (b) of this section. 5863

(e) Nothing in division (B) (2) (b) of this section shall be 5864  
construed to do any of the following: 5865

(i) Limit the admissibility of any evidence in connection 5866  
with the investigation or prosecution of a crime with regards to 5867  
a defendant who does not qualify for the protections of division 5868  
(B) (2) (b) of this section or with regards to any crime other 5869  
than a minor drug possession offense committed by a person who 5870  
qualifies for protection pursuant to division (B) (2) (b) of this 5871  
section for a minor drug possession offense; 5872

(ii) Limit any seizure of evidence or contraband otherwise 5873  
permitted by law; 5874

(iii) Limit or abridge the authority of a peace officer to 5875  
detain or take into custody a person in the course of an 5876  
investigation or to effectuate an arrest for any offense except 5877  
as provided in that division; 5878

(iv) Limit, modify, or remove any immunity from liability 5879  
available pursuant to law in effect prior to ~~the effective date~~ 5880  
~~of this amendment~~ September 13, 2016, to any public agency or to 5881  
an employee of any public agency. 5882

(f) Division (B) (2) (b) of this section does not apply to 5883  
any person who twice previously has been granted an immunity 5884  
under division (B) (2) (b) of this section. No person shall be 5885  
granted an immunity under division (B) (2) (b) of this section 5886  
more than two times. 5887

(g) Nothing in this section shall compel any qualified 5888  
individual to disclose protected health information in a way 5889  
that conflicts with the requirements of the "Health Insurance 5890  
Portability and Accountability Act of 1996," 104 Pub. L. No. 5891



191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5892  
regulations promulgated by the United States department of 5893  
health and human services to implement the act or the 5894  
requirements of 42 C.F.R. Part 2. 5895

(C) Whoever violates division (A) of this section is 5896  
guilty of one of the following: 5897

(1) If the drug involved in the violation is a compound, 5898  
mixture, preparation, or substance included in schedule I or II, 5899  
with the exception of marihuana, cocaine, L.S.D., heroin, 5900  
hashish, and controlled substance analogs, whoever violates 5901  
division (A) of this section is guilty of aggravated possession 5902  
of drugs. The penalty for the offense shall be determined as 5903  
follows: 5904

(a) Except as otherwise provided in division (C) (1) (b), 5905  
(c), (d), or (e) of this section, aggravated possession of drugs 5906  
is a felony of the fifth degree, and division (B) of section 5907  
2929.13 of the Revised Code applies in determining whether to 5908  
impose a prison term on the offender. 5909

(b) If the amount of the drug involved equals or exceeds 5910  
the bulk amount but is less than five times the bulk amount, 5911  
aggravated possession of drugs is a felony of the third degree, 5912  
and there is a presumption for a prison term for the offense. 5913

(c) If the amount of the drug involved equals or exceeds 5914  
five times the bulk amount but is less than fifty times the bulk 5915  
amount, aggravated possession of drugs is a felony of the second 5916  
degree, and the court shall impose as a mandatory prison term 5917  
~~one of the prison terms prescribed for a felony of the second-~~ 5918  
degree a second degree felony mandatory prison term. 5919

(d) If the amount of the drug involved equals or exceeds 5920

fifty times the bulk amount but is less than one hundred times 5921  
the bulk amount, aggravated possession of drugs is a felony of 5922  
the first degree, and the court shall impose as a mandatory 5923  
prison term ~~one of the prison terms prescribed for a felony of~~ 5924  
~~the first degree~~ a first degree felony mandatory prison term. 5925

(e) If the amount of the drug involved equals or exceeds 5926  
one hundred times the bulk amount, aggravated possession of 5927  
drugs is a felony of the first degree, the offender is a major 5928  
drug offender, and the court shall impose as a mandatory prison 5929  
term ~~the maximum prison term prescribed for a felony of the~~ 5930  
~~first degree~~ a maximum first degree felony mandatory prison 5931  
term. 5932

(2) If the drug involved in the violation is a compound, 5933  
mixture, preparation, or substance included in schedule III, IV, 5934  
or V, whoever violates division (A) of this section is guilty of 5935  
possession of drugs. The penalty for the offense shall be 5936  
determined as follows: 5937

(a) Except as otherwise provided in division (C) (2) (b), 5938  
(c), or (d) of this section, possession of drugs is a 5939  
misdemeanor of the first degree or, if the offender previously 5940  
has been convicted of a drug abuse offense, a felony of the 5941  
fifth degree. 5942

(b) If the amount of the drug involved equals or exceeds 5943  
the bulk amount but is less than five times the bulk amount, 5944  
possession of drugs is a felony of the fourth degree, and 5945  
division (C) of section 2929.13 of the Revised Code applies in 5946  
determining whether to impose a prison term on the offender. 5947

(c) If the amount of the drug involved equals or exceeds 5948  
five times the bulk amount but is less than fifty times the bulk 5949

amount, possession of drugs is a felony of the third degree, and 5950  
there is a presumption for a prison term for the offense. 5951

(d) If the amount of the drug involved equals or exceeds 5952  
fifty times the bulk amount, possession of drugs is a felony of 5953  
the second degree, and the court shall impose upon the offender 5954  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5955  
~~for a felony of the second degree~~ a second degree felony 5956  
mandatory prison term. 5957

(3) If the drug involved in the violation is marihuana or 5958  
a compound, mixture, preparation, or substance containing 5959  
marihuana other than hashish, whoever violates division (A) of 5960  
this section is guilty of possession of marihuana. The penalty 5961  
for the offense shall be determined as follows: 5962

(a) Except as otherwise provided in division (C) (3) (b), 5963  
(c), (d), (e), (f), or (g) of this section, possession of 5964  
marihuana is a minor misdemeanor. 5965

(b) If the amount of the drug involved equals or exceeds 5966  
one hundred grams but is less than two hundred grams, possession 5967  
of marihuana is a misdemeanor of the fourth degree. 5968

(c) If the amount of the drug involved equals or exceeds 5969  
two hundred grams but is less than one thousand grams, 5970  
possession of marihuana is a felony of the fifth degree, and 5971  
division (B) of section 2929.13 of the Revised Code applies in 5972  
determining whether to impose a prison term on the offender. 5973

(d) If the amount of the drug involved equals or exceeds 5974  
one thousand grams but is less than five thousand grams, 5975  
possession of marihuana is a felony of the third degree, and 5976  
division (C) of section 2929.13 of the Revised Code applies in 5977  
determining whether to impose a prison term on the offender. 5978

(e) If the amount of the drug involved equals or exceeds 5979  
five thousand grams but is less than twenty thousand grams, 5980  
possession of marihuana is a felony of the third degree, and 5981  
there is a presumption that a prison term shall be imposed for 5982  
the offense. 5983

(f) If the amount of the drug involved equals or exceeds 5984  
twenty thousand grams but is less than forty thousand grams, 5985  
possession of marihuana is a felony of the second degree, and 5986  
the court shall impose as a mandatory prison term a second 5987  
degree felony mandatory prison term of five, six, seven, or 5988  
eight years. 5989

(g) If the amount of the drug involved equals or exceeds 5990  
forty thousand grams, possession of marihuana is a felony of the 5991  
second degree, and the court shall impose as a mandatory prison 5992  
term ~~the maximum prison term prescribed for a felony of the~~ 5993  
~~second degree~~ a maximum second degree felony mandatory prison 5994  
term. 5995

(4) If the drug involved in the violation is cocaine or a 5996  
compound, mixture, preparation, or substance containing cocaine, 5997  
whoever violates division (A) of this section is guilty of 5998  
possession of cocaine. The penalty for the offense shall be 5999  
determined as follows: 6000

(a) Except as otherwise provided in division (C) (4) (b), 6001  
(c), (d), (e), or (f) of this section, possession of cocaine is 6002  
a felony of the fifth degree, and division (B) of section 6003  
2929.13 of the Revised Code applies in determining whether to 6004  
impose a prison term on the offender. 6005

(b) If the amount of the drug involved equals or exceeds 6006  
five grams but is less than ten grams of cocaine, possession of 6007

cocaine is a felony of the fourth degree, and division (B) of 6008  
section 2929.13 of the Revised Code applies in determining 6009  
whether to impose a prison term on the offender. 6010

(c) If the amount of the drug involved equals or exceeds 6011  
ten grams but is less than twenty grams of cocaine, possession 6012  
of cocaine is a felony of the third degree, and, except as 6013  
otherwise provided in this division, there is a presumption for 6014  
a prison term for the offense. If possession of cocaine is a 6015  
felony of the third degree under this division and if the 6016  
offender two or more times previously has been convicted of or 6017  
pleaded guilty to a felony drug abuse offense, the court shall 6018  
impose as a mandatory prison term one of the prison terms 6019  
prescribed for a felony of the third degree. 6020

(d) If the amount of the drug involved equals or exceeds 6021  
twenty grams but is less than twenty-seven grams of cocaine, 6022  
possession of cocaine is a felony of the second degree, and the 6023  
court shall impose as a mandatory prison term ~~one of the prison~~ 6024  
~~terms prescribed for a felony of the second degree~~ a second 6025  
degree felony mandatory prison term. 6026

(e) If the amount of the drug involved equals or exceeds 6027  
twenty-seven grams but is less than one hundred grams of 6028  
cocaine, possession of cocaine is a felony of the first degree, 6029  
and the court shall impose as a mandatory prison term ~~one of the~~ 6030  
~~prison terms prescribed for a felony of the first degree~~ a first 6031  
degree felony mandatory prison term. 6032

(f) If the amount of the drug involved equals or exceeds 6033  
one hundred grams of cocaine, possession of cocaine is a felony 6034  
of the first degree, the offender is a major drug offender, and 6035  
the court shall impose as a mandatory prison term ~~the maximum~~ 6036  
~~prison term prescribed for a felony of the first degree~~ a 6037

maximum first degree felony mandatory prison term. 6038

(5) If the drug involved in the violation is L.S.D., 6039  
whoever violates division (A) of this section is guilty of 6040  
possession of L.S.D. The penalty for the offense shall be 6041  
determined as follows: 6042

(a) Except as otherwise provided in division (C) (5) (b), 6043  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 6044  
felony of the fifth degree, and division (B) of section 2929.13 6045  
of the Revised Code applies in determining whether to impose a 6046  
prison term on the offender. 6047

(b) If the amount of L.S.D. involved equals or exceeds ten 6048  
unit doses but is less than fifty unit doses of L.S.D. in a 6049  
solid form or equals or exceeds one gram but is less than five 6050  
grams of L.S.D. in a liquid concentrate, liquid extract, or 6051  
liquid distillate form, possession of L.S.D. is a felony of the 6052  
fourth degree, and division (C) of section 2929.13 of the 6053  
Revised Code applies in determining whether to impose a prison 6054  
term on the offender. 6055

(c) If the amount of L.S.D. involved equals or exceeds 6056  
fifty unit doses, but is less than two hundred fifty unit doses 6057  
of L.S.D. in a solid form or equals or exceeds five grams but is 6058  
less than twenty-five grams of L.S.D. in a liquid concentrate, 6059  
liquid extract, or liquid distillate form, possession of L.S.D. 6060  
is a felony of the third degree, and there is a presumption for 6061  
a prison term for the offense. 6062

(d) If the amount of L.S.D. involved equals or exceeds two 6063  
hundred fifty unit doses but is less than one thousand unit 6064  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 6065  
grams but is less than one hundred grams of L.S.D. in a liquid 6066

concentrate, liquid extract, or liquid distillate form, 6067  
possession of L.S.D. is a felony of the second degree, and the 6068  
court shall impose as a mandatory prison term ~~one of the prison~~ 6069  
~~terms prescribed for a felony of the second degree~~ a second 6070  
degree felony mandatory prison term. 6071

(e) If the amount of L.S.D. involved equals or exceeds one 6072  
thousand unit doses but is less than five thousand unit doses of 6073  
L.S.D. in a solid form or equals or exceeds one hundred grams 6074  
but is less than five hundred grams of L.S.D. in a liquid 6075  
concentrate, liquid extract, or liquid distillate form, 6076  
possession of L.S.D. is a felony of the first degree, and the 6077  
court shall impose as a mandatory prison term ~~one of the prison~~ 6078  
~~terms prescribed for a felony of the first degree~~ a first degree 6079  
felony mandatory prison term. 6080

(f) If the amount of L.S.D. involved equals or exceeds 6081  
five thousand unit doses of L.S.D. in a solid form or equals or 6082  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 6083  
liquid extract, or liquid distillate form, possession of L.S.D. 6084  
is a felony of the first degree, the offender is a major drug 6085  
offender, and the court shall impose as a mandatory prison term 6086  
~~the maximum prison term prescribed for a felony of the first~~ 6087  
~~degree~~ a maximum first degree felony mandatory prison term. 6088

(6) If the drug involved in the violation is heroin or a 6089  
compound, mixture, preparation, or substance containing heroin, 6090  
whoever violates division (A) of this section is guilty of 6091  
possession of heroin. The penalty for the offense shall be 6092  
determined as follows: 6093

(a) Except as otherwise provided in division (C) (6) (b), 6094  
(c), (d), (e), or (f) of this section, possession of heroin is a 6095  
felony of the fifth degree, and division (B) of section 2929.13 6096

of the Revised Code applies in determining whether to impose a 6097  
prison term on the offender. 6098

(b) If the amount of the drug involved equals or exceeds 6099  
ten unit doses but is less than fifty unit doses or equals or 6100  
exceeds one gram but is less than five grams, possession of 6101  
heroin is a felony of the fourth degree, and division (C) of 6102  
section 2929.13 of the Revised Code applies in determining 6103  
whether to impose a prison term on the offender. 6104

(c) If the amount of the drug involved equals or exceeds 6105  
fifty unit doses but is less than one hundred unit doses or 6106  
equals or exceeds five grams but is less than ten grams, 6107  
possession of heroin is a felony of the third degree, and there 6108  
is a presumption for a prison term for the offense. 6109

(d) If the amount of the drug involved equals or exceeds 6110  
one hundred unit doses but is less than five hundred unit doses 6111  
or equals or exceeds ten grams but is less than fifty grams, 6112  
possession of heroin is a felony of the second degree, and the 6113  
court shall impose as a mandatory prison term ~~one of the prison~~ 6114  
~~terms prescribed for a felony of the second degree~~ a second 6115  
degree felony mandatory prison term. 6116

(e) If the amount of the drug involved equals or exceeds 6117  
five hundred unit doses but is less than one thousand unit doses 6118  
or equals or exceeds fifty grams but is less than one hundred 6119  
grams, possession of heroin is a felony of the first degree, and 6120  
the court shall impose as a mandatory prison term ~~one of the~~ 6121  
~~prison terms prescribed for a felony of the first degree~~ a first 6122  
degree felony mandatory prison term. 6123

(f) If the amount of the drug involved equals or exceeds 6124  
one thousand unit doses or equals or exceeds one hundred grams, 6125



possession of heroin is a felony of the first degree, the 6126  
offender is a major drug offender, and the court shall impose as 6127  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6128  
~~felony of the first degree~~ a maximum first degree felony 6129  
mandatory prison term. 6130

(7) If the drug involved in the violation is hashish or a 6131  
compound, mixture, preparation, or substance containing hashish, 6132  
whoever violates division (A) of this section is guilty of 6133  
possession of hashish. The penalty for the offense shall be 6134  
determined as follows: 6135

(a) Except as otherwise provided in division (C) (7) (b), 6136  
(c), (d), (e), (f), or (g) of this section, possession of 6137  
hashish is a minor misdemeanor. 6138

(b) If the amount of the drug involved equals or exceeds 6139  
five grams but is less than ten grams of hashish in a solid form 6140  
or equals or exceeds one gram but is less than two grams of 6141  
hashish in a liquid concentrate, liquid extract, or liquid 6142  
distillate form, possession of hashish is a misdemeanor of the 6143  
fourth degree. 6144

(c) If the amount of the drug involved equals or exceeds 6145  
ten grams but is less than fifty grams of hashish in a solid 6146  
form or equals or exceeds two grams but is less than ten grams 6147  
of hashish in a liquid concentrate, liquid extract, or liquid 6148  
distillate form, possession of hashish is a felony of the fifth 6149  
degree, and division (B) of section 2929.13 of the Revised Code 6150  
applies in determining whether to impose a prison term on the 6151  
offender. 6152

(d) If the amount of the drug involved equals or exceeds 6153  
fifty grams but is less than two hundred fifty grams of hashish 6154

in a solid form or equals or exceeds ten grams but is less than 6155  
fifty grams of hashish in a liquid concentrate, liquid extract, 6156  
or liquid distillate form, possession of hashish is a felony of 6157  
the third degree, and division (C) of section 2929.13 of the 6158  
Revised Code applies in determining whether to impose a prison 6159  
term on the offender. 6160

(e) If the amount of the drug involved equals or exceeds 6161  
two hundred fifty grams but is less than one thousand grams of 6162  
hashish in a solid form or equals or exceeds fifty grams but is 6163  
less than two hundred grams of hashish in a liquid concentrate, 6164  
liquid extract, or liquid distillate form, possession of hashish 6165  
is a felony of the third degree, and there is a presumption that 6166  
a prison term shall be imposed for the offense. 6167

(f) If the amount of the drug involved equals or exceeds 6168  
one thousand grams but is less than two thousand grams of 6169  
hashish in a solid form or equals or exceeds two hundred grams 6170  
but is less than four hundred grams of hashish in a liquid 6171  
concentrate, liquid extract, or liquid distillate form, 6172  
possession of hashish is a felony of the second degree, and the 6173  
court shall impose as a mandatory prison term a second degree 6174  
felony mandatory prison term of five, six, seven, or eight 6175  
years. 6176

(g) If the amount of the drug involved equals or exceeds 6177  
two thousand grams of hashish in a solid form or equals or 6178  
exceeds four hundred grams of hashish in a liquid concentrate, 6179  
liquid extract, or liquid distillate form, possession of hashish 6180  
is a felony of the second degree, and the court shall impose as 6181  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6182  
~~felony of the second degree~~ a maximum second degree felony 6183  
mandatory prison term. 6184

(8) If the drug involved is a controlled substance analog 6185  
or compound, mixture, preparation, or substance that contains a 6186  
controlled substance analog, whoever violates division (A) of 6187  
this section is guilty of possession of a controlled substance 6188  
analog. The penalty for the offense shall be determined as 6189  
follows: 6190

(a) Except as otherwise provided in division (C) (8) (b), 6191  
(c), (d), (e), or (f) of this section, possession of a 6192  
controlled substance analog is a felony of the fifth degree, and 6193  
division (B) of section 2929.13 of the Revised Code applies in 6194  
determining whether to impose a prison term on the offender. 6195

(b) If the amount of the drug involved equals or exceeds 6196  
ten grams but is less than twenty grams, possession of a 6197  
controlled substance analog is a felony of the fourth degree, 6198  
and there is a presumption for a prison term for the offense. 6199

(c) If the amount of the drug involved equals or exceeds 6200  
twenty grams but is less than thirty grams, possession of a 6201  
controlled substance analog is a felony of the third degree, and 6202  
there is a presumption for a prison term for the offense. 6203

(d) If the amount of the drug involved equals or exceeds 6204  
thirty grams but is less than forty grams, possession of a 6205  
controlled substance analog is a felony of the second degree, 6206  
and the court shall impose as a mandatory prison term ~~one of the~~ 6207  
~~prison terms prescribed for a felony of the second degree~~ a 6208  
second degree felony mandatory prison term. 6209

(e) If the amount of the drug involved equals or exceeds 6210  
forty grams but is less than fifty grams, possession of a 6211  
controlled substance analog is a felony of the first degree, and 6212  
the court shall impose as a mandatory prison term ~~one of the~~ 6213

~~prison terms prescribed for a felony of the first degree, a first~~ 6214  
~~degree felony mandatory prison term.~~ 6215

(f) If the amount of the drug involved equals or exceeds 6216  
fifty grams, possession of a controlled substance analog is a 6217  
felony of the first degree, the offender is a major drug 6218  
offender, and the court shall impose as a mandatory prison term 6219  
~~the maximum prison term prescribed for a felony of the first~~ 6220  
~~degree, a maximum first degree felony mandatory prison term.~~ 6221

(D) Arrest or conviction for a minor misdemeanor violation 6222  
of this section does not constitute a criminal record and need 6223  
not be reported by the person so arrested or convicted in 6224  
response to any inquiries about the person's criminal record, 6225  
including any inquiries contained in any application for 6226  
employment, license, or other right or privilege, or made in 6227  
connection with the person's appearance as a witness. 6228

(E) In addition to any prison term or jail term authorized 6229  
or required by division (C) of this section and sections 6230  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 6231  
Code and in addition to any other sanction that is imposed for 6232  
the offense under this section, sections 2929.11 to 2929.18, or 6233  
sections 2929.21 to 2929.28 of the Revised Code, the court that 6234  
sentences an offender who is convicted of or pleads guilty to a 6235  
violation of division (A) of this section may suspend the 6236  
offender's driver's or commercial driver's license or permit for 6237  
not more than five years. However, if the offender pleaded 6238  
guilty to or was convicted of a violation of section 4511.19 of 6239  
the Revised Code or a substantially similar municipal ordinance 6240  
or the law of another state or the United States arising out of 6241  
the same set of circumstances as the violation, the court shall 6242  
suspend the offender's driver's or commercial driver's license 6243

or permit for not more than five years. If applicable, the court 6244  
also shall do the following: 6245

(1) (a) If the violation is a felony of the first, second, 6246  
or third degree, the court shall impose upon the offender the 6247  
mandatory fine specified for the offense under division (B) (1) 6248  
of section 2929.18 of the Revised Code unless, as specified in 6249  
that division, the court determines that the offender is 6250  
indigent. 6251

(b) Notwithstanding any contrary provision of section 6252  
3719.21 of the Revised Code, the clerk of the court shall pay a 6253  
mandatory fine or other fine imposed for a violation of this 6254  
section pursuant to division (A) of section 2929.18 of the 6255  
Revised Code in accordance with and subject to the requirements 6256  
of division (F) of section 2925.03 of the Revised Code. The 6257  
agency that receives the fine shall use the fine as specified in 6258  
division (F) of section 2925.03 of the Revised Code. 6259

(c) If a person is charged with a violation of this 6260  
section that is a felony of the first, second, or third degree, 6261  
posts bail, and forfeits the bail, the clerk shall pay the 6262  
forfeited bail pursuant to division (E) (1) (b) of this section as 6263  
if it were a mandatory fine imposed under division (E) (1) (a) of 6264  
this section. 6265

(2) If the offender is a professionally licensed person, 6266  
in addition to any other sanction imposed for a violation of 6267  
this section, the court immediately shall comply with section 6268  
2925.38 of the Revised Code. 6269

(F) It is an affirmative defense, as provided in section 6270  
2901.05 of the Revised Code, to a charge of a fourth degree 6271  
felony violation under this section that the controlled 6272

substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C) (2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C) (2) of this section or a fifth degree felony violation of division (C) (4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense obtained, possessed, or used an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an

offender who pleaded guilty to or was convicted of a violation 6303  
of section 4511.19 of the Revised Code or a substantially 6304  
similar municipal ordinance or law of another state or the 6305  
United States that arose out of the same set of circumstances as 6306  
the violation for which the offender's license or permit was 6307  
suspended under this section shall not file such a motion. 6308

Upon the filing of a motion under division (I) of this 6309  
section, the sentencing court, in its discretion, may terminate 6310  
the suspension. 6311

**Sec. 2929.01.** As used in this chapter: 6312

(A) (1) "Alternative residential facility" means, subject 6313  
to division (A) (2) of this section, any facility other than an 6314  
offender's home or residence in which an offender is assigned to 6315  
live and that satisfies all of the following criteria: 6316

(a) It provides programs through which the offender may 6317  
seek or maintain employment or may receive education, training, 6318  
treatment, or habilitation. 6319

(b) It has received the appropriate license or certificate 6320  
for any specialized education, training, treatment, 6321  
habilitation, or other service that it provides from the 6322  
government agency that is responsible for licensing or 6323  
certifying that type of education, training, treatment, 6324  
habilitation, or service. 6325

(2) "Alternative residential facility" does not include a 6326  
community-based correctional facility, jail, halfway house, or 6327  
prison. 6328

(B) "Basic probation supervision" means a requirement that 6329  
the offender maintain contact with a person appointed to 6330  
supervise the offender in accordance with sanctions imposed by 6331

the court or imposed by the parole board pursuant to section 6332  
2967.28 of the Revised Code. "Basic probation supervision" 6333  
includes basic parole supervision and basic post-release control 6334  
supervision. 6335

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6336  
the same meanings as in section 2925.01 of the Revised Code. 6337

(D) "Community-based correctional facility" means a 6338  
community-based correctional facility and program or district 6339  
community-based correctional facility and program developed 6340  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6341

(E) "Community control sanction" means a sanction that is 6342  
not a prison term and that is described in section 2929.15, 6343  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6344  
that is not a jail term and that is described in section 6345  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6346  
control sanction" includes probation if the sentence involved 6347  
was imposed for a felony that was committed prior to July 1, 6348  
1996, or if the sentence involved was imposed for a misdemeanor 6349  
that was committed prior to January 1, 2004. 6350

(F) "Controlled substance," "marihuana," "schedule I," and 6351  
"schedule II" have the same meanings as in section 3719.01 of 6352  
the Revised Code. 6353

(G) "Curfew" means a requirement that an offender during a 6354  
specified period of time be at a designated place. 6355

(H) "Day reporting" means a sanction pursuant to which an 6356  
offender is required each day to report to and leave a center or 6357  
other approved reporting location at specified times in order to 6358  
participate in work, education or training, treatment, and other 6359  
approved programs at the center or outside the center. 6360



(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 6361  
6362

(J) "Drug and alcohol use monitoring" means a program 6363  
under which an offender agrees to submit to random chemical 6364  
analysis of the offender's blood, breath, or urine to determine 6365  
whether the offender has ingested any alcohol or other drugs. 6366

(K) "Drug treatment program" means any program under which 6367  
a person undergoes assessment and treatment designed to reduce 6368  
or completely eliminate the person's physical or emotional 6369  
reliance upon alcohol, another drug, or alcohol and another drug 6370  
and under which the person may be required to receive assessment 6371  
and treatment on an outpatient basis or may be required to 6372  
reside at a facility other than the person's home or residence 6373  
while undergoing assessment and treatment. 6374

(L) "Economic loss" means any economic detriment suffered 6375  
by a victim as a direct and proximate result of the commission 6376  
of an offense and includes any loss of income due to lost time 6377  
at work because of any injury caused to the victim, and any 6378  
property loss, medical cost, or funeral expense incurred as a 6379  
result of the commission of the offense. "Economic loss" does 6380  
not include non-economic loss or any punitive or exemplary 6381  
damages. 6382

(M) "Education or training" includes study at, or in 6383  
conjunction with a program offered by, a university, college, or 6384  
technical college or vocational study and also includes the 6385  
completion of primary school, secondary school, and literacy 6386  
curricula or their equivalent. 6387

(N) "Firearm" has the same meaning as in section 2923.11 6388  
of the Revised Code. 6389

(O) "Halfway house" means a facility licensed by the 6390  
division of parole and community services of the department of 6391  
rehabilitation and correction pursuant to section 2967.14 of the 6392  
Revised Code as a suitable facility for the care and treatment 6393  
of adult offenders. 6394

(P) "House arrest" means a period of confinement of an 6395  
offender that is in the offender's home or in other premises 6396  
specified by the sentencing court or by the parole board 6397  
pursuant to section 2967.28 of the Revised Code and during which 6398  
all of the following apply: 6399

(1) The offender is required to remain in the offender's 6400  
home or other specified premises for the specified period of 6401  
confinement, except for periods of time during which the 6402  
offender is at the offender's place of employment or at other 6403  
premises as authorized by the sentencing court or by the parole 6404  
board. 6405

(2) The offender is required to report periodically to a 6406  
person designated by the court or parole board. 6407

(3) The offender is subject to any other restrictions and 6408  
requirements that may be imposed by the sentencing court or by 6409  
the parole board. 6410

(Q) "Intensive probation supervision" means a requirement 6411  
that an offender maintain frequent contact with a person 6412  
appointed by the court, or by the parole board pursuant to 6413  
section 2967.28 of the Revised Code, to supervise the offender 6414  
while the offender is seeking or maintaining necessary 6415  
employment and participating in training, education, and 6416  
treatment programs as required in the court's or parole board's 6417  
order. "Intensive probation supervision" includes intensive 6418

parole supervision and intensive post-release control 6419  
supervision. 6420

(R) "Jail" means a jail, workhouse, minimum security jail, 6421  
or other residential facility used for the confinement of 6422  
alleged or convicted offenders that is operated by a political 6423  
subdivision or a combination of political subdivisions of this 6424  
state. 6425

(S) "Jail term" means the term in a jail that a sentencing 6426  
court imposes or is authorized to impose pursuant to section 6427  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6428  
provision of the Revised Code that authorizes a term in a jail 6429  
for a misdemeanor conviction. 6430

(T) "Mandatory jail term" means the term in a jail that a 6431  
sentencing court is required to impose pursuant to division (G) 6432  
of section 1547.99 of the Revised Code, division (E) of section 6433  
2903.06 or division (D) of section 2903.08 of the Revised Code, 6434  
division (E) or (G) of section 2929.24 of the Revised Code, 6435  
division (B) of section 4510.14 of the Revised Code, or division 6436  
(G) of section 4511.19 of the Revised Code or pursuant to any 6437  
other provision of the Revised Code that requires a term in a 6438  
jail for a misdemeanor conviction. 6439

(U) "Delinquent child" has the same meaning as in section 6440  
2152.02 of the Revised Code. 6441

(V) "License violation report" means a report that is made 6442  
by a sentencing court, or by the parole board pursuant to 6443  
section 2967.28 of the Revised Code, to the regulatory or 6444  
licensing board or agency that issued an offender a professional 6445  
license or a license or permit to do business in this state and 6446  
that specifies that the offender has been convicted of or 6447

pleaded guilty to an offense that may violate the conditions 6448  
under which the offender's professional license or license or 6449  
permit to do business in this state was granted or an offense 6450  
for which the offender's professional license or license or 6451  
permit to do business in this state may be revoked or suspended. 6452

(W) "Major drug offender" means an offender who is 6453  
convicted of or pleads guilty to the possession of, sale of, or 6454  
offer to sell any drug, compound, mixture, preparation, or 6455  
substance that consists of or contains at least one thousand 6456  
grams of hashish; at least one hundred grams of cocaine; at 6457  
least one thousand unit doses or one hundred grams of heroin; at 6458  
least five thousand unit doses of L.S.D. or five hundred grams 6459  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6460  
distillate form; at least fifty grams of a controlled substance 6461  
analog; or at least one hundred times the amount of any other 6462  
schedule I or II controlled substance other than marihuana that 6463  
is necessary to commit a felony of the third degree pursuant to 6464  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6465  
Code that is based on the possession of, sale of, or offer to 6466  
sell the controlled substance. 6467

(X) "Mandatory prison term" means any of the following: 6468

(1) Subject to division (X) (2) of this section, the term 6469  
in prison that must be imposed for the offenses or circumstances 6470  
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 6471  
section 2929.13 and division (B) of section 2929.14 of the 6472  
Revised Code. Except as provided in sections 2925.02, 2925.03, 6473  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6474  
maximum or another specific term is required under section 6475  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6476  
described in this division may be any prison term authorized for 6477

the level of offense except that if the offense is a felony of 6478  
the first or second degree committed on or after the effective 6479  
date of this amendment, a mandatory prison term described in 6480  
this division may be one of the terms prescribed in division (A) 6481  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code, 6482  
whichever is applicable, that is authorized as the minimum term 6483  
for the offense. 6484

(2) The term of sixty or one hundred twenty days in prison 6485  
that a sentencing court is required to impose for a third or 6486  
fourth degree felony OVI offense pursuant to division (G) (2) of 6487  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6488  
of the Revised Code or the term of one, two, three, four, or 6489  
five years in prison that a sentencing court is required to 6490  
impose pursuant to division (G) (2) of section 2929.13 of the 6491  
Revised Code. 6492

(3) The term in prison imposed pursuant to division (A) of 6493  
section 2971.03 of the Revised Code for the offenses and in the 6494  
circumstances described in division (F) (11) of section 2929.13 6495  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6496  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6497  
section 2971.03 of the Revised Code and that term as modified or 6498  
terminated pursuant to section 2971.05 of the Revised Code. 6499

(Y) "Monitored time" means a period of time during which 6500  
an offender continues to be under the control of the sentencing 6501  
court or parole board, subject to no conditions other than 6502  
leading a law-abiding life. 6503

(Z) "Offender" means a person who, in this state, is 6504  
convicted of or pleads guilty to a felony or a misdemeanor. 6505

(AA) "Prison" means a residential facility used for the 6506

confinement of convicted felony offenders that is under the 6507  
control of the department of rehabilitation and correction but 6508  
does not include a violation sanction center operated under 6509  
authority of section 2967.141 of the Revised Code. 6510

(BB) (1) "Prison term" includes either of the following 6511  
sanctions for an offender: 6512

~~(1)~~ (a) A stated prison term; 6513

~~(2)~~ (b) A term in a prison shortened by, or with the 6514  
approval of, the sentencing court pursuant to section 2929.143, 6515  
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6516  
Code. 6517

(2) With respect to a non-life felony indefinite prison 6518  
term, references in any provision of law to a reduction of, or 6519  
deduction from, the prison term mean a reduction in, or 6520  
deduction from, the minimum term imposed as part of the 6521  
indefinite term. 6522

(CC) "Repeat violent offender" means a person about whom 6523  
both of the following apply: 6524

(1) The person is being sentenced for committing or for 6525  
complicity in committing any of the following: 6526

(a) Aggravated murder, murder, any felony of the first or 6527  
second degree that is an offense of violence, or an attempt to 6528  
commit any of these offenses if the attempt is a felony of the 6529  
first or second degree; 6530

(b) An offense under an existing or former law of this 6531  
state, another state, or the United States that is or was 6532  
substantially equivalent to an offense described in division 6533

(CC) (1) (a) of this section. 6534

(2) The person previously was convicted of or pleaded 6535  
guilty to an offense described in division (CC) (1) (a) or (b) of 6536  
this section. 6537

(DD) "Sanction" means any penalty imposed upon an offender 6538  
who is convicted of or pleads guilty to an offense, as 6539  
punishment for the offense. "Sanction" includes any sanction 6540  
imposed pursuant to any provision of sections 2929.14 to 2929.18 6541  
or 2929.24 to 2929.28 of the Revised Code. 6542

(EE) "Sentence" means the sanction or combination of 6543  
sanctions imposed by the sentencing court on an offender who is 6544  
convicted of or pleads guilty to an offense. 6545

(FF) (1) "Stated prison term" means the prison term, 6546  
mandatory prison term, or combination of all prison terms and 6547  
mandatory prison terms imposed by the sentencing court pursuant 6548  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6549  
under section 2919.25 of the Revised Code. "Stated prison term" 6550  
includes any credit received by the offender for time spent in 6551  
jail awaiting trial, sentencing, or transfer to prison for the 6552  
offense and any time spent under house arrest or house arrest 6553  
with electronic monitoring imposed after earning credits 6554  
pursuant to section 2967.193 of the Revised Code. If an offender 6555  
is serving a prison term as a risk reduction sentence under 6556  
sections 2929.143 and 5120.036 of the Revised Code, "stated 6557  
prison term" includes any period of time by which the prison 6558  
term imposed upon the offender is shortened by the offender's 6559  
successful completion of all assessment and treatment or 6560  
programming pursuant to those sections. 6561

(2) As used in the definition of "stated prison term" set 6562  
forth in division (FF) (1) of this section, a prison term is a 6563  
definite prison term imposed under section 2929.14 of the 6564

Revised Code or any other provision of law, is the minimum and 6565  
maximum prison terms under a non-life felony indefinite prison 6566  
term, or is a term of life imprisonment except to the extent 6567  
that the use of that definition in a section of the Revised Code 6568  
clearly is not intended to include a term of life imprisonment. 6569  
With respect to an offender sentenced to a non-life felony 6570  
indefinite prison term, references in section 2967.191 or 6571  
2967.193 of the Revised Code or any other provision of law to a 6572  
reduction of, or deduction from, the offender's stated prison 6573  
term or to release of the offender before the expiration of the 6574  
offender's stated prison term mean a reduction in, or deduction 6575  
from, the minimum term imposed as part of the indefinite term or 6576  
a release of the offender before the expiration of that minimum 6577  
term, references in section 2929.19 or 2967.28 of the Revised 6578  
Code to a stated prison term with respect to a prison term 6579  
imposed for a violation of a post-release control sanction mean 6580  
the minimum term so imposed, and references in any provision of 6581  
law to an offender's service of the offender's stated prison 6582  
term or the expiration of the offender's stated prison term mean 6583  
service or expiration of the minimum term so imposed plus any 6584  
additional period of incarceration under the sentence that is 6585  
required under section 2967.271 of the Revised Code. 6586

(GG) "Victim-offender mediation" means a reconciliation or 6587  
mediation program that involves an offender and the victim of 6588  
the offense committed by the offender and that includes a 6589  
meeting in which the offender and the victim may discuss the 6590  
offense, discuss restitution, and consider other sanctions for 6591  
the offense. 6592

(HH) "Fourth degree felony OVI offense" means a violation 6593  
of division (A) of section 4511.19 of the Revised Code that, 6594  
under division (G) of that section, is a felony of the fourth 6595



degree. 6596

(II) "Mandatory term of local incarceration" means the 6597  
term of sixty or one hundred twenty days in a jail, a community- 6598  
based correctional facility, a halfway house, or an alternative 6599  
residential facility that a sentencing court may impose upon a 6600  
person who is convicted of or pleads guilty to a fourth degree 6601  
felony OVI offense pursuant to division (G) (1) of section 6602  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6603  
section 4511.19 of the Revised Code. 6604

(JJ) "Designated homicide, assault, or kidnapping 6605  
offense," "violent sex offense," "sexual motivation 6606  
specification," "sexually violent offense," "sexually violent 6607  
predator," and "sexually violent predator specification" have 6608  
the same meanings as in section 2971.01 of the Revised Code. 6609

(KK) "Sexually oriented offense," "child-victim oriented 6610  
offense," and "tier III sex offender/child-victim offender" have 6611  
the same meanings as in section 2950.01 of the Revised Code. 6612

(LL) An offense is "committed in the vicinity of a child" 6613  
if the offender commits the offense within thirty feet of or 6614  
within the same residential unit as a child who is under 6615  
eighteen years of age, regardless of whether the offender knows 6616  
the age of the child or whether the offender knows the offense 6617  
is being committed within thirty feet of or within the same 6618  
residential unit as the child and regardless of whether the 6619  
child actually views the commission of the offense. 6620

(MM) "Family or household member" has the same meaning as 6621  
in section 2919.25 of the Revised Code. 6622

(NN) "Motor vehicle" and "manufactured home" have the same 6623  
meanings as in section 4501.01 of the Revised Code. 6624

(OO) "Detention" and "detention facility" have the same 6625  
meanings as in section 2921.01 of the Revised Code. 6626

(PP) "Third degree felony OVI offense" means a violation 6627  
of division (A) of section 4511.19 of the Revised Code that, 6628  
under division (G) of that section, is a felony of the third 6629  
degree. 6630

(QQ) "Random drug testing" has the same meaning as in 6631  
section 5120.63 of the Revised Code. 6632

(RR) "Felony sex offense" has the same meaning as in 6633  
section 2967.28 of the Revised Code. 6634

(SS) "Body armor" has the same meaning as in section 6635  
2941.1411 of the Revised Code. 6636

(TT) "Electronic monitoring" means monitoring through the 6637  
use of an electronic monitoring device. 6638

(UU) "Electronic monitoring device" means any of the 6639  
following: 6640

(1) Any device that can be operated by electrical or 6641  
battery power and that conforms with all of the following: 6642

(a) The device has a transmitter that can be attached to a 6643  
person, that will transmit a specified signal to a receiver of 6644  
the type described in division (UU) (1) (b) of this section if the 6645  
transmitter is removed from the person, turned off, or altered 6646  
in any manner without prior court approval in relation to 6647  
electronic monitoring or without prior approval of the 6648  
department of rehabilitation and correction in relation to the 6649  
use of an electronic monitoring device for an inmate on 6650  
transitional control or otherwise is tampered with, that can 6651  
transmit continuously and periodically a signal to that receiver 6652

when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU) (1) (a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU) (1) (c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the device has been turned off or altered without prior court approval or otherwise tampered with. The device is designed specifically for use in electronic monitoring, is not a converted wireless phone or another tracking device that is clearly not designed for electronic monitoring, and provides a means of text-based or voice communication with the person.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type described in division (UU) (1) (b) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (UU) (1) (a) of this section is attached.

(2) Any device that is not a device of the type described in division (UU) (1) of this section and that conforms with all of the following:

(a) The device includes a transmitter and receiver that can monitor and determine the location of a subject person at

any time, or at a designated point in time, through the use of a 6683  
central monitoring computer or through other electronic means. 6684

(b) The device includes a transmitter and receiver that 6685  
can determine at any time, or at a designated point in time, 6686  
through the use of a central monitoring computer or other 6687  
electronic means the fact that the transmitter is turned off or 6688  
altered in any manner without prior approval of the court in 6689  
relation to the electronic monitoring or without prior approval 6690  
of the department of rehabilitation and correction in relation 6691  
to the use of an electronic monitoring device for an inmate on 6692  
transitional control or otherwise is tampered with. 6693

(3) Any type of technology that can adequately track or 6694  
determine the location of a subject person at any time and that 6695  
is approved by the director of rehabilitation and correction, 6696  
including, but not limited to, any satellite technology, voice 6697  
tracking system, or retinal scanning system that is so approved. 6698

(VV) "Non-economic loss" means nonpecuniary harm suffered 6699  
by a victim of an offense as a result of or related to the 6700  
commission of the offense, including, but not limited to, pain 6701  
and suffering; loss of society, consortium, companionship, care, 6702  
assistance, attention, protection, advice, guidance, counsel, 6703  
instruction, training, or education; mental anguish; and any 6704  
other intangible loss. 6705

(WW) "Prosecutor" has the same meaning as in section 6706  
2935.01 of the Revised Code. 6707

(XX) "Continuous alcohol monitoring" means the ability to 6708  
automatically test and periodically transmit alcohol consumption 6709  
levels and tamper attempts at least every hour, regardless of 6710  
the location of the person who is being monitored. 6711

(YY) A person is "adjudicated a sexually violent predator" 6712  
if the person is convicted of or pleads guilty to a violent sex 6713  
offense and also is convicted of or pleads guilty to a sexually 6714  
violent predator specification that was included in the 6715  
indictment, count in the indictment, or information charging 6716  
that violent sex offense or if the person is convicted of or 6717  
pleads guilty to a designated homicide, assault, or kidnapping 6718  
offense and also is convicted of or pleads guilty to both a 6719  
sexual motivation specification and a sexually violent predator 6720  
specification that were included in the indictment, count in the 6721  
indictment, or information charging that designated homicide, 6722  
assault, or kidnapping offense. 6723

(ZZ) An offense is "committed in proximity to a school" if 6724  
the offender commits the offense in a school safety zone or 6725  
within five hundred feet of any school building or the 6726  
boundaries of any school premises, regardless of whether the 6727  
offender knows the offense is being committed in a school safety 6728  
zone or within five hundred feet of any school building or the 6729  
boundaries of any school premises. 6730

(AAA) "Human trafficking" means a scheme or plan to which 6731  
all of the following apply: 6732

(1) Its object is one or more of the following: 6733

(a) To subject a victim or victims to involuntary 6734  
servitude, as defined in section 2905.31 of the Revised Code or 6735  
to compel a victim or victims to engage in sexual activity for 6736  
hire, to engage in a performance that is obscene, sexually 6737  
oriented, or nudity oriented, or to be a model or participant in 6738  
the production of material that is obscene, sexually oriented, 6739  
or nudity oriented; 6740

(b) To facilitate, encourage, or recruit a victim who is 6741  
less than sixteen years of age or is a person with a 6742  
developmental disability, or victims who are less than sixteen 6743  
years of age or are persons with developmental disabilities, for 6744  
any purpose listed in divisions (A) (2) (a) to (c) of section 6745  
2905.32 of the Revised Code; 6746

(c) To facilitate, encourage, or recruit a victim who is 6747  
sixteen or seventeen years of age, or victims who are sixteen or 6748  
seventeen years of age, for any purpose listed in divisions (A) 6749  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6750  
circumstances described in division (A) (5), (6), (7), (8), (9), 6751  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6752  
apply with respect to the person engaging in the conduct and the 6753  
victim or victims. 6754

(2) It involves at least two felony offenses, whether or 6755  
not there has been a prior conviction for any of the felony 6756  
offenses, to which all of the following apply: 6757

(a) Each of the felony offenses is a violation of section 6758  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6759  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6760  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6761  
is a violation of a law of any state other than this state that 6762  
is substantially similar to any of the sections or divisions of 6763  
the Revised Code identified in this division. 6764

(b) At least one of the felony offenses was committed in 6765  
this state. 6766

(c) The felony offenses are related to the same scheme or 6767  
plan and are not isolated instances. 6768

(BBB) "Material," "nudity," "obscene," "performance," and 6769

"sexual activity" have the same meanings as in section 2907.01 6770  
of the Revised Code. 6771

(CCC) "Material that is obscene, sexually oriented, or 6772  
nudity oriented" means any material that is obscene, that shows 6773  
a person participating or engaging in sexual activity, 6774  
masturbation, or bestiality, or that shows a person in a state 6775  
of nudity. 6776

(DDD) "Performance that is obscene, sexually oriented, or 6777  
nudity oriented" means any performance that is obscene, that 6778  
shows a person participating or engaging in sexual activity, 6779  
masturbation, or bestiality, or that shows a person in a state 6780  
of nudity. 6781

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6782  
as an ignitable liquid, used to initiate a fire or increase the 6783  
rate of growth or spread of a fire. 6784

(FFF) "Non-life felony indefinite prison term" means a 6785  
prison term imposed under division (A) (1) (a) or (2) (a) of 6786  
section 2929.14 and section 2929.144 of the Revised Code for a 6787  
felony of the first or second degree committed on or after the 6788  
effective date of this amendment. 6789

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 6790  
or (G) of this section and unless a specific sanction is 6791  
required to be imposed or is precluded from being imposed 6792  
pursuant to law, a court that imposes a sentence upon an 6793  
offender for a felony may impose any sanction or combination of 6794  
sanctions on the offender that are provided in sections 2929.14 6795  
to 2929.18 of the Revised Code. 6796

If the offender is eligible to be sentenced to community 6797  
control sanctions, the court shall consider the appropriateness 6798

of imposing a financial sanction pursuant to section 2929.18 of 6799  
the Revised Code or a sanction of community service pursuant to 6800  
section 2929.17 of the Revised Code as the sole sanction for the 6801  
offense. Except as otherwise provided in this division, if the 6802  
court is required to impose a mandatory prison term for the 6803  
offense for which sentence is being imposed, the court also 6804  
shall impose any financial sanction pursuant to section 2929.18 6805  
of the Revised Code that is required for the offense and may 6806  
impose any other financial sanction pursuant to that section but 6807  
may not impose any additional sanction or combination of 6808  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 6809

If the offender is being sentenced for a fourth degree 6810  
felony OVI offense or for a third degree felony OVI offense, in 6811  
addition to the mandatory term of local incarceration or the 6812  
mandatory prison term required for the offense by division (G) 6813  
(1) or (2) of this section, the court shall impose upon the 6814  
offender a mandatory fine in accordance with division (B) (3) of 6815  
section 2929.18 of the Revised Code and may impose whichever of 6816  
the following is applicable: 6817

(1) For a fourth degree felony OVI offense for which 6818  
sentence is imposed under division (G) (1) of this section, an 6819  
additional community control sanction or combination of 6820  
community control sanctions under section 2929.16 or 2929.17 of 6821  
the Revised Code. If the court imposes upon the offender a 6822  
community control sanction and the offender violates any 6823  
condition of the community control sanction, the court may take 6824  
any action prescribed in division (B) of section 2929.15 of the 6825  
Revised Code relative to the offender, including imposing a 6826  
prison term on the offender pursuant to that division. 6827

(2) For a third or fourth degree felony OVI offense for 6828



which sentence is imposed under division (G) (2) of this section, 6829  
an additional prison term as described in division (B) (4) of 6830  
section 2929.14 of the Revised Code or a community control 6831  
sanction as described in division (G) (2) of this section. 6832

(B) (1) (a) Except as provided in division (B) (1) (b) of this 6833  
section, if an offender is convicted of or pleads guilty to a 6834  
felony of the fourth or fifth degree that is not an offense of 6835  
violence or that is a qualifying assault offense, the court 6836  
shall sentence the offender to a community control sanction or 6837  
combination of community control sanctions if all of the 6838  
following apply: 6839

(i) The offender previously has not been convicted of or 6840  
pleaded guilty to a felony offense. 6841

(ii) The most serious charge against the offender at the 6842  
time of sentencing is a felony of the fourth or fifth degree. 6843

(iii) If the court made a request of the department of 6844  
rehabilitation and correction pursuant to division (B) (1) (c) of 6845  
this section, the department, within the forty-five-day period 6846  
specified in that division, provided the court with the names 6847  
of, contact information for, and program details of one or more 6848  
community control sanctions that are available for persons 6849  
sentenced by the court. 6850

(iv) The offender previously has not been convicted of or 6851  
pleaded guilty to a misdemeanor offense of violence that the 6852  
offender committed within two years prior to the offense for 6853  
which sentence is being imposed. 6854

(b) The court has discretion to impose a prison term upon 6855  
an offender who is convicted of or pleads guilty to a felony of 6856  
the fourth or fifth degree that is not an offense of violence or 6857

that is a qualifying assault offense if any of the following 6858  
apply: 6859

(i) The offender committed the offense while having a 6860  
firearm on or about the offender's person or under the 6861  
offender's control. 6862

(ii) If the offense is a qualifying assault offense, the 6863  
offender caused serious physical harm to another person while 6864  
committing the offense, and, if the offense is not a qualifying 6865  
assault offense, the offender caused physical harm to another 6866  
person while committing the offense. 6867

(iii) The offender violated a term of the conditions of 6868  
bond as set by the court. 6869

(iv) The court made a request of the department of 6870  
rehabilitation and correction pursuant to division (B)(1)(c) of 6871  
this section, and the department, within the forty-five-day 6872  
period specified in that division, did not provide the court 6873  
with the name of, contact information for, and program details 6874  
of any community control sanction that is available for persons 6875  
sentenced by the court. 6876

(v) The offense is a sex offense that is a fourth or fifth 6877  
degree felony violation of any provision of Chapter 2907. of the 6878  
Revised Code. 6879

(vi) In committing the offense, the offender attempted to 6880  
cause or made an actual threat of physical harm to a person with 6881  
a deadly weapon. 6882

(vii) In committing the offense, the offender attempted to 6883  
cause or made an actual threat of physical harm to a person, and 6884  
the offender previously was convicted of an offense that caused 6885  
physical harm to a person. 6886

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

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

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

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court, if any. Upon making a request under this division that relates to a particular offender, a

court shall defer sentencing of that offender until it receives 6917  
from the department the names of, contact information for, and 6918  
program details of one or more community control sanctions that 6919  
are available for persons sentenced by the court or for forty- 6920  
five days, whichever is the earlier. 6921

If the department provides the court with the names of, 6922  
contact information for, and program details of one or more 6923  
community control sanctions that are available for persons 6924  
sentenced by the court within the forty-five-day period 6925  
specified in this division, the court shall impose upon the 6926  
offender a community control sanction under division (B) (1) (a) 6927  
of this section, except that the court may impose a prison term 6928  
under division (B) (1) (b) of this section if a factor described 6929  
in division (B) (1) (b) (i) or (ii) of this section applies. If the 6930  
department does not provide the court with the names of, contact 6931  
information for, and program details of one or more community 6932  
control sanctions that are available for persons sentenced by 6933  
the court within the forty-five-day period specified in this 6934  
division, the court may impose upon the offender a prison term 6935  
under division (B) (1) (b) (iv) of this section. 6936

(d) A sentencing court may impose an additional penalty 6937  
under division (B) of section 2929.15 of the Revised Code upon 6938  
an offender sentenced to a community control sanction under 6939  
division (B) (1) (a) of this section if the offender violates the 6940  
conditions of the community control sanction, violates a law, or 6941  
leaves the state without the permission of the court or the 6942  
offender's probation officer. 6943

(2) If division (B) (1) of this section does not apply, 6944  
except as provided in division (E), (F), or (G) of this section, 6945  
in determining whether to impose a prison term as a sanction for 6946

a felony of the fourth or fifth degree, the sentencing court 6947  
shall comply with the purposes and principles of sentencing 6948  
under section 2929.11 of the Revised Code and with section 6949  
2929.12 of the Revised Code. 6950

(C) Except as provided in division (D), (E), (F), or (G) 6951  
of this section, in determining whether to impose a prison term 6952  
as a sanction for a felony of the third degree or a felony drug 6953  
offense that is a violation of a provision of Chapter 2925. of 6954  
the Revised Code and that is specified as being subject to this 6955  
division for purposes of sentencing, the sentencing court shall 6956  
comply with the purposes and principles of sentencing under 6957  
section 2929.11 of the Revised Code and with section 2929.12 of 6958  
the Revised Code. 6959

(D) (1) Except as provided in division (E) or (F) of this 6960  
section, for a felony of the first or second degree, for a 6961  
felony drug offense that is a violation of any provision of 6962  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6963  
presumption in favor of a prison term is specified as being 6964  
applicable, and for a violation of division (A) (4) or (B) of 6965  
section 2907.05 of the Revised Code for which a presumption in 6966  
favor of a prison term is specified as being applicable, it is 6967  
presumed that a prison term is necessary in order to comply with 6968  
the purposes and principles of sentencing under section 2929.11 6969  
of the Revised Code. Division (D) (2) of this section does not 6970  
apply to a presumption established under this division for a 6971  
violation of division (A) (4) of section 2907.05 of the Revised 6972  
Code. 6973

(2) Notwithstanding the presumption established under 6974  
division (D) (1) of this section for the offenses listed in that 6975  
division other than a violation of division (A) (4) or (B) of 6976

section 2907.05 of the Revised Code, the sentencing court may 6977  
impose a community control sanction or a combination of 6978  
community control sanctions instead of a prison term on an 6979  
offender for a felony of the first or second degree or for a 6980  
felony drug offense that is a violation of any provision of 6981  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6982  
presumption in favor of a prison term is specified as being 6983  
applicable if it makes both of the following findings: 6984

(a) A community control sanction or a combination of 6985  
community control sanctions would adequately punish the offender 6986  
and protect the public from future crime, because the applicable 6987  
factors under section 2929.12 of the Revised Code indicating a 6988  
lesser likelihood of recidivism outweigh the applicable factors 6989  
under that section indicating a greater likelihood of 6990  
recidivism. 6991

(b) A community control sanction or a combination of 6992  
community control sanctions would not demean the seriousness of 6993  
the offense, because one or more factors under section 2929.12 6994  
of the Revised Code that indicate that the offender's conduct 6995  
was less serious than conduct normally constituting the offense 6996  
are applicable, and they outweigh the applicable factors under 6997  
that section that indicate that the offender's conduct was more 6998  
serious than conduct normally constituting the offense. 6999

(E) (1) Except as provided in division (F) of this section, 7000  
for any drug offense that is a violation of any provision of 7001  
Chapter 2925. of the Revised Code and that is a felony of the 7002  
third, fourth, or fifth degree, the applicability of a 7003  
presumption under division (D) of this section in favor of a 7004  
prison term or of division (B) or (C) of this section in 7005  
determining whether to impose a prison term for the offense 7006

shall be determined as specified in section 2925.02, 2925.03, 7007  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7008  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 7009  
regarding the violation. 7010

(2) If an offender who was convicted of or pleaded guilty 7011  
to a felony violates the conditions of a community control 7012  
sanction imposed for the offense solely by reason of producing 7013  
positive results on a drug test or by acting pursuant to 7014  
division (B)(2)(b) of section 2925.11 of the Revised Code with 7015  
respect to a minor drug possession offense, the court, as 7016  
punishment for the violation of the sanction, shall not order 7017  
that the offender be imprisoned unless the court determines on 7018  
the record either of the following: 7019

(a) The offender had been ordered as a sanction for the 7020  
felony to participate in a drug treatment program, in a drug 7021  
education program, or in narcotics anonymous or a similar 7022  
program, and the offender continued to use illegal drugs after a 7023  
reasonable period of participation in the program. 7024

(b) The imprisonment of the offender for the violation is 7025  
consistent with the purposes and principles of sentencing set 7026  
forth in section 2929.11 of the Revised Code. 7027

(3) A court that sentences an offender for a drug abuse 7028  
offense that is a felony of the third, fourth, or fifth degree 7029  
may require that the offender be assessed by a properly 7030  
credentialed professional within a specified period of time. The 7031  
court shall require the professional to file a written 7032  
assessment of the offender with the court. If the offender is 7033  
eligible for a community control sanction and after considering 7034  
the written assessment, the court may impose a community control 7035  
sanction that includes addiction services and recovery supports 7036

included in a community-based continuum of care established 7037  
under section 340.032 of the Revised Code. If the court imposes 7038  
addiction services and recovery supports as a community control 7039  
sanction, the court shall direct the level and type of addiction 7040  
services and recovery supports after considering the assessment 7041  
and recommendation of community addiction services providers. 7042

(F) Notwithstanding divisions (A) to (E) of this section, 7043  
the court shall impose a prison term or terms under sections 7044  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 7045  
section 2971.03 of the Revised Code and except as specifically 7046  
provided in section 2929.20, divisions (C) to (I) of section 7047  
2967.19, or section 2967.191 of the Revised Code or when parole 7048  
is authorized for the offense under section 2967.13 of the 7049  
Revised Code shall not reduce the term or terms pursuant to 7050  
section 2929.20, section 2967.19, section 2967.193, or any other 7051  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 7052  
for any of the following offenses: 7053

(1) Aggravated murder when death is not imposed or murder; 7054

(2) Any rape, regardless of whether force was involved and 7055  
regardless of the age of the victim, or an attempt to commit 7056  
rape if, had the offender completed the rape that was attempted, 7057  
the offender would have been guilty of a violation of division 7058  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 7059  
sentenced under section 2971.03 of the Revised Code; 7060

(3) Gross sexual imposition or sexual battery, if the 7061  
victim is less than thirteen years of age and if any of the 7062  
following applies: 7063

(a) Regarding gross sexual imposition, the offender 7064  
previously was convicted of or pleaded guilty to rape, the 7065



former offense of felonious sexual penetration, gross sexual 7066  
imposition, or sexual battery, and the victim of the previous 7067  
offense was less than thirteen years of age; 7068

(b) Regarding gross sexual imposition, the offense was 7069  
committed on or after August 3, 2006, and evidence other than 7070  
the testimony of the victim was admitted in the case 7071  
corroborating the violation. 7072

(c) Regarding sexual battery, either of the following 7073  
applies: 7074

(i) The offense was committed prior to August 3, 2006, the 7075  
offender previously was convicted of or pleaded guilty to rape, 7076  
the former offense of felonious sexual penetration, or sexual 7077  
battery, and the victim of the previous offense was less than 7078  
thirteen years of age. 7079

(ii) The offense was committed on or after August 3, 2006. 7080

(4) A felony violation of section 2903.04, 2903.06, 7081  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 7082  
or 2923.132 of the Revised Code if the section requires the 7083  
imposition of a prison term; 7084

(5) A first, second, or third degree felony drug offense 7085  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 7086  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 7087  
or 4729.99 of the Revised Code, whichever is applicable 7088  
regarding the violation, requires the imposition of a mandatory 7089  
prison term; 7090

(6) Any offense that is a first or second degree felony 7091  
and that is not set forth in division (F) (1), (2), (3), or (4) 7092  
of this section, if the offender previously was convicted of or 7093  
pleaded guilty to aggravated murder, murder, any first or second 7094

degree felony, or an offense under an existing or former law of 7095  
this state, another state, or the United States that is or was 7096  
substantially equivalent to one of those offenses; 7097

(7) Any offense that is a third degree felony and either 7098  
is a violation of section 2903.04 of the Revised Code or an 7099  
attempt to commit a felony of the second degree that is an 7100  
offense of violence and involved an attempt to cause serious 7101  
physical harm to a person or that resulted in serious physical 7102  
harm to a person if the offender previously was convicted of or 7103  
pleaded guilty to any of the following offenses: 7104

(a) Aggravated murder, murder, involuntary manslaughter, 7105  
rape, felonious sexual penetration as it existed under section 7106  
2907.12 of the Revised Code prior to September 3, 1996, a felony 7107  
of the first or second degree that resulted in the death of a 7108  
person or in physical harm to a person, or complicity in or an 7109  
attempt to commit any of those offenses; 7110

(b) An offense under an existing or former law of this 7111  
state, another state, or the United States that is or was 7112  
substantially equivalent to an offense listed in division (F) (7) 7113  
(a) of this section that resulted in the death of a person or in 7114  
physical harm to a person. 7115

(8) Any offense, other than a violation of section 2923.12 7116  
of the Revised Code, that is a felony, if the offender had a 7117  
firearm on or about the offender's person or under the 7118  
offender's control while committing the felony, with respect to 7119  
a portion of the sentence imposed pursuant to division (B) (1) (a) 7120  
of section 2929.14 of the Revised Code for having the firearm; 7121

(9) Any offense of violence that is a felony, if the 7122  
offender wore or carried body armor while committing the felony 7123

offense of violence, with respect to the portion of the sentence 7124  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 7125  
Revised Code for wearing or carrying the body armor; 7126

(10) Corrupt activity in violation of section 2923.32 of 7127  
the Revised Code when the most serious offense in the pattern of 7128  
corrupt activity that is the basis of the offense is a felony of 7129  
the first degree; 7130

(11) Any violent sex offense or designated homicide, 7131  
assault, or kidnapping offense if, in relation to that offense, 7132  
the offender is adjudicated a sexually violent predator; 7133

(12) A violation of division (A) (1) or (2) of section 7134  
2921.36 of the Revised Code, or a violation of division (C) of 7135  
that section involving an item listed in division (A) (1) or (2) 7136  
of that section, if the offender is an officer or employee of 7137  
the department of rehabilitation and correction; 7138

(13) A violation of division (A) (1) or (2) of section 7139  
2903.06 of the Revised Code if the victim of the offense is a 7140  
peace officer, as defined in section 2935.01 of the Revised 7141  
Code, or an investigator of the bureau of criminal 7142  
identification and investigation, as defined in section 2903.11 7143  
of the Revised Code, with respect to the portion of the sentence 7144  
imposed pursuant to division (B) (5) of section 2929.14 of the 7145  
Revised Code; 7146

(14) A violation of division (A) (1) or (2) of section 7147  
2903.06 of the Revised Code if the offender has been convicted 7148  
of or pleaded guilty to three or more violations of division (A) 7149  
or (B) of section 4511.19 of the Revised Code or an equivalent 7150  
offense, as defined in section 2941.1415 of the Revised Code, or 7151  
three or more violations of any combination of those divisions 7152

and offenses, with respect to the portion of the sentence 7153  
imposed pursuant to division (B) (6) of section 2929.14 of the 7154  
Revised Code; 7155

(15) Kidnapping, in the circumstances specified in section 7156  
2971.03 of the Revised Code and when no other provision of 7157  
division (F) of this section applies; 7158

(16) Kidnapping, abduction, compelling prostitution, 7159  
promoting prostitution, engaging in a pattern of corrupt 7160  
activity, ~~illegal use of a minor in a nudity oriented material-~~ 7161  
~~or performance in a~~ violation of division (A) (1) or (2) of 7162  
section 2907.323 of the Revised Code that involves a minor, or 7163  
endangering children in violation of division (B) (1), (2), (3), 7164  
(4), or (5) of section 2919.22 of the Revised Code, if the 7165  
offender is convicted of or pleads guilty to a specification as 7166  
described in section 2941.1422 of the Revised Code that was 7167  
included in the indictment, count in the indictment, or 7168  
information charging the offense; 7169

(17) A felony violation of division (A) or (B) of section 7170  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 7171  
that section, and division (D) (6) of that section, require the 7172  
imposition of a prison term; 7173

(18) A felony violation of section 2903.11, 2903.12, or 7174  
2903.13 of the Revised Code, if the victim of the offense was a 7175  
woman that the offender knew was pregnant at the time of the 7176  
violation, with respect to a portion of the sentence imposed 7177  
pursuant to division (B) (8) of section 2929.14 of the Revised 7178  
Code; 7179

(19) (a) Any violent felony offense if the offender is a 7180  
violent career criminal and had a firearm on or about the 7181

offender's person or under the offender's control during the 7182  
commission of the violent felony offense and displayed or 7183  
brandished the firearm, indicated that the offender possessed a 7184  
firearm, or used the firearm to facilitate the offense, with 7185  
respect to the portion of the sentence imposed under division 7186  
(K) of section 2929.14 of the Revised Code. 7187

(b) As used in division (F) (19) (a) of this section, 7188  
"violent career criminal" and "violent felony offense" have the 7189  
same meanings as in section 2923.132 of the Revised Code; 7190

(20) Any violation of division (A) (1) of section 2903.11 7191  
of the Revised Code if the offender used an accelerant in 7192  
committing the violation and the serious physical harm to 7193  
another or another's unborn caused by the violation resulted in 7194  
a permanent, serious disfigurement or permanent, substantial 7195  
incapacity or any violation of division (A) (2) of that section 7196  
if the offender used an accelerant in committing the violation, 7197  
the violation caused physical harm to another or another's 7198  
unborn, and the physical harm resulted in a permanent, serious 7199  
disfigurement or permanent, substantial incapacity, with respect 7200  
to a portion of the sentence imposed pursuant to division (B) (9) 7201  
of section 2929.14 of the Revised Code. The provisions of this 7202  
division and of division (D) (2) of section 2903.11, divisions 7203  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 7204  
the Revised Code shall be known as "Judy's Law." 7205

(21) A felony violation of section 2925.03, 2925.05, or 7206  
2925.11 of the Revised Code, if the drug involved in the 7207  
violation is a fentanyl-related compound or a compound, mixture, 7208  
preparation, or substance containing a fentanyl-related compound 7209  
and the offender is convicted of or pleads guilty to a 7210  
specification of the type described in division (B) of section 7211

2941.1410 of the Revised Code that was included in the 7212  
indictment, count in the indictment, or information charging the 7213  
offense, with respect to the portion of the sentence imposed 7214  
under division (B) (9) of section 2929.14 of the Revised Code. 7215

(G) Notwithstanding divisions (A) to (E) of this section, 7216  
if an offender is being sentenced for a fourth degree felony OVI 7217  
offense or for a third degree felony OVI offense, the court 7218  
shall impose upon the offender a mandatory term of local 7219  
incarceration or a mandatory prison term in accordance with the 7220  
following: 7221

(1) If the offender is being sentenced for a fourth degree 7222  
felony OVI offense and if the offender has not been convicted of 7223  
and has not pleaded guilty to a specification of the type 7224  
described in section 2941.1413 of the Revised Code, the court 7225  
may impose upon the offender a mandatory term of local 7226  
incarceration of sixty days or one hundred twenty days as 7227  
specified in division (G) (1) (d) of section 4511.19 of the 7228  
Revised Code. The court shall not reduce the term pursuant to 7229  
section 2929.20, 2967.193, or any other provision of the Revised 7230  
Code. The court that imposes a mandatory term of local 7231  
incarceration under this division shall specify whether the term 7232  
is to be served in a jail, a community-based correctional 7233  
facility, a halfway house, or an alternative residential 7234  
facility, and the offender shall serve the term in the type of 7235  
facility specified by the court. A mandatory term of local 7236  
incarceration imposed under division (G) (1) of this section is 7237  
not subject to any other Revised Code provision that pertains to 7238  
a prison term except as provided in division (A) (1) of this 7239  
section. 7240

(2) If the offender is being sentenced for a third degree 7241

felony OVI offense, or if the offender is being sentenced for a 7242  
fourth degree felony OVI offense and the court does not impose a 7243  
mandatory term of local incarceration under division (G) (1) of 7244  
this section, the court shall impose upon the offender a 7245  
mandatory prison term of one, two, three, four, or five years if 7246  
the offender also is convicted of or also pleads guilty to a 7247  
specification of the type described in section 2941.1413 of the 7248  
Revised Code or shall impose upon the offender a mandatory 7249  
prison term of sixty days or one hundred twenty days as 7250  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 7251  
Revised Code if the offender has not been convicted of and has 7252  
not pleaded guilty to a specification of that type. Subject to 7253  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 7254  
court shall not reduce the term pursuant to section 2929.20, 7255  
2967.19, 2967.193, or any other provision of the Revised Code. 7256  
The offender shall serve the one-, two-, three-, four-, or five- 7257  
year mandatory prison term consecutively to and prior to the 7258  
prison term imposed for the underlying offense and consecutively 7259  
to any other mandatory prison term imposed in relation to the 7260  
offense. In no case shall an offender who once has been 7261  
sentenced to a mandatory term of local incarceration pursuant to 7262  
division (G) (1) of this section for a fourth degree felony OVI 7263  
offense be sentenced to another mandatory term of local 7264  
incarceration under that division for any violation of division 7265  
(A) of section 4511.19 of the Revised Code. In addition to the 7266  
mandatory prison term described in division (G) (2) of this 7267  
section, the court may sentence the offender to a community 7268  
control sanction under section 2929.16 or 2929.17 of the Revised 7269  
Code, but the offender shall serve the prison term prior to 7270  
serving the community control sanction. The department of 7271  
rehabilitation and correction may place an offender sentenced to 7272  
a mandatory prison term under this division in an intensive 7273

program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

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

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

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

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the



sentence a summary of the offender's duties imposed under 7304  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7305  
Code and the duration of the duties. The judge shall inform the 7306  
offender, at the time of sentencing, of those duties and of 7307  
their duration. If required under division (A)(2) of section 7308  
2950.03 of the Revised Code, the judge shall perform the duties 7309  
specified in that section, or, if required under division (A)(6) 7310  
of section 2950.03 of the Revised Code, the judge shall perform 7311  
the duties specified in that division. 7312

(J)(1) Except as provided in division (J)(2) of this 7313  
section, when considering sentencing factors under this section 7314  
in relation to an offender who is convicted of or pleads guilty 7315  
to an attempt to commit an offense in violation of section 7316  
2923.02 of the Revised Code, the sentencing court shall consider 7317  
the factors applicable to the felony category of the violation 7318  
of section 2923.02 of the Revised Code instead of the factors 7319  
applicable to the felony category of the offense attempted. 7320

(2) When considering sentencing factors under this section 7321  
in relation to an offender who is convicted of or pleads guilty 7322  
to an attempt to commit a drug abuse offense for which the 7323  
penalty is determined by the amount or number of unit doses of 7324  
the controlled substance involved in the drug abuse offense, the 7325  
sentencing court shall consider the factors applicable to the 7326  
felony category that the drug abuse offense attempted would be 7327  
if that drug abuse offense had been committed and had involved 7328  
an amount or number of unit doses of the controlled substance 7329  
that is within the next lower range of controlled substance 7330  
amounts than was involved in the attempt. 7331

(K) As used in this section: 7332

(1) "Community addiction services provider" has the same 7333

meaning as in section 5119.01 of the Revised Code. 7334

(2) "Drug abuse offense" has the same meaning as in 7335  
section 2925.01 of the Revised Code. 7336

(3) "Minor drug possession offense" has the same meaning 7337  
as in section 2925.11 of the Revised Code. 7338

(4) "Qualifying assault offense" means a violation of 7339  
section 2903.13 of the Revised Code for which the penalty 7340  
provision in division (C) (8) (b) or (C) (9) (b) of that section 7341  
applies. 7342

(L) At the time of sentencing an offender for any sexually 7343  
oriented offense, if the offender is a tier III sex 7344  
offender/child-victim offender relative to that offense and the 7345  
offender does not serve a prison term or jail term, the court 7346  
may require that the offender be monitored by means of a global 7347  
positioning device. If the court requires such monitoring, the 7348  
cost of monitoring shall be borne by the offender. If the 7349  
offender is indigent, the cost of compliance shall be paid by 7350  
the crime victims reparations fund. 7351

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 7352  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 7353  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 7354  
of section 2919.25 of the Revised Code and except in relation to 7355  
an offense for which a sentence of death or life imprisonment is 7356  
to be imposed, if the court imposing a sentence upon an offender 7357  
for a felony elects or is required to impose a prison term on 7358  
the offender pursuant to this chapter, the court shall impose a 7359  
~~definite~~ prison term that shall be one of the following: 7360

(1) (a) For a felony of the first degree committed on or 7361  
after the effective date of this amendment, the prison term 7362

shall be an indefinite prison term with a stated minimum term 7363  
selected by the court of three, four, five, six, seven, eight, 7364  
nine, ten, or eleven years and a maximum term that is determined 7365  
pursuant to section 2929.144 of the Revised Code, except that if 7366  
the section that criminalizes the conduct constituting the 7367  
felony specifies a different minimum term or penalty for the 7368  
offense, the specific language of that section shall control in 7369  
determining the minimum term or otherwise sentencing the 7370  
offender but the minimum term or sentence imposed under that 7371  
specific language shall be considered for purposes of the 7372  
Revised Code as if it had been imposed under this division. 7373

(b) For a felony of the first degree committed prior to 7374  
the effective date of this amendment, the prison term shall be a 7375  
definite prison term of three, four, five, six, seven, eight, 7376  
nine, ten, or eleven years. 7377

(2)(a) For a felony of the second degree committed on or 7378  
after the effective date of this amendment, the prison term 7379  
shall be an indefinite prison term with a stated minimum term 7380  
selected by the court of two, three, four, five, six, seven, or 7381  
eight years and a maximum term that is determined pursuant to 7382  
section 2929.144 of the Revised Code, except that if the section 7383  
that criminalizes the conduct constituting the felony specifies 7384  
a different minimum term or penalty for the offense, the 7385  
specific language of that section shall control in determining 7386  
the minimum term or otherwise sentencing the offender but the 7387  
minimum term or sentence imposed under that specific language 7388  
shall be considered for purposes of the Revised Code as if it 7389  
had been imposed under this division. 7390

(b) For a felony of the second degree committed prior to 7391  
the effective date of this amendment, the prison term shall be a 7392

definite term of two, three, four, five, six, seven, or eight 7393  
years. 7394

(3) (a) For a felony of the third degree that is a 7395  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 7396  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 7397  
Code or that is a violation of section 2911.02 or 2911.12 of the 7398  
Revised Code if the offender previously has been convicted of or 7399  
pleaded guilty in two or more separate proceedings to two or 7400  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 7401  
of the Revised Code, the prison term shall be a definite term of 7402  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 7403  
forty-eight, fifty-four, or sixty months. 7404

(b) For a felony of the third degree that is not an 7405  
offense for which division (A) (3) (a) of this section applies, 7406  
the prison term shall be a definite term of nine, twelve, 7407  
eighteen, twenty-four, thirty, or thirty-six months. 7408

(4) For a felony of the fourth degree, the prison term 7409  
shall be a definite term of six, seven, eight, nine, ten, 7410  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 7411  
or eighteen months. 7412

(5) For a felony of the fifth degree, the prison term 7413  
shall be a definite term of six, seven, eight, nine, ten, 7414  
eleven, or twelve months. 7415

(B) (1) (a) Except as provided in division (B) (1) (e) of this 7416  
section, if an offender who is convicted of or pleads guilty to 7417  
a felony also is convicted of or pleads guilty to a 7418  
specification of the type described in section 2941.141, 7419  
2941.144, or 2941.145 of the Revised Code, the court shall 7420  
impose on the offender one of the following prison terms: 7421

(i) A prison term of six years if the specification is of 7422  
the type described in division (A) of section 2941.144 of the 7423  
Revised Code that charges the offender with having a firearm 7424  
that is an automatic firearm or that was equipped with a firearm 7425  
muffler or suppressor on or about the offender's person or under 7426  
the offender's control while committing the offense; 7427

(ii) A prison term of three years if the specification is 7428  
of the type described in division (A) of section 2941.145 of the 7429  
Revised Code that charges the offender with having a firearm on 7430  
or about the offender's person or under the offender's control 7431  
while committing the offense and displaying the firearm, 7432  
brandishing the firearm, indicating that the offender possessed 7433  
the firearm, or using it to facilitate the offense; 7434

(iii) A prison term of one year if the specification is of 7435  
the type described in division (A) of section 2941.141 of the 7436  
Revised Code that charges the offender with having a firearm on 7437  
or about the offender's person or under the offender's control 7438  
while committing the offense; 7439

(iv) A prison term of nine years if the specification is 7440  
of the type described in division (D) of section 2941.144 of the 7441  
Revised Code that charges the offender with having a firearm 7442  
that is an automatic firearm or that was equipped with a firearm 7443  
muffler or suppressor on or about the offender's person or under 7444  
the offender's control while committing the offense and 7445  
specifies that the offender previously has been convicted of or 7446  
pleaded guilty to a specification of the type described in 7447  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7448  
the Revised Code; 7449

(v) A prison term of fifty-four months if the 7450  
specification is of the type described in division (D) of 7451

section 2941.145 of the Revised Code that charges the offender 7452  
with having a firearm on or about the offender's person or under 7453  
the offender's control while committing the offense and 7454  
displaying the firearm, brandishing the firearm, indicating that 7455  
the offender possessed the firearm, or using the firearm to 7456  
facilitate the offense and that the offender previously has been 7457  
convicted of or pleaded guilty to a specification of the type 7458  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 7459  
2941.1412 of the Revised Code; 7460

(vi) A prison term of eighteen months if the specification 7461  
is of the type described in division (D) of section 2941.141 of 7462  
the Revised Code that charges the offender with having a firearm 7463  
on or about the offender's person or under the offender's 7464  
control while committing the offense and that the offender 7465  
previously has been convicted of or pleaded guilty to a 7466  
specification of the type described in section 2941.141, 7467  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 7468

(b) If a court imposes a prison term on an offender under 7469  
division (B) (1) (a) of this section, the prison term shall not be 7470  
reduced pursuant to section 2967.19, section 2929.20, section 7471  
2967.193, or any other provision of Chapter 2967. or Chapter 7472  
5120. of the Revised Code. Except as provided in division (B) (1) 7473  
(g) of this section, a court shall not impose more than one 7474  
prison term on an offender under division (B) (1) (a) of this 7475  
section for felonies committed as part of the same act or 7476  
transaction. 7477

(c) (i) Except as provided in division (B) (1) (e) of this 7478  
section, if an offender who is convicted of or pleads guilty to 7479  
a violation of section 2923.161 of the Revised Code or to a 7480  
felony that includes, as an essential element, purposely or 7481

knowingly causing or attempting to cause the death of or 7482  
physical harm to another, also is convicted of or pleads guilty 7483  
to a specification of the type described in division (A) of 7484  
section 2941.146 of the Revised Code that charges the offender 7485  
with committing the offense by discharging a firearm from a 7486  
motor vehicle other than a manufactured home, the court, after 7487  
imposing a prison term on the offender for the violation of 7488  
section 2923.161 of the Revised Code or for the other felony 7489  
offense under division (A), (B) (2), or (B) (3) of this section, 7490  
shall impose an additional prison term of five years upon the 7491  
offender that shall not be reduced pursuant to section 2929.20, 7492  
section 2967.19, section 2967.193, or any other provision of 7493  
Chapter 2967. or Chapter 5120. of the Revised Code. 7494

(ii) Except as provided in division (B) (1) (e) of this 7495  
section, if an offender who is convicted of or pleads guilty to 7496  
a violation of section 2923.161 of the Revised Code or to a 7497  
felony that includes, as an essential element, purposely or 7498  
knowingly causing or attempting to cause the death of or 7499  
physical harm to another, also is convicted of or pleads guilty 7500  
to a specification of the type described in division (C) of 7501  
section 2941.146 of the Revised Code that charges the offender 7502  
with committing the offense by discharging a firearm from a 7503  
motor vehicle other than a manufactured home and that the 7504  
offender previously has been convicted of or pleaded guilty to a 7505  
specification of the type described in section 2941.141, 7506  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 7507  
the court, after imposing a prison term on the offender for the 7508  
violation of section 2923.161 of the Revised Code or for the 7509  
other felony offense under division (A), (B) (2), or (3) of this 7510  
section, shall impose an additional prison term of ninety months 7511  
upon the offender that shall not be reduced pursuant to section 7512

2929.20, 2967.19, 2967.193, or any other provision of Chapter 7513  
2967. or Chapter 5120. of the Revised Code. 7514

(iii) A court shall not impose more than one additional 7515  
prison term on an offender under division (B) (1) (c) of this 7516  
section for felonies committed as part of the same act or 7517  
transaction. If a court imposes an additional prison term on an 7518  
offender under division (B) (1) (c) of this section relative to an 7519  
offense, the court also shall impose a prison term under 7520  
division (B) (1) (a) of this section relative to the same offense, 7521  
provided the criteria specified in that division for imposing an 7522  
additional prison term are satisfied relative to the offender 7523  
and the offense. 7524

(d) If an offender who is convicted of or pleads guilty to 7525  
an offense of violence that is a felony also is convicted of or 7526  
pleads guilty to a specification of the type described in 7527  
section 2941.1411 of the Revised Code that charges the offender 7528  
with wearing or carrying body armor while committing the felony 7529  
offense of violence, the court shall impose on the offender ~~a~~an 7530  
additional prison term of two years. The prison term so imposed, 7531  
subject to divisions (C) to (I) of section 2967.19 of the 7532  
Revised Code, shall not be reduced pursuant to section 2929.20, 7533  
section 2967.19, section 2967.193, or any other provision of 7534  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7535  
shall not impose more than one prison term on an offender under 7536  
division (B) (1) (d) of this section for felonies committed as 7537  
part of the same act or transaction. If a court imposes an 7538  
additional prison term under division (B) (1) (a) or (c) of this 7539  
section, the court is not precluded from imposing an additional 7540  
prison term under division (B) (1) (d) of this section. 7541

(e) The court shall not impose any of the prison terms 7542



described in division (B) (1) (a) of this section or any of the 7543  
additional prison terms described in division (B) (1) (c) of this 7544  
section upon an offender for a violation of section 2923.12 or 7545  
2923.123 of the Revised Code. The court shall not impose any of 7546  
the prison terms described in division (B) (1) (a) or (b) of this 7547  
section upon an offender for a violation of section 2923.122 7548  
that involves a deadly weapon that is a firearm other than a 7549  
dangerous ordnance, section 2923.16, or section 2923.121 of the 7550  
Revised Code. The court shall not impose any of the prison terms 7551  
described in division (B) (1) (a) of this section or any of the 7552  
additional prison terms described in division (B) (1) (c) of this 7553  
section upon an offender for a violation of section 2923.13 of 7554  
the Revised Code unless all of the following apply: 7555

(i) The offender previously has been convicted of 7556  
aggravated murder, murder, or any felony of the first or second 7557  
degree. 7558

(ii) Less than five years have passed since the offender 7559  
was released from prison or post-release control, whichever is 7560  
later, for the prior offense. 7561

(f) (i) If an offender is convicted of or pleads guilty to 7562  
a felony that includes, as an essential element, causing or 7563  
attempting to cause the death of or physical harm to another and 7564  
also is convicted of or pleads guilty to a specification of the 7565  
type described in division (A) of section 2941.1412 of the 7566  
Revised Code that charges the offender with committing the 7567  
offense by discharging a firearm at a peace officer as defined 7568  
in section 2935.01 of the Revised Code or a corrections officer, 7569  
as defined in section 2941.1412 of the Revised Code, the court, 7570  
after imposing a prison term on the offender for the felony 7571  
offense under division (A), (B) (2), or (B) (3) of this section, 7572

shall impose an additional prison term of seven years upon the 7573  
offender that shall not be reduced pursuant to section 2929.20, 7574  
section 2967.19, section 2967.193, or any other provision of 7575  
Chapter 2967. or Chapter 5120. of the Revised Code. 7576

(ii) If an offender is convicted of or pleads guilty to a 7577  
felony that includes, as an essential element, causing or 7578  
attempting to cause the death of or physical harm to another and 7579  
also is convicted of or pleads guilty to a specification of the 7580  
type described in division (B) of section 2941.1412 of the 7581  
Revised Code that charges the offender with committing the 7582  
offense by discharging a firearm at a peace officer, as defined 7583  
in section 2935.01 of the Revised Code, or a corrections 7584  
officer, as defined in section 2941.1412 of the Revised Code, 7585  
and that the offender previously has been convicted of or 7586  
pleaded guilty to a specification of the type described in 7587  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7588  
the Revised Code, the court, after imposing a prison term on the 7589  
offender for the felony offense under division (A), (B) (2), or 7590  
(3) of this section, shall impose an additional prison term of 7591  
one hundred twenty-six months upon the offender that shall not 7592  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 7593  
any other provision of Chapter 2967. or 5120. of the Revised 7594  
Code. 7595

(iii) If an offender is convicted of or pleads guilty to 7596  
two or more felonies that include, as an essential element, 7597  
causing or attempting to cause the death or physical harm to 7598  
another and also is convicted of or pleads guilty to a 7599  
specification of the type described under division (B) (1) (f) of 7600  
this section in connection with two or more of the felonies of 7601  
which the offender is convicted or to which the offender pleads 7602  
guilty, the sentencing court shall impose on the offender the 7603

prison term specified under division (B) (1) (f) of this section 7604  
for each of two of the specifications of which the offender is 7605  
convicted or to which the offender pleads guilty and, in its 7606  
discretion, also may impose on the offender the prison term 7607  
specified under that division for any or all of the remaining 7608  
specifications. If a court imposes an additional prison term on 7609  
an offender under division (B) (1) (f) of this section relative to 7610  
an offense, the court shall not impose a prison term under 7611  
division (B) (1) (a) or (c) of this section relative to the same 7612  
offense. 7613

(g) If an offender is convicted of or pleads guilty to two 7614  
or more felonies, if one or more of those felonies are 7615  
aggravated murder, murder, attempted aggravated murder, 7616  
attempted murder, aggravated robbery, felonious assault, or 7617  
rape, and if the offender is convicted of or pleads guilty to a 7618  
specification of the type described under division (B) (1) (a) of 7619  
this section in connection with two or more of the felonies, the 7620  
sentencing court shall impose on the offender the prison term 7621  
specified under division (B) (1) (a) of this section for each of 7622  
the two most serious specifications of which the offender is 7623  
convicted or to which the offender pleads guilty and, in its 7624  
discretion, also may impose on the offender the prison term 7625  
specified under that division for any or all of the remaining 7626  
specifications. 7627

(2) (a) If division (B) (2) (b) of this section does not 7628  
apply, the court may impose on an offender, in addition to the 7629  
longest prison term authorized or required for the offense or, 7630  
for offenses for which division (A) (1) (a) or (2) (a) of this 7631  
section applies, in addition to the longest minimum prison term 7632  
authorized or required for the offense, an additional definite 7633  
prison term of one, two, three, four, five, six, seven, eight, 7634

nine, or ten years if all of the following criteria are met: 7635

(i) The offender is convicted of or pleads guilty to a 7636  
specification of the type described in section 2941.149 of the 7637  
Revised Code that the offender is a repeat violent offender. 7638

(ii) The offense of which the offender currently is 7639  
convicted or to which the offender currently pleads guilty is 7640  
aggravated murder and the court does not impose a sentence of 7641  
death or life imprisonment without parole, murder, terrorism and 7642  
the court does not impose a sentence of life imprisonment 7643  
without parole, any felony of the first degree that is an 7644  
offense of violence and the court does not impose a sentence of 7645  
life imprisonment without parole, or any felony of the second 7646  
degree that is an offense of violence and the trier of fact 7647  
finds that the offense involved an attempt to cause or a threat 7648  
to cause serious physical harm to a person or resulted in 7649  
serious physical harm to a person. 7650

(iii) The court imposes the longest prison term for the 7651  
offense or the longest minimum prison term for the offense, 7652  
whichever is applicable, that is not life imprisonment without 7653  
parole. 7654

(iv) The court finds that the prison terms imposed 7655  
pursuant to division (B) (2) (a) (iii) of this section and, if 7656  
applicable, division (B) (1) or (3) of this section are 7657  
inadequate to punish the offender and protect the public from 7658  
future crime, because the applicable factors under section 7659  
2929.12 of the Revised Code indicating a greater likelihood of 7660  
recidivism outweigh the applicable factors under that section 7661  
indicating a lesser likelihood of recidivism. 7662

(v) The court finds that the prison terms imposed pursuant 7663

to division (B) (2) (a) (iii) of this section and, if applicable, 7664  
division (B) (1) or (3) of this section are demeaning to the 7665  
seriousness of the offense, because one or more of the factors 7666  
under section 2929.12 of the Revised Code indicating that the 7667  
offender's conduct is more serious than conduct normally 7668  
constituting the offense are present, and they outweigh the 7669  
applicable factors under that section indicating that the 7670  
offender's conduct is less serious than conduct normally 7671  
constituting the offense. 7672

(b) The court shall impose on an offender the longest 7673  
prison term authorized or required for the offense or, for 7674  
offenses for which division (A) (1) (a) or (2) (a) of this section 7675  
applies, the longest minimum prison term authorized or required 7676  
for the offense, and shall impose on the offender an additional 7677  
definite prison term of one, two, three, four, five, six, seven, 7678  
eight, nine, or ten years if all of the following criteria are 7679  
met: 7680

(i) The offender is convicted of or pleads guilty to a 7681  
specification of the type described in section 2941.149 of the 7682  
Revised Code that the offender is a repeat violent offender. 7683

(ii) The offender within the preceding twenty years has 7684  
been convicted of or pleaded guilty to three or more offenses 7685  
described in division (CC) (1) of section 2929.01 of the Revised 7686  
Code, including all offenses described in that division of which 7687  
the offender is convicted or to which the offender pleads guilty 7688  
in the current prosecution and all offenses described in that 7689  
division of which the offender previously has been convicted or 7690  
to which the offender previously pleaded guilty, whether 7691  
prosecuted together or separately. 7692

(iii) The offense or offenses of which the offender 7693

currently is convicted or to which the offender currently pleads 7694  
guilty is aggravated murder and the court does not impose a 7695  
sentence of death or life imprisonment without parole, murder, 7696  
terrorism and the court does not impose a sentence of life 7697  
imprisonment without parole, any felony of the first degree that 7698  
is an offense of violence and the court does not impose a 7699  
sentence of life imprisonment without parole, or any felony of 7700  
the second degree that is an offense of violence and the trier 7701  
of fact finds that the offense involved an attempt to cause or a 7702  
threat to cause serious physical harm to a person or resulted in 7703  
serious physical harm to a person. 7704

(c) For purposes of division (B) (2) (b) of this section, 7705  
two or more offenses committed at the same time or as part of 7706  
the same act or event shall be considered one offense, and that 7707  
one offense shall be the offense with the greatest penalty. 7708

(d) A sentence imposed under division (B) (2) (a) or (b) of 7709  
this section shall not be reduced pursuant to section 2929.20, 7710  
section 2967.19, or section 2967.193, or any other provision of 7711  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7712  
shall serve an additional prison term imposed under division (B) 7713  
(2) (a) or (b) of this section consecutively to and prior to the 7714  
prison term imposed for the underlying offense. 7715

(e) When imposing a sentence pursuant to division (B) (2) 7716  
(a) or (b) of this section, the court shall state its findings 7717  
explaining the imposed sentence. 7718

(3) Except when an offender commits a violation of section 7719  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 7720  
for the violation is life imprisonment or commits a violation of 7721  
section 2903.02 of the Revised Code, if the offender commits a 7722  
violation of section 2925.03 or 2925.11 of the Revised Code and 7723

that section classifies the offender as a major drug offender, 7724  
if the offender commits a felony violation of section 2925.02, 7725  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7726  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7727  
division (E) of section 4729.51, or division (J) of section 7728  
4729.54 of the Revised Code that includes the sale, offer to 7729  
sell, or possession of a schedule I or II controlled substance, 7730  
with the exception of marihuana, and the court imposing sentence 7731  
upon the offender finds that the offender is guilty of a 7732  
specification of the type described in section 2941.1410 of the 7733  
Revised Code charging that the offender is a major drug 7734  
offender, if the court imposing sentence upon an offender for a 7735  
felony finds that the offender is guilty of corrupt activity 7736  
with the most serious offense in the pattern of corrupt activity 7737  
being a felony of the first degree, or if the offender is guilty 7738  
of an attempted violation of section 2907.02 of the Revised Code 7739  
and, had the offender completed the violation of section 2907.02 7740  
of the Revised Code that was attempted, the offender would have 7741  
been subject to a sentence of life imprisonment or life 7742  
imprisonment without parole for the violation of section 2907.02 7743  
of the Revised Code, the court shall impose upon the offender 7744  
for the felony violation a mandatory prison term ~~of the maximum~~ 7745  
~~prison term prescribed for a felony of the first degree~~ 7746  
determined as described in this division that, subject to 7747  
divisions (C) to (I) of section 2967.19 of the Revised Code, 7748  
cannot be reduced pursuant to section 2929.20, section 2967.19, 7749  
or any other provision of Chapter 2967. or 5120. of the Revised 7750  
Code. The mandatory prison term shall be the maximum definite 7751  
prison term prescribed in division (A) (1) (b) of this section for 7752  
a felony of the first degree, except that for offenses for which 7753  
division (A) (1) (a) of this section applies, the mandatory prison 7754  
term shall be the longest minimum prison term prescribed in that 7755

division for the offense.

7756

(4) If the offender is being sentenced for a third or 7757  
fourth degree felony OVI offense under division (G) (2) of 7758  
section 2929.13 of the Revised Code, the sentencing court shall 7759  
impose upon the offender a mandatory prison term in accordance 7760  
with that division. In addition to the mandatory prison term, if 7761  
the offender is being sentenced for a fourth degree felony OVI 7762  
offense, the court, notwithstanding division (A) (4) of this 7763  
section, may sentence the offender to a definite prison term of 7764  
not less than six months and not more than thirty months, and if 7765  
the offender is being sentenced for a third degree felony OVI 7766  
offense, the sentencing court may sentence the offender to an 7767  
additional prison term of any duration specified in division (A) 7768  
(3) of this section. In either case, the additional prison term 7769  
imposed shall be reduced by the sixty or one hundred twenty days 7770  
imposed upon the offender as the mandatory prison term. The 7771  
total of the additional prison term imposed under division (B) 7772  
(4) of this section plus the sixty or one hundred twenty days 7773  
imposed as the mandatory prison term shall equal a definite term 7774  
in the range of six months to thirty months for a fourth degree 7775  
felony OVI offense and shall equal one of the authorized prison 7776  
terms specified in division (A) (3) of this section for a third 7777  
degree felony OVI offense. If the court imposes an additional 7778  
prison term under division (B) (4) of this section, the offender 7779  
shall serve the additional prison term after the offender has 7780  
served the mandatory prison term required for the offense. In 7781  
addition to the mandatory prison term or mandatory and 7782  
additional prison term imposed as described in division (B) (4) 7783  
of this section, the court also may sentence the offender to a 7784  
community control sanction under section 2929.16 or 2929.17 of 7785  
the Revised Code, but the offender shall serve all of the prison 7786



terms so imposed prior to serving the community control 7787  
sanction. 7788

If the offender is being sentenced for a fourth degree 7789  
felony OVI offense under division (G) (1) of section 2929.13 of 7790  
the Revised Code and the court imposes a mandatory term of local 7791  
incarceration, the court may impose a prison term as described 7792  
in division (A) (1) of that section. 7793

(5) If an offender is convicted of or pleads guilty to a 7794  
violation of division (A) (1) or (2) of section 2903.06 of the 7795  
Revised Code and also is convicted of or pleads guilty to a 7796  
specification of the type described in section 2941.1414 of the 7797  
Revised Code that charges that the victim of the offense is a 7798  
peace officer, as defined in section 2935.01 of the Revised 7799  
Code, or an investigator of the bureau of criminal 7800  
identification and investigation, as defined in section 2903.11 7801  
of the Revised Code, the court shall impose on the offender a 7802  
prison term of five years. If a court imposes a prison term on 7803  
an offender under division (B) (5) of this section, the prison 7804  
term, subject to divisions (C) to (I) of section 2967.19 of the 7805  
Revised Code, shall not be reduced pursuant to section 2929.20, 7806  
section 2967.19, section 2967.193, or any other provision of 7807  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7808  
shall not impose more than one prison term on an offender under 7809  
division (B) (5) of this section for felonies committed as part 7810  
of the same act. 7811

(6) If an offender is convicted of or pleads guilty to a 7812  
violation of division (A) (1) or (2) of section 2903.06 of the 7813  
Revised Code and also is convicted of or pleads guilty to a 7814  
specification of the type described in section 2941.1415 of the 7815  
Revised Code that charges that the offender previously has been 7816

convicted of or pleaded guilty to three or more violations of 7817  
division (A) or (B) of section 4511.19 of the Revised Code or an 7818  
equivalent offense, as defined in section 2941.1415 of the 7819  
Revised Code, or three or more violations of any combination of 7820  
those divisions and offenses, the court shall impose on the 7821  
offender a prison term of three years. If a court imposes a 7822  
prison term on an offender under division (B) (6) of this 7823  
section, the prison term, subject to divisions (C) to (I) of 7824  
section 2967.19 of the Revised Code, shall not be reduced 7825  
pursuant to section 2929.20, section 2967.19, section 2967.193, 7826  
or any other provision of Chapter 2967. or Chapter 5120. of the 7827  
Revised Code. A court shall not impose more than one prison term 7828  
on an offender under division (B) (6) of this section for 7829  
felonies committed as part of the same act. 7830

(7) (a) If an offender is convicted of or pleads guilty to 7831  
a felony violation of section 2905.01, 2905.02, 2907.21, 7832  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 7833  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 7834  
section 2919.22 of the Revised Code and also is convicted of or 7835  
pleads guilty to a specification of the type described in 7836  
section 2941.1422 of the Revised Code that charges that the 7837  
offender knowingly committed the offense in furtherance of human 7838  
trafficking, the court shall impose on the offender a mandatory 7839  
prison term that is one of the following: 7840

(i) If the offense is a felony of the first degree, a 7841  
definite prison term of not less than five years and not greater 7842  
than ~~ten~~ eleven years, except that if the offense is a felony of 7843  
the first degree committed on or after the effective date of 7844  
this amendment, the court shall impose as the minimum prison 7845  
term a mandatory term of not less than five years and not 7846  
greater than eleven years; 7847

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) (2) (b) or (3) of this section~~2929.14 of the Revised Code~~, except that if the offense is a felony of the second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

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

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

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range ~~of prison terms~~ prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the

violation, the court shall impose on the offender a mandatory 7878  
prison term that is either a definite prison term of six months 7879  
or one of the prison terms prescribed in division (A) of this 7880  
section 2929.14 of the Revised Code for felonies of the same 7881  
degree as the violation, except that if the violation is a 7882  
felony of the first or second degree committed on or after the 7883  
effective date of this amendment, the court shall impose as the 7884  
minimum prison term under division (A) (1) (a) or (2) (a) of this 7885  
section a mandatory term that is one of the terms prescribed in 7886  
that division, whichever is applicable, for the offense. 7887

(9) (a) If an offender is convicted of or pleads guilty to 7888  
a violation of division (A) (1) or (2) of section 2903.11 of the 7889  
Revised Code and also is convicted of or pleads guilty to a 7890  
specification of the type described in section 2941.1425 of the 7891  
Revised Code, the court shall impose on the offender a mandatory 7892  
prison term of six years if either of the following applies: 7893

(i) The violation is a violation of division (A) (1) of 7894  
section 2903.11 of the Revised Code and the specification 7895  
charges that the offender used an accelerant in committing the 7896  
violation and the serious physical harm to another or to 7897  
another's unborn caused by the violation resulted in a 7898  
permanent, serious disfigurement or permanent, substantial 7899  
incapacity; 7900

(ii) The violation is a violation of division (A) (2) of 7901  
section 2903.11 of the Revised Code and the specification 7902  
charges that the offender used an accelerant in committing the 7903  
violation, that the violation caused physical harm to another or 7904  
to another's unborn, and that the physical harm resulted in a 7905  
permanent, serious disfigurement or permanent, substantial 7906  
incapacity. 7907

(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, section 2967.19, section 2967.193, 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."

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

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (d) of this section for wearing or

carrying body armor while committing an offense of violence that 7938  
is a felony, the offender shall serve the mandatory term so 7939  
imposed consecutively to any other mandatory prison term imposed 7940  
under that division or under division (B) (1) (a) or (c) of this 7941  
section, consecutively to and prior to any prison term imposed 7942  
for the underlying felony under division (A), (B) (2), or (B) (3) 7943  
of this section or any other section of the Revised Code, and 7944  
consecutively to any other prison term or mandatory prison term 7945  
previously or subsequently imposed upon the offender. 7946

(c) If a mandatory prison term is imposed upon an offender 7947  
pursuant to division (B) (1) (f) of this section, the offender 7948  
shall serve the mandatory prison term so imposed consecutively 7949  
to and prior to any prison term imposed for the underlying 7950  
felony under division (A), (B) (2), or (B) (3) of this section or 7951  
any other section of the Revised Code, and consecutively to any 7952  
other prison term or mandatory prison term previously or 7953  
subsequently imposed upon the offender. 7954

(d) If a mandatory prison term is imposed upon an offender 7955  
pursuant to division (B) (7) or (8) of this section, the offender 7956  
shall serve the mandatory prison term so imposed consecutively 7957  
to any other mandatory prison term imposed under that division 7958  
or under any other provision of law and consecutively to any 7959  
other prison term or mandatory prison term previously or 7960  
subsequently imposed upon the offender. 7961

(2) If an offender who is an inmate in a jail, prison, or 7962  
other residential detention facility violates section 2917.02, 7963  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 7964  
(2) of section 2921.34 of the Revised Code, if an offender who 7965  
is under detention at a detention facility commits a felony 7966  
violation of section 2923.131 of the Revised Code, or if an 7967

offender who is an inmate in a jail, prison, or other 7968  
residential detention facility or is under detention at a 7969  
detention facility commits another felony while the offender is 7970  
an escapee in violation of division (A) (1) or (2) of section 7971  
2921.34 of the Revised Code, any prison term imposed upon the 7972  
offender for one of those violations shall be served by the 7973  
offender consecutively to the prison term or term of 7974  
imprisonment the offender was serving when the offender 7975  
committed that offense and to any other prison term previously 7976  
or subsequently imposed upon the offender. 7977

(3) If a prison term is imposed for a violation of 7978  
division (B) of section 2911.01 of the Revised Code, a violation 7979  
of division (A) of section 2913.02 of the Revised Code in which 7980  
the stolen property is a firearm or dangerous ordnance, or a 7981  
felony violation of division (B) of section 2921.331 of the 7982  
Revised Code, the offender shall serve that prison term 7983  
consecutively to any other prison term or mandatory prison term 7984  
previously or subsequently imposed upon the offender. 7985

(4) If multiple prison terms are imposed on an offender 7986  
for convictions of multiple offenses, the court may require the 7987  
offender to serve the prison terms consecutively if the court 7988  
finds that the consecutive service is necessary to protect the 7989  
public from future crime or to punish the offender and that 7990  
consecutive sentences are not disproportionate to the 7991  
seriousness of the offender's conduct and to the danger the 7992  
offender poses to the public, and if the court also finds any of 7993  
the following: 7994

(a) The offender committed one or more of the multiple 7995  
offenses while the offender was awaiting trial or sentencing, 7996  
was under a sanction imposed pursuant to section 2929.16, 7997

2929.17, or 2929.18 of the Revised Code, or was under post- 7998  
release control for a prior offense. 7999

(b) At least two of the multiple offenses were committed 8000  
as part of one or more courses of conduct, and the harm caused 8001  
by two or more of the multiple offenses so committed was so 8002  
great or unusual that no single prison term for any of the 8003  
offenses committed as part of any of the courses of conduct 8004  
adequately reflects the seriousness of the offender's conduct. 8005

(c) The offender's history of criminal conduct 8006  
demonstrates that consecutive sentences are necessary to protect 8007  
the public from future crime by the offender. 8008

(5) If a mandatory prison term is imposed upon an offender 8009  
pursuant to division (B) (5) or (6) of this section, the offender 8010  
shall serve the mandatory prison term consecutively to and prior 8011  
to any prison term imposed for the underlying violation of 8012  
division (A) (1) or (2) of section 2903.06 of the Revised Code 8013  
pursuant to division (A) of this section or section 2929.142 of 8014  
the Revised Code. If a mandatory prison term is imposed upon an 8015  
offender pursuant to division (B) (5) of this section, and if a 8016  
mandatory prison term also is imposed upon the offender pursuant 8017  
to division (B) (6) of this section in relation to the same 8018  
violation, the offender shall serve the mandatory prison term 8019  
imposed pursuant to division (B) (5) of this section 8020  
consecutively to and prior to the mandatory prison term imposed 8021  
pursuant to division (B) (6) of this section and consecutively to 8022  
and prior to any prison term imposed for the underlying 8023  
violation of division (A) (1) or (2) of section 2903.06 of the 8024  
Revised Code pursuant to division (A) of this section or section 8025  
2929.142 of the Revised Code. 8026

(6) If a mandatory prison term is imposed on an offender 8027



pursuant to division (B)(9) of this section, the offender shall 8028  
serve the mandatory prison term consecutively to and prior to 8029  
any prison term imposed for the underlying violation of division 8030  
(A)(1) or (2) of section 2903.11 of the Revised Code and 8031  
consecutively to and prior to any other prison term or mandatory 8032  
prison term previously or subsequently imposed on the offender. 8033

(7) When consecutive prison terms are imposed pursuant to 8034  
division (C)(1), (2), (3), (4), (5), or (6) or division (H)(1) 8035  
or (2) of this section, subject to division (C)(8) of this 8036  
section, the term to be served is the aggregate of all of the 8037  
terms so imposed. 8038

(8) When a court sentences an offender to a non-life 8039  
felony indefinite prison term, any definite prison term or 8040  
mandatory definite prison term previously or subsequently 8041  
imposed on the offender in addition to that indefinite sentence 8042  
that is required to be served consecutively to that indefinite 8043  
sentence shall be served prior to the indefinite sentence. 8044

(9) If a court is sentencing an offender for a felony of 8045  
the first or second degree, if division (A)(1)(a) or (2)(a) of 8046  
this section applies with respect to the sentencing for the 8047  
offense, and if the court is required under the Revised Code 8048  
section that sets forth the offense or any other Revised Code 8049  
provision to impose a mandatory prison term for the offense, the 8050  
court shall impose the required mandatory prison term as the 8051  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 8052  
section, whichever is applicable. 8053

(D)(1) If a court imposes a prison term, other than a term 8054  
of life imprisonment, for a felony of the first degree, for a 8055  
felony of the second degree, for a felony sex offense, or for a 8056  
felony of the third degree that is an offense of violence and 8057

~~that is not a felony sex offense and in the commission of which~~ 8058  
~~the offender caused or threatened to cause physical harm to a~~ 8059  
~~person,~~ it shall include in the sentence a requirement that the 8060  
offender be subject to a period of post-release control after 8061  
the offender's release from imprisonment, in accordance with 8062  
~~that division~~ section 2967.28 of the Revised Code. If a court 8063  
imposes a sentence including a prison term of a type described 8064  
in this division on or after July 11, 2006, the failure of a 8065  
court to include a post-release control requirement in the 8066  
sentence pursuant to this division does not negate, limit, or 8067  
otherwise affect the mandatory period of post-release control 8068  
that is required for the offender under division (B) of section 8069  
2967.28 of the Revised Code. Section 2929.191 of the Revised 8070  
Code applies if, prior to July 11, 2006, a court imposed a 8071  
sentence including a prison term of a type described in this 8072  
division and failed to include in the sentence pursuant to this 8073  
division a statement regarding post-release control. 8074

(2) If a court imposes a prison term for a felony of the 8075  
third, fourth, or fifth degree that is not subject to division 8076  
(D)(1) of this section, it shall include in the sentence a 8077  
requirement that the offender be subject to a period of post- 8078  
release control after the offender's release from imprisonment, 8079  
in accordance with that division, if the parole board determines 8080  
that a period of post-release control is necessary. Section 8081  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 8082  
a court imposed a sentence including a prison term of a type 8083  
described in this division and failed to include in the sentence 8084  
pursuant to this division a statement regarding post-release 8085  
control. 8086

(E) The court shall impose sentence upon the offender in 8087  
accordance with section 2971.03 of the Revised Code, and Chapter 8088

2971. of the Revised Code applies regarding the prison term or 8089  
term of life imprisonment without parole imposed upon the 8090  
offender and the service of that term of imprisonment if any of 8091  
the following apply: 8092

(1) A person is convicted of or pleads guilty to a violent 8093  
sex offense or a designated homicide, assault, or kidnapping 8094  
offense, and, in relation to that offense, the offender is 8095  
adjudicated a sexually violent predator. 8096

(2) A person is convicted of or pleads guilty to a 8097  
violation of division (A) (1) (b) of section 2907.02 of the 8098  
Revised Code committed on or after January 2, 2007, and either 8099  
the court does not impose a sentence of life without parole when 8100  
authorized pursuant to division (B) of section 2907.02 of the 8101  
Revised Code, or division (B) of section 2907.02 of the Revised 8102  
Code provides that the court shall not sentence the offender 8103  
pursuant to section 2971.03 of the Revised Code. 8104

(3) A person is convicted of or pleads guilty to attempted 8105  
rape committed on or after January 2, 2007, and a specification 8106  
of the type described in section 2941.1418, 2941.1419, or 8107  
2941.1420 of the Revised Code. 8108

(4) A person is convicted of or pleads guilty to a 8109  
violation of section 2905.01 of the Revised Code committed on or 8110  
after January 1, 2008, and that section requires the court to 8111  
sentence the offender pursuant to section 2971.03 of the Revised 8112  
Code. 8113

(5) A person is convicted of or pleads guilty to 8114  
aggravated murder committed on or after January 1, 2008, and 8115  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 8116  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 8117

(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 8148  
upon the offender an additional prison term of two years. The 8149  
offender shall serve the additional two years consecutively to 8150  
and prior to the prison term imposed for the underlying offense. 8151

(2) (a) If an offender is convicted of or pleads guilty to 8152  
a felony violation of section 2907.22, 2907.24, 2907.241, or 8153  
2907.25 of the Revised Code and to a specification of the type 8154  
described in section 2941.1421 of the Revised Code and if the 8155  
court imposes a prison term on the offender for the felony 8156  
violation, the court may impose upon the offender an additional 8157  
prison term as follows: 8158

(i) Subject to division (H) (2) (a) (ii) of this section, an 8159  
additional prison term of one, two, three, four, five, or six 8160  
months; 8161

(ii) If the offender previously has been convicted of or 8162  
pleaded guilty to one or more felony or misdemeanor violations 8163  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 8164  
the Revised Code and also was convicted of or pleaded guilty to 8165  
a specification of the type described in section 2941.1421 of 8166  
the Revised Code regarding one or more of those violations, an 8167  
additional prison term of one, two, three, four, five, six, 8168  
seven, eight, nine, ten, eleven, or twelve months. 8169

(b) In lieu of imposing an additional prison term under 8170  
division (H) (2) (a) of this section, the court may directly 8171  
impose on the offender a sanction that requires the offender to 8172  
wear a real-time processing, continual tracking electronic 8173  
monitoring device during the period of time specified by the 8174  
court. The period of time specified by the court shall equal the 8175  
duration of an additional prison term that the court could have 8176  
imposed upon the offender under division (H) (2) (a) of this 8177

section. A sanction imposed under this division shall commence 8178  
on the date specified by the court, provided that the sanction 8179  
shall not commence until after the offender has served the 8180  
prison term imposed for the felony violation of section 2907.22, 8181  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 8182  
residential sanction imposed for the violation under section 8183  
2929.16 of the Revised Code. A sanction imposed under this 8184  
division shall be considered to be a community control sanction 8185  
for purposes of section 2929.15 of the Revised Code, and all 8186  
provisions of the Revised Code that pertain to community control 8187  
sanctions shall apply to a sanction imposed under this division, 8188  
except to the extent that they would by their nature be clearly 8189  
inapplicable. The offender shall pay all costs associated with a 8190  
sanction imposed under this division, including the cost of the 8191  
use of the monitoring device. 8192

(I) At the time of sentencing, the court may recommend the 8193  
offender for placement in a program of shock incarceration under 8194  
section 5120.031 of the Revised Code or for placement in an 8195  
intensive program prison under section 5120.032 of the Revised 8196  
Code, disapprove placement of the offender in a program of shock 8197  
incarceration or an intensive program prison of that nature, or 8198  
make no recommendation on placement of the offender. In no case 8199  
shall the department of rehabilitation and correction place the 8200  
offender in a program or prison of that nature unless the 8201  
department determines as specified in section 5120.031 or 8202  
5120.032 of the Revised Code, whichever is applicable, that the 8203  
offender is eligible for the placement. 8204

If the court disapproves placement of the offender in a 8205  
program or prison of that nature, the department of 8206  
rehabilitation and correction shall not place the offender in 8207  
any program of shock incarceration or intensive program prison. 8208

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

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

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

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 8239  
section 2929.142 of the Revised Code. 8240

(K) (1) The court shall impose an additional mandatory 8241  
prison term of two, three, four, five, six, seven, eight, nine, 8242  
ten, or eleven years on an offender who is convicted of or 8243  
pleads guilty to a violent felony offense if the offender also 8244  
is convicted of or pleads guilty to a specification of the type 8245  
described in section 2941.1424 of the Revised Code that charges 8246  
that the offender is a violent career criminal and had a firearm 8247  
on or about the offender's person or under the offender's 8248  
control while committing the presently charged violent felony 8249  
offense and displayed or brandished the firearm, indicated that 8250  
the offender possessed a firearm, or used the firearm to 8251  
facilitate the offense. The offender shall serve the prison term 8252  
imposed under this division consecutively to and prior to the 8253  
prison term imposed for the underlying offense. The prison term 8254  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 8255  
any other provision of Chapter 2967. or 5120. of the Revised 8256  
Code. A court may not impose more than one sentence under 8257  
division (B) (2) (a) of this section and this division for acts 8258  
committed as part of the same act or transaction. 8259

(2) As used in division (K) (1) of this section, "violent 8260  
career criminal" and "violent felony offense" have the same 8261  
meanings as in section 2923.132 of the Revised Code. 8262

**Sec. 2929.142.** (A) Notwithstanding the definite prison 8263  
~~term terms and minimum prison terms specified in division~~ 8264  
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 8265  
Code for a felony of the first degree, if an offender is 8266  
convicted of or pleads guilty to aggravated vehicular homicide 8267  
in violation of division (A) (1) of section 2903.06 of the 8268



Revised Code, the court shall impose upon the offender a 8269  
mandatory prison term of ten, eleven, twelve, thirteen, 8270  
fourteen, or fifteen years, determined as specified in division 8271  
(B) of this section, if any of the following apply: 8272

~~(A)~~ (1) The offender previously has been convicted of or 8273  
pleaded guilty to three or more prior violations of section 8274  
4511.19 of the Revised Code or of a substantially equivalent 8275  
municipal ordinance within the previous ten years. 8276

~~(B)~~ (2) The offender previously has been convicted of or 8277  
pleaded guilty to three or more prior violations of division (A) 8278  
of section 1547.11 of the Revised Code or of a substantially 8279  
equivalent municipal ordinance within the previous ten years. 8280

~~(C)~~ (3) The offender previously has been convicted of or 8281  
pleaded guilty to three or more prior violations of division (A) 8282  
(3) of section 4561.15 of the Revised Code or of a substantially 8283  
equivalent municipal ordinance within the previous ten years. 8284

~~(D)~~ (4) The offender previously has been convicted of or 8285  
pleaded guilty to three or more prior violations of division (A) 8286  
(1) of section 2903.06 of the Revised Code. 8287

~~(E)~~ (5) The offender previously has been convicted of or 8288  
pleaded guilty to three or more prior violations of division (A) 8289  
(1) of section 2903.08 of the Revised Code. 8290

~~(F)~~ (6) The offender previously has been convicted of or 8291  
pleaded guilty to three or more prior violations of section 8292  
2903.04 of the Revised Code in circumstances in which division 8293  
(D) of that section applied regarding the violations. 8294

~~(G)~~ (7) The offender previously has been convicted of or 8295  
pleaded guilty to three or more violations of any combination of 8296  
the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 8297

(1), (2), (3), (4), (5), or (6) of this section. 8298

~~(H)~~(8) The offender previously has been convicted of or 8299  
pleaded guilty to a second or subsequent felony violation of 8300  
division (A) of section 4511.19 of the Revised Code. 8301

(B) The mandatory prison term required under division (A) 8302  
of this section shall be a definite term of ten, eleven, twelve, 8303  
thirteen, fourteen, or fifteen years, except that if the 8304  
aggravated vehicular homicide is committed on or after the 8305  
effective date of this amendment, the court shall impose as the 8306  
minimum prison term for the offense under division (A) (1) (a) of 8307  
section 2929.14 of the Revised Code a mandatory prison term that 8308  
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 8309

**Sec. 2929.144.** (A) As used in this section, "qualifying 8310  
felony of the first or second degree" means a felony of the 8311  
first or second degree committed on or after the effective date 8312  
of this section. 8313

(B) The court imposing a prison term on an offender under 8314  
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 8315  
Code for a qualifying felony of the first or second degree shall 8316  
determine the maximum prison term that is part of the sentence 8317  
in accordance with the following: 8318

(1) If the offender is being sentenced for one felony and 8319  
the felony is a qualifying felony of the first or second degree, 8320  
the maximum prison term shall be equal to the minimum term 8321  
imposed on the offender under division (A) (1) (a) or (2) (a) of 8322  
section 2929.14 of the Revised Code plus fifty per cent of that 8323  
term. 8324

(2) If the offender is being sentenced for more than one 8325  
felony, if one or more of the felonies is a qualifying felony of 8326

the first or second degree, and if the court orders that some or 8327  
all of the prison terms imposed are to be served consecutively, 8328  
the court shall add all of the minimum terms imposed on the 8329  
offender under division (A)(1)(a) or (2)(a) of section 2929.14 8330  
of the Revised Code for a qualifying felony of the first or 8331  
second degree that are to be served consecutively and all of the 8332  
definite terms of the felonies that are not qualifying felonies 8333  
of the first or second degree that are to be served 8334  
consecutively, and the maximum term shall be equal to the total 8335  
of those terms so added by the court plus fifty per cent of the 8336  
longest minimum term or definite term for the most serious 8337  
felony being sentenced. 8338

(3) If the offender is being sentenced for more than one 8339  
felony, if one or more of the felonies is a qualifying felony of 8340  
the first or second degree, and if the court orders that all of 8341  
the prison terms imposed are to run concurrently, the maximum 8342  
term shall be equal to the longest of the minimum terms imposed 8343  
on the offender under division (A)(1)(a) or (2)(a) of section 8344  
2929.14 of the Revised Code for a qualifying felony of the first 8345  
or second degree for which the sentence is being imposed plus 8346  
fifty per cent of the longest minimum term for the most serious 8347  
qualifying felony being sentenced. 8348

(4) Any mandatory prison term, or portion of a mandatory 8349  
prison term, that is imposed or to be imposed on the offender 8350  
under division (B), (G), or (H) of section 2929.14 of the 8351  
Revised Code or under any other provision of the Revised Code, 8352  
with respect to a conviction of or plea of guilty to a 8353  
specification, and that is in addition to the sentence imposed 8354  
for the underlying offense is separate from the sentence being 8355  
imposed for the qualifying first or second degree felony 8356  
committed on or after the effective date of this section and 8357

shall not be considered or included in determining a maximum 8358  
prison term for the offender under divisions (B) (1) to (3) of 8359  
this section. 8360

(C) The court imposing a prison term on an offender 8361  
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 8362  
the Revised Code for a qualifying felony of the first or second 8363  
degree shall sentence the offender, as part of the sentence, to 8364  
the maximum prison term determined under division (B) of this 8365  
section. The court shall impose this maximum term at sentencing 8366  
as part of the sentence it imposes under section 2929.14 of the 8367  
Revised Code, and shall state the minimum term it imposes under 8368  
division (A) (1) (a) or (2) (a) of that section, and this maximum 8369  
term, in the sentencing entry. 8370

(D) If a court imposes a prison term on an offender 8371  
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 8372  
the Revised Code for a qualifying felony of the first or second 8373  
degree, section 2967.271 of the Revised Code applies with 8374  
respect to the offender's service of the prison term. 8375

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 8376  
felony the court is not required to impose a prison term, a 8377  
mandatory prison term, or a term of life imprisonment upon the 8378  
offender, the court may directly impose a sentence that consists 8379  
of one or more community control sanctions authorized pursuant 8380  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 8381  
the court is sentencing an offender for a fourth degree felony 8382  
OVI offense under division (G) (1) of section 2929.13 of the 8383  
Revised Code, in addition to the mandatory term of local 8384  
incarceration imposed under that division and the mandatory fine 8385  
required by division (B) (3) of section 2929.18 of the Revised 8386  
Code, the court may impose upon the offender a community control 8387

sanction or combination of community control sanctions in 8388  
accordance with sections 2929.16 and 2929.17 of the Revised 8389  
Code. If the court is sentencing an offender for a third or 8390  
fourth degree felony OVI offense under division (G) (2) of 8391  
section 2929.13 of the Revised Code, in addition to the 8392  
mandatory prison term or mandatory prison term and additional 8393  
prison term imposed under that division, the court also may 8394  
impose upon the offender a community control sanction or 8395  
combination of community control sanctions under section 2929.16 8396  
or 2929.17 of the Revised Code, but the offender shall serve all 8397  
of the prison terms so imposed prior to serving the community 8398  
control sanction. 8399

The duration of all community control sanctions imposed 8400  
upon an offender under this division shall not exceed five 8401  
years. If the offender absconds or otherwise leaves the 8402  
jurisdiction of the court in which the offender resides without 8403  
obtaining permission from the court or the offender's probation 8404  
officer to leave the jurisdiction of the court, or if the 8405  
offender is confined in any institution for the commission of 8406  
any offense while under a community control sanction, the period 8407  
of the community control sanction ceases to run until the 8408  
offender is brought before the court for its further action. If 8409  
the court sentences the offender to one or more nonresidential 8410  
sanctions under section 2929.17 of the Revised Code, the court 8411  
shall impose as a condition of the nonresidential sanctions 8412  
that, during the period of the sanctions, the offender must 8413  
abide by the law and must not leave the state without the 8414  
permission of the court or the offender's probation officer. The 8415  
court may impose any other conditions of release under a 8416  
community control sanction that the court considers appropriate, 8417  
including, but not limited to, requiring that the offender not 8418

ingest or be injected with a drug of abuse and submit to random 8419  
drug testing as provided in division (D) of this section to 8420  
determine whether the offender ingested or was injected with a 8421  
drug of abuse and requiring that the results of the drug test 8422  
indicate that the offender did not ingest or was not injected 8423  
with a drug of abuse. 8424

(2) (a) If a court sentences an offender to any community 8425  
control sanction or combination of community control sanctions 8426  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 8427  
the Revised Code, the court shall place the offender under the 8428  
general control and supervision of a department of probation in 8429  
the county that serves the court for purposes of reporting to 8430  
the court a violation of any condition of the sanctions, any 8431  
condition of release under a community control sanction imposed 8432  
by the court, a violation of law, or the departure of the 8433  
offender from this state without the permission of the court or 8434  
the offender's probation officer. Alternatively, if the offender 8435  
resides in another county and a county department of probation 8436  
has been established in that county or that county is served by 8437  
a multicounty probation department established under section 8438  
2301.27 of the Revised Code, the court may request the court of 8439  
common pleas of that county to receive the offender into the 8440  
general control and supervision of that county or multicounty 8441  
department of probation for purposes of reporting to the court a 8442  
violation of any condition of the sanctions, any condition of 8443  
release under a community control sanction imposed by the court, 8444  
a violation of law, or the departure of the offender from this 8445  
state without the permission of the court or the offender's 8446  
probation officer, subject to the jurisdiction of the trial 8447  
judge over and with respect to the person of the offender, and 8448  
to the rules governing that department of probation. 8449

If there is no department of probation in the county that 8450  
serves the court, the court shall place the offender, regardless 8451  
of the offender's county of residence, under the general control 8452  
and supervision of the adult parole authority for purposes of 8453  
reporting to the court a violation of any of the sanctions, any 8454  
condition of release under a community control sanction imposed 8455  
by the court, a violation of law, or the departure of the 8456  
offender from this state without the permission of the court or 8457  
the offender's probation officer. 8458

(b) If the court imposing sentence upon an offender 8459  
sentences the offender to any community control sanction or 8460  
combination of community control sanctions authorized pursuant 8461  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 8462  
if the offender violates any condition of the sanctions, any 8463  
condition of release under a community control sanction imposed 8464  
by the court, violates any law, or departs the state without the 8465  
permission of the court or the offender's probation officer, the 8466  
public or private person or entity that operates or administers 8467  
the sanction or the program or activity that comprises the 8468  
sanction shall report the violation or departure directly to the 8469  
sentencing court, or shall report the violation or departure to 8470  
the county or multicounty department of probation with general 8471  
control and supervision over the offender under division (A) (2) 8472  
(a) of this section or the officer of that department who 8473  
supervises the offender, or, if there is no such department with 8474  
general control and supervision over the offender under that 8475  
division, to the adult parole authority. If the public or 8476  
private person or entity that operates or administers the 8477  
sanction or the program or activity that comprises the sanction 8478  
reports the violation or departure to the county or multicounty 8479  
department of probation or the adult parole authority, the 8480

department's or authority's officers may treat the offender as 8481  
if the offender were on probation and in violation of the 8482  
probation, and shall report the violation of the condition of 8483  
the sanction, any condition of release under a community control 8484  
sanction imposed by the court, the violation of law, or the 8485  
departure from the state without the required permission to the 8486  
sentencing court. 8487

(3) If an offender who is eligible for community control 8488  
sanctions under this section admits to being drug addicted or 8489  
the court has reason to believe that the offender is drug 8490  
addicted, and if the offense for which the offender is being 8491  
sentenced was related to the addiction, the court may require 8492  
that the offender be assessed by a properly credentialed 8493  
professional within a specified period of time and shall require 8494  
the professional to file a written assessment of the offender 8495  
with the court. If a court imposes treatment and recovery 8496  
support services as a community control sanction, the court 8497  
shall direct the level and type of treatment and recovery 8498  
support services after consideration of the written assessment, 8499  
if available at the time of sentencing, and recommendations of 8500  
the professional and other treatment and recovery support 8501  
services providers. 8502

(4) If an assessment completed pursuant to division (A) (3) 8503  
of this section indicates that the offender is addicted to drugs 8504  
or alcohol, the court may include in any community control 8505  
sanction imposed for a violation of section 2925.02, 2925.03, 8506  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 8507  
2925.36, or 2925.37 of the Revised Code a requirement that the 8508  
offender participate in alcohol and drug addiction services and 8509  
recovery supports certified under section 5119.36 of the Revised 8510  
Code or offered by a properly credentialed community addiction 8511



services provider. 8512

(B) (1) If the conditions of a community control sanction 8513  
are violated or if the offender violates a law or leaves the 8514  
state without the permission of the court or the offender's 8515  
probation officer, the sentencing court may impose upon the 8516  
violation one or more of the following penalties: 8517

(a) A longer time under the same sanction if the total 8518  
time under the sanctions does not exceed the five-year limit 8519  
specified in division (A) of this section; 8520

(b) A more restrictive sanction under section 2929.16, 8521  
2929.17, or 2929.18 of the Revised Code; 8522

(c) A prison term on the offender pursuant to section 8523  
2929.14 of the Revised Code and division (B) (3) of this section, 8524  
provided that a prison term imposed under this division is 8525  
subject to the following limitations, as applicable: 8526

(i) If the prison term is imposed for any technical 8527  
violation of the conditions of a community control sanction 8528  
imposed for a felony of the fifth degree or for any violation of 8529  
law committed while under a community control sanction imposed 8530  
for such a felony that consists of a new criminal offense and 8531  
that is not a felony, the prison term shall not exceed ninety 8532  
days. 8533

(ii) If the prison term is imposed for any technical 8534  
violation of the conditions of a community control sanction 8535  
imposed for a felony of the fourth degree that is not an offense 8536  
of violence and is not a sexually oriented offense or for any 8537  
violation of law committed while under a community control 8538  
sanction imposed for such a felony that consists of a new 8539  
criminal offense and that is not a felony, the prison term shall 8540

not exceed one hundred eighty days. 8541

(2) If an offender was acting pursuant to division (B) (2) 8542  
(b) of section 2925.11 of the Revised Code and in so doing 8543  
violated the conditions of a community control sanction based on 8544  
a minor drug possession offense, as defined in section 2925.11 8545  
of the Revised Code, the sentencing court may consider the 8546  
offender's conduct in seeking or obtaining medical assistance 8547  
for another in good faith or for self or may consider the 8548  
offender being the subject of another person seeking or 8549  
obtaining medical assistance in accordance with that division as 8550  
a mitigating factor before imposing any of the penalties 8551  
described in division (B) (1) of this section. 8552

(3) The prison term, if any, imposed upon a violator 8553  
pursuant to this division and division (B) (1) of this section 8554  
shall be within the range of prison terms ~~available for the~~ 8555  
~~offense for which the sanction that was violated was imposed~~ 8556  
described in this division and shall not exceed the prison term 8557  
specified in the notice provided to the offender at the 8558  
sentencing hearing pursuant to division (B) (2) of section 8559  
2929.19 of the Revised Code. The court may reduce the longer 8560  
period of time that the offender is required to spend under the 8561  
longer sanction, the more restrictive sanction, or a prison term 8562  
imposed pursuant to division (B) (1) of this section by the time 8563  
the offender successfully spent under the sanction that was 8564  
initially imposed. Except as otherwise specified in this 8565  
division, the prison term imposed under this division and 8566  
division (B) (1) of this section shall be within the range of 8567  
prison terms available as a definite term for the offense for 8568  
which the sanction that was violated was imposed. If the offense 8569  
for which the sanction that was violated was imposed is a felony 8570  
of the first or second degree committed on or after the 8571

effective date of this amendment, the prison term so imposed 8572  
under this division shall be within the range of prison terms 8573  
available as a minimum term for the offense under division (A) 8574  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 8575

(C) If an offender, for a significant period of time, 8576  
fulfills the conditions of a sanction imposed pursuant to 8577  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 8578  
exemplary manner, the court may reduce the period of time under 8579  
the sanction or impose a less restrictive sanction, but the 8580  
court shall not permit the offender to violate any law or permit 8581  
the offender to leave the state without the permission of the 8582  
court or the offender's probation officer. 8583

(D) (1) If a court under division (A) (1) of this section 8584  
imposes a condition of release under a community control 8585  
sanction that requires the offender to submit to random drug 8586  
testing, the department of probation or the adult parole 8587  
authority that has general control and supervision of the 8588  
offender under division (A) (2) (a) of this section may cause the 8589  
offender to submit to random drug testing performed by a 8590  
laboratory or entity that has entered into a contract with any 8591  
of the governmental entities or officers authorized to enter 8592  
into a contract with that laboratory or entity under section 8593  
341.26, 753.33, or 5120.63 of the Revised Code. 8594

(2) If no laboratory or entity described in division (D) 8595  
(1) of this section has entered into a contract as specified in 8596  
that division, the department of probation or the adult parole 8597  
authority that has general control and supervision of the 8598  
offender under division (A) (2) (a) of this section shall cause 8599  
the offender to submit to random drug testing performed by a 8600  
reputable public laboratory to determine whether the individual 8601

who is the subject of the drug test ingested or was injected 8602  
with a drug of abuse. 8603

(3) A laboratory or entity that has entered into a 8604  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 8605  
Revised Code shall perform the random drug tests under division 8606  
(D) (1) of this section in accordance with the applicable 8607  
standards that are included in the terms of that contract. A 8608  
public laboratory shall perform the random drug tests under 8609  
division (D) (2) of this section in accordance with the standards 8610  
set forth in the policies and procedures established by the 8611  
department of rehabilitation and correction pursuant to section 8612  
5120.63 of the Revised Code. An offender who is required under 8613  
division (A) (1) of this section to submit to random drug testing 8614  
as a condition of release under a community control sanction and 8615  
whose test results indicate that the offender ingested or was 8616  
injected with a drug of abuse shall pay the fee for the drug 8617  
test if the department of probation or the adult parole 8618  
authority that has general control and supervision of the 8619  
offender requires payment of a fee. A laboratory or entity that 8620  
performs the random drug testing on an offender under division 8621  
(D) (1) or (2) of this section shall transmit the results of the 8622  
drug test to the appropriate department of probation or the 8623  
adult parole authority that has general control and supervision 8624  
of the offender under division (A) (2) (a) of this section. 8625

**Sec. 2929.18.** (A) Except as otherwise provided in this 8626  
division and in addition to imposing court costs pursuant to 8627  
section 2947.23 of the Revised Code, the court imposing a 8628  
sentence upon an offender for a felony may sentence the offender 8629  
to any financial sanction or combination of financial sanctions 8630  
authorized under this section or, in the circumstances specified 8631  
in section 2929.32 of the Revised Code, may impose upon the 8632

offender a fine in accordance with that section. Financial 8633  
sanctions that may be imposed pursuant to this section include, 8634  
but are not limited to, the following: 8635

(1) Restitution by the offender to the victim of the 8636  
offender's crime or any survivor of the victim, in an amount 8637  
based on the victim's economic loss. If the court imposes 8638  
restitution, the court shall order that the restitution be made 8639  
to the victim in open court, to the adult probation department 8640  
that serves the county on behalf of the victim, to the clerk of 8641  
courts, or to another agency designated by the court. If the 8642  
court imposes restitution, at sentencing, the court shall 8643  
determine the amount of restitution to be made by the offender. 8644  
If the court imposes restitution, the court may base the amount 8645  
of restitution it orders on an amount recommended by the victim, 8646  
the offender, a presentence investigation report, estimates or 8647  
receipts indicating the cost of repairing or replacing property, 8648  
and other information, provided that the amount the court orders 8649  
as restitution shall not exceed the amount of the economic loss 8650  
suffered by the victim as a direct and proximate result of the 8651  
commission of the offense. If the court decides to impose 8652  
restitution, the court shall hold a hearing on restitution if 8653  
the offender, victim, or survivor disputes the amount. All 8654  
restitution payments shall be credited against any recovery of 8655  
economic loss in a civil action brought by the victim or any 8656  
survivor of the victim against the offender. 8657

If the court imposes restitution, the court may order that 8658  
the offender pay a surcharge of not more than five per cent of 8659  
the amount of the restitution otherwise ordered to the entity 8660  
responsible for collecting and processing restitution payments. 8661

The victim or survivor may request that the prosecutor in 8662

the case file a motion, or the offender may file a motion, for 8663  
modification of the payment terms of any restitution ordered. If 8664  
the court grants the motion, it may modify the payment terms as 8665  
it determines appropriate. 8666

(2) Except as provided in division (B)(1), (3), or (4) of 8667  
this section, a fine payable by the offender to the state, to a 8668  
political subdivision, or as described in division (B)(2) of 8669  
this section to one or more law enforcement agencies, with the 8670  
amount of the fine based on a standard percentage of the 8671  
offender's daily income over a period of time determined by the 8672  
court and based upon the seriousness of the offense. A fine 8673  
ordered under this division shall not exceed the maximum 8674  
conventional fine amount authorized for the level of the offense 8675  
under division (A)(3) of this section. 8676

(3) Except as provided in division (B)(1), (3), or (4) of 8677  
this section, a fine payable by the offender to the state, to a 8678  
political subdivision when appropriate for a felony, or as 8679  
described in division (B)(2) of this section to one or more law 8680  
enforcement agencies, in the following amount: 8681

(a) For a felony of the first degree, not more than twenty 8682  
thousand dollars; 8683

(b) For a felony of the second degree, not more than 8684  
fifteen thousand dollars; 8685

(c) For a felony of the third degree, not more than ten 8686  
thousand dollars; 8687

(d) For a felony of the fourth degree, not more than five 8688  
thousand dollars; 8689

(e) For a felony of the fifth degree, not more than two 8690  
thousand five hundred dollars. 8691

(4) A state fine or costs as defined in section 2949.111 8692  
of the Revised Code. 8693

(5) (a) Reimbursement by the offender of any or all of the 8694  
costs of sanctions incurred by the government, including the 8695  
following: 8696

(i) All or part of the costs of implementing any community 8697  
control sanction, including a supervision fee under section 8698  
2951.021 of the Revised Code; 8699

(ii) All or part of the costs of confinement under a 8700  
sanction imposed pursuant to section 2929.14, 2929.142, or 8701  
2929.16 of the Revised Code, provided that the amount of 8702  
reimbursement ordered under this division shall not exceed the 8703  
total amount of reimbursement the offender is able to pay as 8704  
determined at a hearing and shall not exceed the actual cost of 8705  
the confinement; 8706

(iii) All or part of the cost of purchasing and using an 8707  
immobilizing or disabling device, including a certified ignition 8708  
interlock device, or a remote alcohol monitoring device that a 8709  
court orders an offender to use under section 4510.13 of the 8710  
Revised Code. 8711

(b) If the offender is sentenced to a sanction of 8712  
confinement pursuant to section 2929.14 or 2929.16 of the 8713  
Revised Code that is to be served in a facility operated by a 8714  
board of county commissioners, a legislative authority of a 8715  
municipal corporation, or another local governmental entity, if, 8716  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 8717  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 8718  
section 2929.37 of the Revised Code, the board, legislative 8719  
authority, or other local governmental entity requires prisoners 8720

to reimburse the county, municipal corporation, or other entity 8721  
for its expenses incurred by reason of the prisoner's 8722  
confinement, and if the court does not impose a financial 8723  
sanction under division (A) (5) (a) (ii) of this section, 8724  
confinement costs may be assessed pursuant to section 2929.37 of 8725  
the Revised Code. In addition, the offender may be required to 8726  
pay the fees specified in section 2929.38 of the Revised Code in 8727  
accordance with that section. 8728

(c) Reimbursement by the offender for costs pursuant to 8729  
section 2929.71 of the Revised Code. 8730

(B) (1) For a first, second, or third degree felony 8731  
violation of any provision of Chapter 2925., 3719., or 4729. of 8732  
the Revised Code, the sentencing court shall impose upon the 8733  
offender a mandatory fine of at least one-half of, but not more 8734  
than, the maximum statutory fine amount authorized for the level 8735  
of the offense pursuant to division (A) (3) of this section. If 8736  
an offender alleges in an affidavit filed with the court prior 8737  
to sentencing that the offender is indigent and unable to pay 8738  
the mandatory fine and if the court determines the offender is 8739  
an indigent person and is unable to pay the mandatory fine 8740  
described in this division, the court shall not impose the 8741  
mandatory fine upon the offender. 8742

(2) Any mandatory fine imposed upon an offender under 8743  
division (B) (1) of this section and any fine imposed upon an 8744  
offender under division (A) (2) or (3) of this section for any 8745  
fourth or fifth degree felony violation of any provision of 8746  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 8747  
to law enforcement agencies pursuant to division (F) of section 8748  
2925.03 of the Revised Code. 8749

(3) For a fourth degree felony OVI offense and for a third 8750



degree felony OVI offense, the sentencing court shall impose 8751  
upon the offender a mandatory fine in the amount specified in 8752  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 8753  
Code, whichever is applicable. The mandatory fine so imposed 8754  
shall be disbursed as provided in the division pursuant to which 8755  
it is imposed. 8756

(4) Notwithstanding any fine otherwise authorized or 8757  
required to be imposed under division (A) (2) or (3) or (B) (1) of 8758  
this section or section 2929.31 of the Revised Code for a 8759  
violation of section 2925.03 of the Revised Code, in addition to 8760  
any penalty or sanction imposed for that offense under section 8761  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 8762  
in addition to the forfeiture of property in connection with the 8763  
offense as prescribed in Chapter 2981. of the Revised Code, the 8764  
court that sentences an offender for a violation of section 8765  
2925.03 of the Revised Code may impose upon the offender a fine 8766  
in addition to any fine imposed under division (A) (2) or (3) of 8767  
this section and in addition to any mandatory fine imposed under 8768  
division (B) (1) of this section. The fine imposed under division 8769  
(B) (4) of this section shall be used as provided in division (H) 8770  
of section 2925.03 of the Revised Code. A fine imposed under 8771  
division (B) (4) of this section shall not exceed whichever of 8772  
the following is applicable: 8773

(a) The total value of any personal or real property in 8774  
which the offender has an interest and that was used in the 8775  
course of, intended for use in the course of, derived from, or 8776  
realized through conduct in violation of section 2925.03 of the 8777  
Revised Code, including any property that constitutes proceeds 8778  
derived from that offense; 8779

(b) If the offender has no interest in any property of the 8780

type described in division (B) (4) (a) of this section or if it is 8781  
not possible to ascertain whether the offender has an interest 8782  
in any property of that type in which the offender may have an 8783  
interest, the amount of the mandatory fine for the offense 8784  
imposed under division (B) (1) of this section or, if no 8785  
mandatory fine is imposed under division (B) (1) of this section, 8786  
the amount of the fine authorized for the level of the offense 8787  
imposed under division (A) (3) of this section. 8788

(5) Prior to imposing a fine under division (B) (4) of this 8789  
section, the court shall determine whether the offender has an 8790  
interest in any property of the type described in division (B) 8791  
(4) (a) of this section. Except as provided in division (B) (6) or 8792  
(7) of this section, a fine that is authorized and imposed under 8793  
division (B) (4) of this section does not limit or affect the 8794  
imposition of the penalties and sanctions for a violation of 8795  
section 2925.03 of the Revised Code prescribed under those 8796  
sections or sections 2929.11 to 2929.18 of the Revised Code and 8797  
does not limit or affect a forfeiture of property in connection 8798  
with the offense as prescribed in Chapter 2981. of the Revised 8799  
Code. 8800

(6) If the sum total of a mandatory fine amount imposed 8801  
for a first, second, or third degree felony violation of section 8802  
2925.03 of the Revised Code under division (B) (1) of this 8803  
section plus the amount of any fine imposed under division (B) 8804  
(4) of this section does not exceed the maximum statutory fine 8805  
amount authorized for the level of the offense under division 8806  
(A) (3) of this section or section 2929.31 of the Revised Code, 8807  
the court may impose a fine for the offense in addition to the 8808  
mandatory fine and the fine imposed under division (B) (4) of 8809  
this section. The sum total of the amounts of the mandatory 8810  
fine, the fine imposed under division (B) (4) of this section, 8811

and the additional fine imposed under division (B) (6) of this 8812  
section shall not exceed the maximum statutory fine amount 8813  
authorized for the level of the offense under division (A) (3) of 8814  
this section or section 2929.31 of the Revised Code. The clerk 8815  
of the court shall pay any fine that is imposed under division 8816  
(B) (6) of this section to the county, township, municipal 8817  
corporation, park district as created pursuant to section 511.18 8818  
or 1545.04 of the Revised Code, or state law enforcement 8819  
agencies in this state that primarily were responsible for or 8820  
involved in making the arrest of, and in prosecuting, the 8821  
offender pursuant to division (F) of section 2925.03 of the 8822  
Revised Code. 8823

(7) If the sum total of the amount of a mandatory fine 8824  
imposed for a first, second, or third degree felony violation of 8825  
section 2925.03 of the Revised Code plus the amount of any fine 8826  
imposed under division (B) (4) of this section exceeds the 8827  
maximum statutory fine amount authorized for the level of the 8828  
offense under division (A) (3) of this section or section 2929.31 8829  
of the Revised Code, the court shall not impose a fine under 8830  
division (B) (6) of this section. 8831

(8) (a) If an offender who is convicted of or pleads guilty 8832  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 8833  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 8834  
minor, or division (B) (1), (2), (3), (4), or (5) of section 8835  
2919.22 of the Revised Code also is convicted of or pleads 8836  
guilty to a specification of the type described in section 8837  
2941.1422 of the Revised Code that charges that the offender 8838  
knowingly committed the offense in furtherance of human 8839  
trafficking, the sentencing court shall sentence the offender to 8840  
a financial sanction of restitution by the offender to the 8841  
victim or any survivor of the victim, with the restitution 8842

including the costs of housing, counseling, and medical and 8843  
legal assistance incurred by the victim as a direct result of 8844  
the offense and the greater of the following: 8845

(i) The gross income or value to the offender of the 8846  
victim's labor or services; 8847

(ii) The value of the victim's labor as guaranteed under 8848  
the minimum wage and overtime provisions of the "Federal Fair 8849  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 8850  
state labor laws. 8851

(b) If a court imposing sentence upon an offender for a 8852  
felony is required to impose upon the offender a financial 8853  
sanction of restitution under division (B) (8) (a) of this 8854  
section, in addition to that financial sanction of restitution, 8855  
the court may sentence the offender to any other financial 8856  
sanction or combination of financial sanctions authorized under 8857  
this section, including a restitution sanction under division 8858  
(A) (1) of this section. 8859

(9) In addition to any other fine that is or may be 8860  
imposed under this section, the court imposing sentence upon an 8861  
offender for a felony that is a sexually oriented offense or a 8862  
child-victim oriented offense, as those terms are defined in 8863  
section 2950.01 of the Revised Code, may impose a fine of not 8864  
less than fifty nor more than five hundred dollars. 8865

(10) For a felony violation of division (A) of section 8866  
2921.321 of the Revised Code that results in the death of the 8867  
police dog or horse that is the subject of the violation, the 8868  
sentencing court shall impose upon the offender a mandatory fine 8869  
from the range of fines provided under division (A) (3) of this 8870  
section for a felony of the third degree. A mandatory fine 8871

imposed upon an offender under division (B) (10) of this section 8872  
shall be paid to the law enforcement agency that was served by 8873  
the police dog or horse that was killed in the felony violation 8874  
of division (A) of section 2921.321 of the Revised Code to be 8875  
used as provided in division (E) (1) (b) of that section. 8876

(11) In addition to any other fine that is or may be 8877  
imposed under this section, the court imposing sentence upon an 8878  
offender for any of the following offenses that is a felony may 8879  
impose a fine of not less than seventy nor more than five 8880  
hundred dollars, which shall be transmitted to the treasurer of 8881  
state to be credited to the address confidentiality program fund 8882  
created by section 111.48 of the Revised Code: 8883

(a) Domestic violence; 8884

(b) Menacing by stalking; 8885

(c) Rape; 8886

(d) Sexual battery; 8887

(e) Trafficking in persons; 8888

(f) A violation of section 2905.01, 2905.02, 2907.21, 8889  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 8890  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 8891  
the Revised Code, if the offender also is convicted of a 8892  
specification of the type described in section 2941.1422 of the 8893  
Revised Code that charges that the offender knowingly committed 8894  
the offense in furtherance of human trafficking. 8895

(C) (1) Except as provided in section 2951.021 of the 8896  
Revised Code, the offender shall pay reimbursements imposed upon 8897  
the offender pursuant to division (A) (5) (a) of this section to 8898  
pay the costs incurred by a county pursuant to any sanction 8899

imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A) (5) (a) of this section for the costs incurred by a

private provider pursuant to a sanction imposed under this 8931  
section or section 2929.16 or 2929.17 of the Revised Code to the 8932  
provider. 8933

(D) Except as otherwise provided in this division, a 8934  
financial sanction imposed pursuant to division (A) or (B) of 8935  
this section is a judgment in favor of the state or a political 8936  
subdivision in which the court that imposed the financial 8937  
sanction is located, and the offender subject to the financial 8938  
sanction is the judgment debtor. A financial sanction of 8939  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 8940  
section upon an offender who is incarcerated in a state facility 8941  
or a municipal jail is a judgment in favor of the state or the 8942  
municipal corporation, and the offender subject to the financial 8943  
sanction is the judgment debtor. A financial sanction of 8944  
reimbursement imposed upon an offender pursuant to this section 8945  
for costs incurred by a private provider of sanctions is a 8946  
judgment in favor of the private provider, and the offender 8947  
subject to the financial sanction is the judgment debtor. A 8948  
financial sanction of a mandatory fine imposed under division 8949  
(B) (10) of this section that is required under that division to 8950  
be paid to a law enforcement agency is a judgment in favor of 8951  
the specified law enforcement agency, and the offender subject 8952  
to the financial sanction is the judgment debtor. A financial 8953  
sanction of restitution imposed pursuant to division (A) (1) or 8954  
(B) (8) of this section is an order in favor of the victim of the 8955  
offender's criminal act that can be collected through a 8956  
certificate of judgment as described in division (D) (1) of this 8957  
section, through execution as described in division (D) (2) of 8958  
this section, or through an order as described in division (D) 8959  
(3) of this section, and the offender shall be considered for 8960  
purposes of the collection as the judgment debtor. Imposition of 8961

a financial sanction and execution on the judgment does not 8962  
preclude any other power of the court to impose or enforce 8963  
sanctions on the offender. Once the financial sanction is 8964  
imposed as a judgment or order under this division, the victim, 8965  
private provider, state, or political subdivision may do any of 8966  
the following: 8967

(1) Obtain from the clerk of the court in which the 8968  
judgment was entered a certificate of judgment that shall be in 8969  
the same manner and form as a certificate of judgment issued in 8970  
a civil action; 8971

(2) Obtain execution of the judgment or order through any 8972  
available procedure, including: 8973

(a) An execution against the property of the judgment 8974  
debtor under Chapter 2329. of the Revised Code; 8975

(b) An execution against the person of the judgment debtor 8976  
under Chapter 2331. of the Revised Code; 8977

(c) A proceeding in aid of execution under Chapter 2333. 8978  
of the Revised Code, including: 8979

(i) A proceeding for the examination of the judgment 8980  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 8981  
2333.27 of the Revised Code; 8982

(ii) A proceeding for attachment of the person of the 8983  
judgment debtor under section 2333.28 of the Revised Code; 8984

(iii) A creditor's suit under section 2333.01 of the 8985  
Revised Code. 8986

(d) The attachment of the property of the judgment debtor 8987  
under Chapter 2715. of the Revised Code; 8988



(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	8989
	8990
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	8991
	8992
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	8993
	8994
	8995
	8996
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	8997
	8998
	8999
	9000
	9001
	9002
	9003
	9004
	9005
	9006
	9007
	9008
	9009
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.	9010
	9011
	9012
	9013
	9014
	9015
	9016
(H) No financial sanction imposed under this section or	9017

section 2929.32 of the Revised Code shall preclude a victim from 9018  
bringing a civil action against the offender. 9019

**Sec. 2929.19.** (A) The court shall hold a sentencing 9020  
hearing before imposing a sentence under this chapter upon an 9021  
offender who was convicted of or pleaded guilty to a felony and 9022  
before resentencing an offender who was convicted of or pleaded 9023  
guilty to a felony and whose case was remanded pursuant to 9024  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 9025  
the offender, the prosecuting attorney, the victim or the 9026  
victim's representative in accordance with section 2930.14 of 9027  
the Revised Code, and, with the approval of the court, any other 9028  
person may present information relevant to the imposition of 9029  
sentence in the case. The court shall inform the offender of the 9030  
verdict of the jury or finding of the court and ask the offender 9031  
whether the offender has anything to say as to why sentence 9032  
should not be imposed upon the offender. 9033

(B) (1) At the sentencing hearing, the court, before 9034  
imposing sentence, shall consider the record, any information 9035  
presented at the hearing by any person pursuant to division (A) 9036  
of this section, and, if one was prepared, the presentence 9037  
investigation report made pursuant to section 2951.03 of the 9038  
Revised Code or Criminal Rule 32.2, and any victim impact 9039  
statement made pursuant to section 2947.051 of the Revised Code. 9040

(2) Subject to division (B) (3) of this section, if the 9041  
sentencing court determines at the sentencing hearing that a 9042  
prison term is necessary or required, the court shall do all of 9043  
the following: 9044

(a) Impose a stated prison term and, if the court imposes 9045  
a mandatory prison term, notify the offender that the prison 9046  
term is a mandatory prison term; 9047

(b) In addition to any other information, include in the 9048  
sentencing entry the name and section reference to the offense 9049  
or offenses, the sentence or sentences imposed and whether the 9050  
sentence or sentences contain mandatory prison terms, if 9051  
sentences are imposed for multiple counts whether the sentences 9052  
are to be served concurrently or consecutively, and the name and 9053  
section reference of any specification or specifications for 9054  
which sentence is imposed and the sentence or sentences imposed 9055  
for the specification or specifications; 9056

(c) If the prison term is a non-life felony indefinite 9057  
prison term, notify the offender of all of the following: 9058

(i) That it is rebuttably presumed that the offender will 9059  
be released from service of the sentence on the expiration of 9060  
the minimum prison term imposed as part of the sentence or on 9061  
the offender's presumptive earned early release date, as defined 9062  
in section 2967.271 of the Revised Code, whichever is earlier; 9063

(ii) That the department of rehabilitation and correction 9064  
may rebut the presumption described in division (B) (2) (c) (i) of 9065  
this section if, at a hearing held under section 2967.271 of the 9066  
Revised Code, the department makes specified determinations 9067  
regarding the offender's conduct while confined, the offender's 9068  
rehabilitation, the offender's threat to society, the offender's 9069  
restrictive housing, if any, while confined, and the offender's 9070  
security classification; 9071

(iii) That if, as described in division (B) (2) (c) (ii) of 9072  
this section, the department at the hearing makes the specified 9073  
determinations and rebuts the presumption, the department may 9074  
maintain the offender's incarceration after the expiration of 9075  
that minimum term or after that presumptive earned early release 9076  
date for the length of time the department determines to be 9077

reasonable, subject to the limitation specified in section 9078  
2967.271 of the Revised Code; 9079

(iv) That the department may make the specified 9080  
determinations and maintain the offender's incarceration under 9081  
the provisions described in divisions (B)(2)(c)(i) and (ii) of 9082  
this section more than one time, subject to the limitation 9083  
specified in section 2967.271 of the Revised Code; 9084

(v) That if the offender has not been released prior to 9085  
the expiration of the offender's maximum prison term imposed as 9086  
part of the sentence, the offender must be released upon the 9087  
expiration of that term. 9088

(d) Notify the offender that the offender will be 9089  
supervised under section 2967.28 of the Revised Code after the 9090  
offender leaves prison if the offender is being sentenced, other 9091  
than to a sentence of life imprisonment, for a felony of the 9092  
first degree or second degree, for a felony sex offense, or for 9093  
a felony of the third degree that is an offense of violence and 9094  
is not a felony sex offense and in the commission of which the 9095  
offender caused or threatened to cause physical harm to a 9096  
person. This division applies with respect to all prison terms 9097  
imposed for an offense of a type described in this division, 9098  
including a non-life felony indefinite prison term and including 9099  
a term imposed for any ~~such~~ offense of a type described in this 9100  
division that is a risk reduction sentence, as defined in 9101  
section 2967.28 of the Revised Code. If a court imposes a 9102  
sentence including a prison term of a type described in division 9103  
(B)(2)~~(e)~~(d) of this section on or after July 11, 2006, the 9104  
failure of a court to notify the offender pursuant to division 9105  
(B)(2)~~(e)~~(d) of this section that the offender will be 9106  
supervised under section 2967.28 of the Revised Code after the 9107

offender leaves prison or to include in the judgment of 9108  
conviction entered on the journal a statement to that effect 9109  
does not negate, limit, or otherwise affect the mandatory period 9110  
of supervision that is required for the offender under division 9111  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 9112  
the Revised Code applies if, prior to July 11, 2006, a court 9113  
imposed a sentence including a prison term of a type described 9114  
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 9115  
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 9116  
regarding post-release control or to include in the judgment of 9117  
conviction entered on the journal or in the sentence a statement 9118  
regarding post-release control. 9119

~~(d)~~ (e) Notify the offender that the offender may be 9120  
supervised under section 2967.28 of the Revised Code after the 9121  
offender leaves prison if the offender is being sentenced for a 9122  
felony of the third, fourth, or fifth degree that is not subject 9123  
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 9124  
with respect to all prison terms imposed for an offense of a 9125  
type described in this division, including a term imposed for 9126  
any such offense that is a risk reduction sentence, as defined 9127  
in section 2967.28 of the Revised Code. Section 2929.191 of the 9128  
Revised Code applies if, prior to July 11, 2006, a court imposed 9129  
a sentence including a prison term of a type described in 9130  
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 9131  
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 9132  
regarding post-release control or to include in the judgment of 9133  
conviction entered on the journal or in the sentence a statement 9134  
regarding post-release control. 9135

~~(e)~~ (f) Notify the offender that, if a period of 9136  
supervision is imposed following the offender's release from 9137  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 9138

section, and if the offender violates that supervision or a 9139  
condition of post-release control imposed under division (B) of 9140  
section 2967.131 of the Revised Code, the parole board may 9141  
impose a prison term, as part of the sentence, of up to one-half 9142  
of the ~~stated~~ definite prison term originally imposed upon the 9143  
offender as the offender's stated prison term or up to one-half 9144  
of the minimum prison term originally imposed upon the offender 9145  
as part of the offender's stated non-life felony indefinite 9146  
prison term. If a court imposes a sentence including a prison 9147  
term on or after July 11, 2006, the failure of a court to notify 9148  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9149  
that the parole board may impose a prison term as described in 9150  
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 9151  
supervision or a condition of post-release control imposed under 9152  
division (B) of section 2967.131 of the Revised Code or to 9153  
include in the judgment of conviction entered on the journal a 9154  
statement to that effect does not negate, limit, or otherwise 9155  
affect the authority of the parole board to so impose a prison 9156  
term for a violation of that nature if, pursuant to division (D) 9157  
(1) of section 2967.28 of the Revised Code, the parole board 9158  
notifies the offender prior to the offender's release of the 9159  
board's authority to so impose a prison term. Section 2929.191 9160  
of the Revised Code applies if, prior to July 11, 2006, a court 9161  
imposed a sentence including a prison term and failed to notify 9162  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9163  
regarding the possibility of the parole board imposing a prison 9164  
term for a violation of supervision or a condition of post- 9165  
release control. 9166

~~(f)~~ (g) Require that the offender not ingest or be injected 9167  
with a drug of abuse and submit to random drug testing as 9168  
provided in section 341.26, 753.33, or 5120.63 of the Revised 9169

Code, whichever is applicable to the offender who is serving a 9170  
prison term, and require that the results of the drug test 9171  
administered under any of those sections indicate that the 9172  
offender did not ingest or was not injected with a drug of 9173  
abuse. 9174

~~(g)~~(h)(i) Determine, notify the offender of, and include 9175  
in the sentencing entry the number of days that the offender has 9176  
been confined for any reason arising out of the offense for 9177  
which the offender is being sentenced and by which the 9178  
department of rehabilitation and correction must reduce the 9179  
stated definite prison term imposed on the offender as the 9180  
offender's stated prison term or, if the offense is an offense 9181  
for which a non-life felony indefinite prison term is imposed 9182  
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 9183  
Revised Code, the minimum and maximum prison terms imposed on 9184  
the offender as part of that non-life felony indefinite prison 9185  
term, under section 2967.191 of the Revised Code. The court's 9186  
calculation shall not include the number of days, if any, that 9187  
the offender previously served in the custody of the department 9188  
of rehabilitation and correction arising out of the offense for 9189  
which the prisoner was convicted and sentenced. 9190

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 9191  
(i) of this section, the court shall consider the arguments of 9192  
the parties and conduct a hearing if one is requested. 9193

(iii) The sentencing court retains continuing jurisdiction 9194  
to correct any error not previously raised at sentencing in 9195  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 9196  
section. The offender may, at any time after sentencing, file a 9197  
motion in the sentencing court to correct any error made in 9198  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 9199

section, and the court may in its discretion grant or deny that 9200  
motion. If the court changes the number of days in its 9201  
determination or redetermination, the court shall cause the 9202  
entry granting that change to be delivered to the department of 9203  
rehabilitation and correction without delay. Sections 2931.15 9204  
and 2953.21 of the Revised Code do not apply to a motion made 9205  
under this section. 9206

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 9207  
(h) (i) of this section is not grounds for setting aside the 9208  
offender's conviction or sentence and does not otherwise render 9209  
the sentence void or voidable. 9210

(3) (a) The court shall include in the offender's sentence 9211  
a statement that the offender is a tier III sex offender/child- 9212  
victim offender, and the court shall comply with the 9213  
requirements of section 2950.03 of the Revised Code if any of 9214  
the following apply: 9215

(i) The offender is being sentenced for a violent sex 9216  
offense or designated homicide, assault, or kidnapping offense 9217  
that the offender committed on or after January 1, 1997, and the 9218  
offender is adjudicated a sexually violent predator in relation 9219  
to that offense. 9220

(ii) The offender is being sentenced for a sexually 9221  
oriented offense that the offender committed on or after January 9222  
1, 1997, and the offender is a tier III sex offender/child- 9223  
victim offender relative to that offense. 9224

(iii) The offender is being sentenced on or after July 31, 9225  
2003, for a child-victim oriented offense, and the offender is a 9226  
tier III sex offender/child-victim offender relative to that 9227  
offense. 9228



(iv) The offender is being sentenced under section 2971.03 9229  
of the Revised Code for a violation of division (A) (1) (b) of 9230  
section 2907.02 of the Revised Code committed on or after 9231  
January 2, 2007. 9232

(v) The offender is sentenced to a term of life without 9233  
parole under division (B) of section 2907.02 of the Revised 9234  
Code. 9235

(vi) The offender is being sentenced for attempted rape 9236  
committed on or after January 2, 2007, and a specification of 9237  
the type described in section 2941.1418, 2941.1419, or 2941.1420 9238  
of the Revised Code. 9239

(vii) The offender is being sentenced under division (B) 9240  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 9241  
for an offense described in those divisions committed on or 9242  
after January 1, 2008. 9243

(b) Additionally, if any criterion set forth in divisions 9244  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 9245  
circumstances described in division (E) of section 2929.14 of 9246  
the Revised Code, the court shall impose sentence on the 9247  
offender as described in that division. 9248

(4) If the sentencing court determines at the sentencing 9249  
hearing that a community control sanction should be imposed and 9250  
the court is not prohibited from imposing a community control 9251  
sanction, the court shall impose a community control sanction. 9252  
The court shall notify the offender that, if the conditions of 9253  
the sanction are violated, if the offender commits a violation 9254  
of any law, or if the offender leaves this state without the 9255  
permission of the court or the offender's probation officer, the 9256  
court may impose a longer time under the same sanction, may 9257

impose a more restrictive sanction, or may impose a prison term 9258  
on the offender and shall indicate the specific prison term that 9259  
may be imposed as a sanction for the violation, as selected by 9260  
the court from the range of prison terms for the offense 9261  
pursuant to section 2929.14 of the Revised Code and as described 9262  
in section 2929.15 of the Revised Code. 9263

(5) Before imposing a financial sanction under section 9264  
2929.18 of the Revised Code or a fine under section 2929.32 of 9265  
the Revised Code, the court shall consider the offender's 9266  
present and future ability to pay the amount of the sanction or 9267  
fine. 9268

(6) If the sentencing court sentences the offender to a 9269  
sanction of confinement pursuant to section 2929.14 or 2929.16 9270  
of the Revised Code that is to be served in a local detention 9271  
facility, as defined in section 2929.36 of the Revised Code, and 9272  
if the local detention facility is covered by a policy adopted 9273  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 9274  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 9275  
and section 2929.37 of the Revised Code, both of the following 9276  
apply: 9277

(a) The court shall specify both of the following as part 9278  
of the sentence: 9279

(i) If the offender is presented with an itemized bill 9280  
pursuant to section 2929.37 of the Revised Code for payment of 9281  
the costs of confinement, the offender is required to pay the 9282  
bill in accordance with that section. 9283

(ii) If the offender does not dispute the bill described 9284  
in division (B) (6) (a) (i) of this section and does not pay the 9285  
bill by the times specified in section 2929.37 of the Revised 9286

Code, the clerk of the court may issue a certificate of judgment 9287  
against the offender as described in that section. 9288

(b) The sentence automatically includes any certificate of 9289  
judgment issued as described in division (B) (6) (a) (ii) of this 9290  
section. 9291

(7) The failure of the court to notify the offender that a 9292  
prison term is a mandatory prison term pursuant to division (B) 9293  
(2) (a) of this section or to include in the sentencing entry any 9294  
information required by division (B) (2) (b) of this section does 9295  
not affect the validity of the imposed sentence or sentences. If 9296  
the sentencing court notifies the offender at the sentencing 9297  
hearing that a prison term is mandatory but the sentencing entry 9298  
does not specify that the prison term is mandatory, the court 9299  
may complete a corrected journal entry and send copies of the 9300  
corrected entry to the offender and the department of 9301  
rehabilitation and correction, or, at the request of the state, 9302  
the court shall complete a corrected journal entry and send 9303  
copies of the corrected entry to the offender and department of 9304  
rehabilitation and correction. 9305

(C) (1) If the offender is being sentenced for a fourth 9306  
degree felony OVI offense under division (G) (1) of section 9307  
2929.13 of the Revised Code, the court shall impose the 9308  
mandatory term of local incarceration in accordance with that 9309  
division, shall impose a mandatory fine in accordance with 9310  
division (B) (3) of section 2929.18 of the Revised Code, and, in 9311  
addition, may impose additional sanctions as specified in 9312  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 9313  
Code. The court shall not impose a prison term on the offender 9314  
except that the court may impose a prison term upon the offender 9315  
as provided in division (A) (1) of section 2929.13 of the Revised 9316

Code. 9317

(2) If the offender is being sentenced for a third or 9318  
fourth degree felony OVI offense under division (G) (2) of 9319  
section 2929.13 of the Revised Code, the court shall impose the 9320  
mandatory prison term in accordance with that division, shall 9321  
impose a mandatory fine in accordance with division (B) (3) of 9322  
section 2929.18 of the Revised Code, and, in addition, may 9323  
impose an additional prison term as specified in section 2929.14 9324  
of the Revised Code. In addition to the mandatory prison term or 9325  
mandatory prison term and additional prison term the court 9326  
imposes, the court also may impose a community control sanction 9327  
on the offender, but the offender shall serve all of the prison 9328  
terms so imposed prior to serving the community control 9329  
sanction. 9330

(D) The sentencing court, pursuant to division (I) (1) of 9331  
section 2929.14 of the Revised Code, may recommend placement of 9332  
the offender in a program of shock incarceration under section 9333  
5120.031 of the Revised Code or an intensive program prison 9334  
under section 5120.032 of the Revised Code, disapprove placement 9335  
of the offender in a program or prison of that nature, or make 9336  
no recommendation. If the court recommends or disapproves 9337  
placement, it shall make a finding that gives its reasons for 9338  
its recommendation or disapproval. 9339

**Sec. 2929.191.** (A) (1) If, prior to July 11, 2006, a court 9340  
imposed a sentence including a prison term of a type described 9341  
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 9342  
and failed to notify the offender pursuant to that division that 9343  
the offender will be supervised under section 2967.28 of the 9344  
Revised Code after the offender leaves prison or to include a 9345  
statement to that effect in the judgment of conviction entered 9346

on the journal or in the sentence pursuant to division (D) (1) of 9347  
section 2929.14 of the Revised Code, at any time before the 9348  
offender is released from imprisonment under that term and at a 9349  
hearing conducted in accordance with division (C) of this 9350  
section, the court may prepare and issue a correction to the 9351  
judgment of conviction that includes in the judgment of 9352  
conviction the statement that the offender will be supervised 9353  
under section 2967.28 of the Revised Code after the offender 9354  
leaves prison. 9355

If, prior to July 11, 2006, a court imposed a sentence 9356  
including a prison term of a type described in division (B) (2) 9357  
~~(d)~~ (e) of section 2929.19 of the Revised Code and failed to 9358  
notify the offender pursuant to that division that the offender 9359  
may be supervised under section 2967.28 of the Revised Code 9360  
after the offender leaves prison or to include a statement to 9361  
that effect in the judgment of conviction entered on the journal 9362  
or in the sentence pursuant to division (D) (2) of section 9363  
2929.14 of the Revised Code, at any time before the offender is 9364  
released from imprisonment under that term and at a hearing 9365  
conducted in accordance with division (C) of this section, the 9366  
court may prepare and issue a correction to the judgment of 9367  
conviction that includes in the judgment of conviction the 9368  
statement that the offender may be supervised under section 9369  
2967.28 of the Revised Code after the offender leaves prison. 9370

(2) If a court prepares and issues a correction to a 9371  
judgment of conviction as described in division (A) (1) of this 9372  
section before the offender is released from imprisonment under 9373  
the prison term the court imposed prior to July 11, 2006, the 9374  
court shall place upon the journal of the court an entry nunc 9375  
pro tunc to record the correction to the judgment of conviction 9376  
and shall provide a copy of the entry to the offender or, if the 9377

offender is not physically present at the hearing, shall send a 9378  
copy of the entry to the department of rehabilitation and 9379  
correction for delivery to the offender. If the court sends a 9380  
copy of the entry to the department, the department promptly 9381  
shall deliver a copy of the entry to the offender. The court's 9382  
placement upon the journal of the entry nunc pro tunc before the 9383  
offender is released from imprisonment under the term shall be 9384  
considered, and shall have the same effect, as if the court at 9385  
the time of original sentencing had included the statement in 9386  
the sentence and the judgment of conviction entered on the 9387  
journal and had notified the offender that the offender will be 9388  
so supervised regarding a sentence including a prison term of a 9389  
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 9390  
the Revised Code or that the offender may be so supervised 9391  
regarding a sentence including a prison term of a type described 9392  
in division (B) (2) ~~(d)~~ (e) of that section. 9393

(B) (1) If, prior to July 11, 2006, a court imposed a 9394  
sentence including a prison term and failed to notify the 9395  
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 9396  
the Revised Code regarding the possibility of the parole board 9397  
imposing a prison term for a violation of supervision or a 9398  
condition of post-release control or to include in the judgment 9399  
of conviction entered on the journal a statement to that effect, 9400  
at any time before the offender is released from imprisonment 9401  
under that term and at a hearing conducted in accordance with 9402  
division (C) of this section, the court may prepare and issue a 9403  
correction to the judgment of conviction that includes in the 9404  
judgment of conviction the statement that if a period of 9405  
supervision is imposed following the offender's release from 9406  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 9407  
section 2929.19 of the Revised Code, and if the offender 9408

violates that supervision or a condition of post-release control 9409  
imposed under division (B) of section 2967.131 of the Revised 9410  
Code the parole board may impose as part of the sentence a 9411  
prison term of up to one-half of the stated prison term 9412  
originally imposed upon the offender. 9413

(2) If the court prepares and issues a correction to a 9414  
judgment of conviction as described in division (B) (1) of this 9415  
section before the offender is released from imprisonment under 9416  
the term, the court shall place upon the journal of the court an 9417  
entry nunc pro tunc to record the correction to the judgment of 9418  
conviction and shall provide a copy of the entry to the offender 9419  
or, if the offender is not physically present at the hearing, 9420  
shall send a copy of the entry to the department of 9421  
rehabilitation and correction for delivery to the offender. If 9422  
the court sends a copy of the entry to the department, the 9423  
department promptly shall deliver a copy of the entry to the 9424  
offender. The court's placement upon the journal of the entry 9425  
nunc pro tunc before the offender is released from imprisonment 9426  
under the term shall be considered, and shall have the same 9427  
effect, as if the court at the time of original sentencing had 9428  
included the statement in the judgment of conviction entered on 9429  
the journal and had notified the offender pursuant to division 9430  
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 9431  
the possibility of the parole board imposing a prison term for a 9432  
violation of supervision or a condition of post-release control. 9433

(C) On and after July 11, 2006, a court that wishes to 9434  
prepare and issue a correction to a judgment of conviction of a 9435  
type described in division (A) (1) or (B) (1) of this section 9436  
shall not issue the correction until after the court has 9437  
conducted a hearing in accordance with this division. Before a 9438  
court holds a hearing pursuant to this division, the court shall 9439

provide notice of the date, time, place, and purpose of the 9440  
hearing to the offender who is the subject of the hearing, the 9441  
prosecuting attorney of the county, and the department of 9442  
rehabilitation and correction. The offender has the right to be 9443  
physically present at the hearing, except that, upon the court's 9444  
own motion or the motion of the offender or the prosecuting 9445  
attorney, the court may permit the offender to appear at the 9446  
hearing by video conferencing equipment if available and 9447  
compatible. An appearance by video conferencing equipment 9448  
pursuant to this division has the same force and effect as if 9449  
the offender were physically present at the hearing. At the 9450  
hearing, the offender and the prosecuting attorney may make a 9451  
statement as to whether the court should issue a correction to 9452  
the judgment of conviction. 9453

**Sec. 2929.20.** (A) As used in this section: 9454

(1) (a) Except as provided in division (A) (1) (b) of this 9455  
section, "eligible offender" means any person who, on or after 9456  
April 7, 2009, is serving a stated prison term that includes one 9457  
or more nonmandatory prison terms. 9458

(b) "Eligible offender" does not include any person who, 9459  
on or after April 7, 2009, is serving a stated prison term for 9460  
any of the following criminal offenses that was a felony and was 9461  
committed while the person held a public office in this state: 9462

(i) A violation of section 2921.02, 2921.03, 2921.05, 9463  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 9464  
Code; 9465

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 9466  
2921.12 of the Revised Code, when the conduct constituting the 9467  
violation was related to the duties of the offender's public 9468



office or to the offender's actions as a public official holding that public office; 9469  
9470

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (i) of this section; 9471  
9472  
9473  
9474

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office; 9475  
9476  
9477  
9478  
9479  
9480  
9481

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (i) or described in division (A) (1) (b) (iii) of this section; 9482  
9483  
9484

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office. 9485  
9486  
9487  
9488  
9489  
9490  
9491  
9492  
9493

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term. 9494  
9495

(3) "Public office" means any elected federal, state, or local government office in this state. 9496  
9497

(4) "Victim's representative" has the same meaning as in 9498  
section 2930.01 of the Revised Code. 9499

(5) "Imminent danger of death," "medically incapacitated," 9500  
and "terminal illness" have the same meanings as in section 9501  
2967.05 of the Revised Code. 9502

(6) "Aggregated nonmandatory prison term or terms" means 9503  
the aggregate of the following: 9504

(a) All nonmandatory definite prison terms; 9505

(b) With respect to any non-life felony indefinite prison 9506  
term, all nonmandatory minimum prison terms imposed as part of 9507  
the non-life felony indefinite prison term or terms. 9508

(B) On the motion of an eligible offender or upon its own 9509  
motion, the sentencing court may reduce the eligible offender's 9510  
aggregated nonmandatory prison term or terms through a judicial 9511  
release under this section. 9512

(C) An eligible offender may file a motion for judicial 9513  
release with the sentencing court within the following 9514  
applicable periods: 9515

(1) If the aggregated nonmandatory prison term or terms is 9516  
less than two years, the eligible offender may file the motion 9517  
at any time after the offender is delivered to a state 9518  
correctional institution or, if the prison term includes a 9519  
mandatory prison term or terms, at any time after the expiration 9520  
of all mandatory prison terms. 9521

(2) If the aggregated nonmandatory prison term or terms is 9522  
at least two years but less than five years, the eligible 9523  
offender may file the motion not earlier than one hundred eighty 9524  
days after the offender is delivered to a state correctional 9525

institution or, if the prison term includes a mandatory prison 9526  
term or terms, not earlier than one hundred eighty days after 9527  
the expiration of all mandatory prison terms. 9528

(3) If the aggregated nonmandatory prison term or terms is 9529  
five years, the eligible offender may file the motion not 9530  
earlier than the date on which the eligible offender has served 9531  
four years of the offender's stated prison term or, if the 9532  
prison term includes a mandatory prison term or terms, not 9533  
earlier than four years after the expiration of all mandatory 9534  
prison terms. 9535

(4) If the aggregated nonmandatory prison term or terms is 9536  
more than five years but not more than ten years, the eligible 9537  
offender may file the motion not earlier than the date on which 9538  
the eligible offender has served five years of the offender's 9539  
stated prison term or, if the prison term includes a mandatory 9540  
prison term or terms, not earlier than five years after the 9541  
expiration of all mandatory prison terms. 9542

(5) If the aggregated nonmandatory prison term or terms is 9543  
more than ten years, the eligible offender may file the motion 9544  
not earlier than the later of the date on which the offender has 9545  
served one-half of the offender's stated prison term or the date 9546  
specified in division (C) (4) of this section. 9547

(D) Upon receipt of a timely motion for judicial release 9548  
filed by an eligible offender under division (C) of this section 9549  
or upon the sentencing court's own motion made within the 9550  
appropriate time specified in that division, the court may deny 9551  
the motion without a hearing or schedule a hearing on the 9552  
motion. The court shall not grant the motion without a hearing. 9553  
If a court denies a motion without a hearing, the court later 9554  
may consider judicial release for that eligible offender on a 9555

subsequent motion filed by that eligible offender unless the 9556  
court denies the motion with prejudice. If a court denies a 9557  
motion with prejudice, the court may later consider judicial 9558  
release on its own motion. If a court denies a motion after a 9559  
hearing, the court shall not consider a subsequent motion for 9560  
that eligible offender. The court shall hold only one hearing 9561  
for any eligible offender. 9562

A hearing under this section shall be conducted in open 9563  
court not less than thirty or more than sixty days after the 9564  
motion is filed, provided that the court may delay the hearing 9565  
for one hundred eighty additional days. If the court holds a 9566  
hearing, the court shall enter a ruling on the motion within ten 9567  
days after the hearing. If the court denies the motion without a 9568  
hearing, the court shall enter its ruling on the motion within 9569  
sixty days after the motion is filed. 9570

(E) If a court schedules a hearing under division (D) of 9571  
this section, the court shall notify the eligible offender and 9572  
the head of the state correctional institution in which the 9573  
eligible offender is confined prior to the hearing. The head of 9574  
the state correctional institution immediately shall notify the 9575  
appropriate person at the department of rehabilitation and 9576  
correction of the hearing, and the department within twenty-four 9577  
hours after receipt of the notice, shall post on the database it 9578  
maintains pursuant to section 5120.66 of the Revised Code the 9579  
offender's name and all of the information specified in division 9580  
(A) (1) (c) (i) of that section. If the court schedules a hearing 9581  
for judicial release, the court promptly shall give notice of 9582  
the hearing to the prosecuting attorney of the county in which 9583  
the eligible offender was indicted. Upon receipt of the notice 9584  
from the court, the prosecuting attorney shall do whichever of 9585  
the following is applicable: 9586

(1) Subject to division (E) (2) of this section, notify the 9587  
victim of the offense or the victim's representative pursuant to 9588  
division (B) of section 2930.16 of the Revised Code; 9589

(2) If the offense was an offense of violence that is a 9590  
felony of the first, second, or third degree, except as 9591  
otherwise provided in this division, notify the victim or the 9592  
victim's representative of the hearing regardless of whether the 9593  
victim or victim's representative has requested the 9594  
notification. The notice of the hearing shall not be given under 9595  
this division to a victim or victim's representative if the 9596  
victim or victim's representative has requested pursuant to 9597  
division (B) (2) of section 2930.03 of the Revised Code that the 9598  
victim or the victim's representative not be provided the 9599  
notice. If notice is to be provided to a victim or victim's 9600  
representative under this division, the prosecuting attorney may 9601  
give the notice by any reasonable means, including regular mail, 9602  
telephone, and electronic mail, in accordance with division (D) 9603  
(1) of section 2930.16 of the Revised Code. If the notice is 9604  
based on an offense committed prior to March 22, 2013, the 9605  
notice also shall include the opt-out information described in 9606  
division (D) (1) of section 2930.16 of the Revised Code. The 9607  
prosecuting attorney, in accordance with division (D) (2) of 9608  
section 2930.16 of the Revised Code, shall keep a record of all 9609  
attempts to provide the notice, and of all notices provided, 9610  
under this division. Division (E) (2) of this section, and the 9611  
notice-related provisions of division (K) of this section, 9612  
division (D) (1) of section 2930.16, division (H) of section 9613  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 9614  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 9615  
division (A) (2) of section 5149.101 of the Revised Code enacted 9616  
in the act in which division (E) (2) of this section was enacted, 9617

shall be known as "Roberta's Law." 9618

(F) Upon an offender's successful completion of 9619  
rehabilitative activities, the head of the state correctional 9620  
institution may notify the sentencing court of the successful 9621  
completion of the activities. 9622

(G) Prior to the date of the hearing on a motion for 9623  
judicial release under this section, the head of the state 9624  
correctional institution in which the eligible offender is 9625  
confined shall send to the court an institutional summary report 9626  
on the eligible offender's conduct in the institution and in any 9627  
institution from which the eligible offender may have been 9628  
transferred. Upon the request of the prosecuting attorney of the 9629  
county in which the eligible offender was indicted or of any law 9630  
enforcement agency, the head of the state correctional 9631  
institution, at the same time the person sends the institutional 9632  
summary report to the court, also shall send a copy of the 9633  
report to the requesting prosecuting attorney and law 9634  
enforcement agencies. The institutional summary report shall 9635  
cover the eligible offender's participation in school, 9636  
vocational training, work, treatment, and other rehabilitative 9637  
activities and any disciplinary action taken against the 9638  
eligible offender. The report shall be made part of the record 9639  
of the hearing. A presentence investigation report is not 9640  
required for judicial release. 9641

(H) If the court grants a hearing on a motion for judicial 9642  
release under this section, the eligible offender shall attend 9643  
the hearing if ordered to do so by the court. Upon receipt of a 9644  
copy of the journal entry containing the order, the head of the 9645  
state correctional institution in which the eligible offender is 9646  
incarcerated shall deliver the eligible offender to the sheriff 9647

of the county in which the hearing is to be held. The sheriff 9648  
shall convey the eligible offender to and from the hearing. 9649

(I) At the hearing on a motion for judicial release under 9650  
this section, the court shall afford the eligible offender and 9651  
the eligible offender's attorney an opportunity to present 9652  
written and, if present, oral information relevant to the 9653  
motion. The court shall afford a similar opportunity to the 9654  
prosecuting attorney, the victim or the victim's representative, 9655  
and any other person the court determines is likely to present 9656  
additional relevant information. The court shall consider any 9657  
statement of a victim made pursuant to section 2930.14 or 9658  
2930.17 of the Revised Code, any victim impact statement 9659  
prepared pursuant to section 2947.051 of the Revised Code, and 9660  
any report made under division (G) of this section. The court 9661  
may consider any written statement of any person submitted to 9662  
the court pursuant to division (L) of this section. After ruling 9663  
on the motion, the court shall notify the victim of the ruling 9664  
in accordance with sections 2930.03 and 2930.16 of the Revised 9665  
Code. 9666

(J) (1) A court shall not grant a judicial release under 9667  
this section to an eligible offender who is imprisoned for a 9668  
felony of the first or second degree, or to an eligible offender 9669  
who committed an offense under Chapter 2925. or 3719. of the 9670  
Revised Code and for whom there was a presumption under section 9671  
2929.13 of the Revised Code in favor of a prison term, unless 9672  
the court, with reference to factors under section 2929.12 of 9673  
the Revised Code, finds both of the following: 9674

(a) That a sanction other than a prison term would 9675  
adequately punish the offender and protect the public from 9676  
future criminal violations by the eligible offender because the 9677

applicable factors indicating a lesser likelihood of recidivism 9678  
outweigh the applicable factors indicating a greater likelihood 9679  
of recidivism; 9680

(b) That a sanction other than a prison term would not 9681  
demean the seriousness of the offense because factors indicating 9682  
that the eligible offender's conduct in committing the offense 9683  
was less serious than conduct normally constituting the offense 9684  
outweigh factors indicating that the eligible offender's conduct 9685  
was more serious than conduct normally constituting the offense. 9686

(2) A court that grants a judicial release to an eligible 9687  
offender under division (J) (1) of this section shall specify on 9688  
the record both findings required in that division and also 9689  
shall list all the factors described in that division that were 9690  
presented at the hearing. 9691

(K) If the court grants a motion for judicial release 9692  
under this section, the court shall order the release of the 9693  
eligible offender, shall place the eligible offender under an 9694  
appropriate community control sanction, under appropriate 9695  
conditions, and under the supervision of the department of 9696  
probation serving the court and shall reserve the right to 9697  
reimpose the sentence that it reduced if the offender violates 9698  
the sanction. If the court reimposes the reduced sentence, it 9699  
may do so either concurrently with, or consecutive to, any new 9700  
sentence imposed upon the eligible offender as a result of the 9701  
violation that is a new offense. Except as provided in division 9702  
(R) (2) of this section, the period of community control shall be 9703  
no longer than five years. The court, in its discretion, may 9704  
reduce the period of community control by the amount of time the 9705  
eligible offender spent in jail or prison for the offense and in 9706  
prison. If the court made any findings pursuant to division (J) 9707



(1) of this section, the court shall serve a copy of the 9708  
findings upon counsel for the parties within fifteen days after 9709  
the date on which the court grants the motion for judicial 9710  
release. 9711

If the court grants a motion for judicial release, the 9712  
court shall notify the appropriate person at the department of 9713  
rehabilitation and correction, and the department shall post 9714  
notice of the release on the database it maintains pursuant to 9715  
section 5120.66 of the Revised Code. The court also shall notify 9716  
the prosecuting attorney of the county in which the eligible 9717  
offender was indicted that the motion has been granted. Unless 9718  
the victim or the victim's representative has requested pursuant 9719  
to division (B) (2) of section 2930.03 of the Revised Code that 9720  
the victim or victim's representative not be provided the 9721  
notice, the prosecuting attorney shall notify the victim or the 9722  
victim's representative of the judicial release in any manner, 9723  
and in accordance with the same procedures, pursuant to which 9724  
the prosecuting attorney is authorized to provide notice of the 9725  
hearing pursuant to division (E) (2) of this section. If the 9726  
notice is based on an offense committed prior to March 22, 2013, 9727  
the notice to the victim or victim's representative also shall 9728  
include the opt-out information described in division (D) (1) of 9729  
section 2930.16 of the Revised Code. 9730

(L) In addition to and independent of the right of a 9731  
victim to make a statement pursuant to section 2930.14, 2930.17, 9732  
or 2946.051 of the Revised Code and any right of a person to 9733  
present written information or make a statement pursuant to 9734  
division (I) of this section, any person may submit to the 9735  
court, at any time prior to the hearing on the offender's motion 9736  
for judicial release, a written statement concerning the effects 9737  
of the offender's crime or crimes, the circumstances surrounding 9738

the crime or crimes, the manner in which the crime or crimes 9739  
were perpetrated, and the person's opinion as to whether the 9740  
offender should be released. 9741

(M) The changes to this section that are made on September 9742  
30, 2011, apply to any judicial release decision made on or 9743  
after September 30, 2011, for any eligible offender. 9744

(N) Notwithstanding the eligibility requirements specified 9745  
in division (A) of this section and the filing time frames 9746  
specified in division (C) of this section and notwithstanding 9747  
the findings required under division (J) of this section, the 9748  
sentencing court, upon the court's own motion and after 9749  
considering whether the release of the offender into society 9750  
would create undue risk to public safety, may grant a judicial 9751  
release to an offender who is not serving a life sentence at any 9752  
time during the offender's imposed sentence when the director of 9753  
rehabilitation and correction certifies to the sentencing court 9754  
through the chief medical officer for the department of 9755  
rehabilitation and correction that the offender is in imminent 9756  
danger of death, is medically incapacitated, or is suffering 9757  
from a terminal illness. 9758

(O) The director of rehabilitation and correction shall 9759  
not certify any offender under division (N) of this section who 9760  
is serving a death sentence. 9761

(P) A motion made by the court under division (N) of this 9762  
section is subject to the notice, hearing, and other procedural 9763  
requirements specified in divisions (D), (E), (G), (H), (I), 9764  
(K), and (L) of this section, except for the following: 9765

(1) The court may waive the offender's appearance at any 9766  
hearing scheduled by the court if the offender's condition makes 9767

it impossible for the offender to participate meaningfully in 9768  
the proceeding. 9769

(2) The court may grant the motion without a hearing, 9770  
provided that the prosecuting attorney and victim or victim's 9771  
representative to whom notice of the hearing was provided under 9772  
division (E) of this section indicate that they do not wish to 9773  
participate in the hearing or present information relevant to 9774  
the motion. 9775

(Q) The court may request health care records from the 9776  
department of rehabilitation and correction to verify the 9777  
certification made under division (N) of this section. 9778

(R) (1) If the court grants judicial release under division 9779  
(N) of this section, the court shall do all of the following: 9780

(a) Order the release of the offender; 9781

(b) Place the offender under an appropriate community 9782  
control sanction, under appropriate conditions; 9783

(c) Place the offender under the supervision of the 9784  
department of probation serving the court or under the 9785  
supervision of the adult parole authority. 9786

(2) The court, in its discretion, may revoke the judicial 9787  
release if the offender violates the community control sanction 9788  
described in division (R) (1) of this section. The period of that 9789  
community control is not subject to the five-year limitation 9790  
described in division (K) of this section and shall not expire 9791  
earlier than the date on which all of the offender's mandatory 9792  
prison terms expire. 9793

(S) If the health of an offender who is released under 9794  
division (N) of this section improves so that the offender is no 9795

longer terminally ill, medically incapacitated, or in imminent 9796  
danger of death, the court shall, upon the court's own motion, 9797  
revoke the judicial release. The court shall not grant the 9798  
motion without a hearing unless the offender waives a hearing. 9799  
If a hearing is held, the court shall afford the offender and 9800  
the offender's attorney an opportunity to present written and, 9801  
if the offender or the offender's attorney is present, oral 9802  
information relevant to the motion. The court shall afford a 9803  
similar opportunity to the prosecuting attorney, the victim or 9804  
the victim's representative, and any other person the court 9805  
determines is likely to present additional relevant information. 9806  
A court that grants a motion under this division shall specify 9807  
its findings on the record. 9808

**Sec. 2929.61.** (A) Persons charged with a capital offense 9809  
committed prior to January 1, 1974, shall be prosecuted under 9810  
the law as it existed at the time the offense was committed, 9811  
and, if convicted, shall be imprisoned for life, except that 9812  
whenever the statute under which any such person is prosecuted 9813  
provides for a lesser penalty under the circumstances of the 9814  
particular case, such lesser penalty shall be imposed. 9815

(B) Persons charged with an offense, other than a capital 9816  
offense, committed prior to January 1, 1974, shall be prosecuted 9817  
under the law as it existed at the time the offense was 9818  
committed. Persons convicted or sentenced on or after January 1, 9819  
1974, for an offense committed prior to January 1, 1974, shall 9820  
be sentenced according to the penalty for commission of the 9821  
substantially equivalent offense under Amended Substitute House 9822  
Bill 511 of the 109th General Assembly. If the offense for which 9823  
sentence is being imposed does not have a substantial equivalent 9824  
under that act, or if that act provides a more severe penalty 9825  
than that originally prescribed for the offense of which the 9826

person is convicted, then sentence shall be imposed under the 9827  
law as it existed prior to January 1, 1974. 9828

(C) Persons charged with an offense that is a felony of 9829  
the third or fourth degree and that was committed on or after 9830  
January 1, 1974, and before July 1, 1983, shall be prosecuted 9831  
under the law as it existed at the time the offense was 9832  
committed. Persons convicted or sentenced on or after July 1, 9833  
1983, for an offense that is a felony of the third or fourth 9834  
degree and that was committed on or after January 1, 1974, and 9835  
before July 1, 1983, shall be notified by the court sufficiently 9836  
in advance of sentencing that they may choose to be sentenced 9837  
pursuant to either the law in effect at the time of the 9838  
commission of the offense or the law in effect at the time of 9839  
sentencing. This notice shall be written and shall include the 9840  
differences between and possible effects of the alternative 9841  
sentence forms and the effect of the person's refusal to choose. 9842  
The person to be sentenced shall then inform the court in 9843  
writing of ~~his~~ the person's choice, and shall be sentenced 9844  
accordingly. Any person choosing to be sentenced pursuant to the 9845  
law in effect at the time of the commission of an offense that 9846  
is a felony of the third or fourth degree shall then be eligible 9847  
for parole, and this person cannot at a later date have ~~his~~ the 9848  
person's sentence converted to a definite sentence. If the 9849  
person refuses to choose between the two possible sentences, the 9850  
person shall be sentenced pursuant to the law in effect at the 9851  
time of the commission of the offense. 9852

(D) Persons charged with an offense that was a felony of 9853  
the first or second degree at the time it was committed, that 9854  
was committed on or after January 1, 1974, and that was 9855  
committed prior to July 1, 1983, shall be prosecuted for that 9856  
offense and, if convicted, shall be sentenced under the law as 9857

it existed at the time the offense was committed. 9858

(E) Persons charged with an offense that is a felony of 9859  
the first or second degree that was committed prior to the 9860  
effective date of this amendment shall be prosecuted for that 9861  
offense and, if convicted, shall be sentenced under the law as 9862  
it existed at the time the offense was committed. 9863

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 9864  
in a case who has requested to receive notice under this section 9865  
shall be given notice of the incarceration of the defendant. If 9866  
an alleged juvenile offender is committed to the temporary 9867  
custody of a school, camp, institution, or other facility 9868  
operated for the care of delinquent children or to the legal 9869  
custody of the department of youth services, a victim in a case 9870  
who has requested to receive notice under this section shall be 9871  
given notice of the commitment. Promptly after sentence is 9872  
imposed upon the defendant or the commitment of the alleged 9873  
juvenile offender is ordered, the prosecutor in the case shall 9874  
notify the victim of the date on which the defendant will be 9875  
released, or initially will be eligible for release, from 9876  
confinement or the prosecutor's reasonable estimate of that date 9877  
or the date on which the alleged juvenile offender will have 9878  
served the minimum period of commitment or the prosecutor's 9879  
reasonable estimate of that date. The prosecutor also shall 9880  
notify the victim of the name of the custodial agency of the 9881  
defendant or alleged juvenile offender and tell the victim how 9882  
to contact that custodial agency. If the custodial agency is the 9883  
department of rehabilitation and correction, the prosecutor 9884  
shall notify the victim of the services offered by the office of 9885  
victims' services pursuant to section 5120.60 of the Revised 9886  
Code. If the custodial agency is the department of youth 9887  
services, the prosecutor shall notify the victim of the services 9888

provided by the office of victims' services within the release 9889  
authority of the department pursuant to section 5139.55 of the 9890  
Revised Code and the victim's right pursuant to section 5139.56 9891  
of the Revised Code to submit a written request to the release 9892  
authority to be notified of actions the release authority takes 9893  
with respect to the alleged juvenile offender. The victim shall 9894  
keep the custodial agency informed of the victim's current 9895  
address and telephone number. 9896

(B) (1) Upon the victim's request or in accordance with 9897  
division (D) of this section, the prosecutor promptly shall 9898  
notify the victim of any hearing for judicial release of the 9899  
defendant pursuant to section 2929.20 of the Revised Code, of 9900  
any hearing for release of the defendant pursuant to section 9901  
2967.19 of the Revised Code, or of any hearing for judicial 9902  
release or early release of the alleged juvenile offender 9903  
pursuant to section 2151.38 of the Revised Code and of the 9904  
victim's right to make a statement under those sections. The 9905  
court shall notify the victim of its ruling in each of those 9906  
hearings and on each of those applications. 9907

(2) If an offender is sentenced to a prison term pursuant 9908  
to division (A) (3) or (B) of section 2971.03 of the Revised 9909  
Code, upon the request of the victim of the crime or in 9910  
accordance with division (D) of this section, the prosecutor 9911  
promptly shall notify the victim of any hearing to be conducted 9912  
pursuant to section 2971.05 of the Revised Code to determine 9913  
whether to modify the requirement that the offender serve the 9914  
entire prison term in a state correctional facility in 9915  
accordance with division (C) of that section, whether to 9916  
continue, revise, or revoke any existing modification of that 9917  
requirement, or whether to terminate the prison term in 9918  
accordance with division (D) of that section. The court shall 9919

notify the victim of any order issued at the conclusion of the hearing. 9920  
9921

(C) Upon the victim's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable: 9922  
9923  
9924  
9925  
9926

(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D)(2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action; 9927  
9928  
9929  
9930  
9931  
9932  
9933  
9934  
9935  
9936  
9937  
9938  
9939  
9940  
9941  
9942  
9943  
9944

(2) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer; 9945  
9946  
9947  
9948  
9949



(3) At least sixty days before the release authority of 9950  
the department of youth services holds a release review, release 9951  
hearing, or discharge review for the alleged juvenile offender, 9952  
notice of the pendency of the review or hearing, of the victim's 9953  
right to make an oral or written statement regarding the impact 9954  
of the crime upon the victim or regarding the possible release 9955  
or discharge, and, if the notice pertains to a hearing, of the 9956  
victim's right to attend and make statements or comments at the 9957  
hearing as authorized by section 5139.56 of the Revised Code; 9958

(4) Prompt notice of the defendant's or alleged juvenile 9959  
offender's escape from a facility of the custodial agency in 9960  
which the defendant was incarcerated or in which the alleged 9961  
juvenile offender was placed after commitment, of the 9962  
defendant's or alleged juvenile offender's absence without leave 9963  
from a mental health or developmental disabilities facility or 9964  
from other custody, and of the capture of the defendant or 9965  
alleged juvenile offender after an escape or absence; 9966

(5) Notice of the defendant's or alleged juvenile 9967  
offender's death while in confinement or custody; 9968

(6) Notice of the filing of a petition by the director of 9969  
rehabilitation and correction pursuant to section 2967.19 of the 9970  
Revised Code requesting the early release under that section of 9971  
the defendant; 9972

(7) Notice of the defendant's or alleged juvenile 9973  
offender's release from confinement or custody and the terms and 9974  
conditions of the release. 9975

(D) (1) If a defendant is incarcerated for the commission 9976  
of aggravated murder, murder, or an offense of violence that is 9977  
a felony of the first, second, or third degree or is under a 9978

sentence of life imprisonment or if an alleged juvenile offender 9979  
has been charged with the commission of an act that would be 9980  
aggravated murder, murder, or an offense of violence that is a 9981  
felony of the first, second, or third degree or be subject to a 9982  
sentence of life imprisonment if committed by an adult, except 9983  
as otherwise provided in this division, the notices described in 9984  
divisions (B) and (C) of this section shall be given regardless 9985  
of whether the victim has requested the notification. The 9986  
notices described in divisions (B) and (C) of this section shall 9987  
not be given under this division to a victim if the victim has 9988  
requested pursuant to division (B) (2) of section 2930.03 of the 9989  
Revised Code that the victim not be provided the notice. 9990  
Regardless of whether the victim has requested that the notices 9991  
described in division (C) of this section be provided or not be 9992  
provided, the custodial agency shall give notice similar to 9993  
those notices to the prosecutor in the case, to the sentencing 9994  
court, to the law enforcement agency that arrested the defendant 9995  
or alleged juvenile offender if any officer of that agency was a 9996  
victim of the offense, and to any member of the victim's 9997  
immediate family who requests notification. If the notice given 9998  
under this division to the victim is based on an offense 9999  
committed prior to March 22, 2013, and if the prosecutor or 10000  
custodial agency has not previously successfully provided any 10001  
notice to the victim under this division or division (B) or (C) 10002  
of this section with respect to that offense and the offender 10003  
who committed it, the notice also shall inform the victim that 10004  
the victim may request that the victim not be provided any 10005  
further notices with respect to that offense and the offender 10006  
who committed it and shall describe the procedure for making 10007  
that request. If the notice given under this division to the 10008  
victim pertains to a hearing regarding a grant of a parole to 10009  
the defendant, the notice also shall inform the victim that the 10010

victim, a member of the victim's immediate family, or the 10011  
victim's representative may request a victim conference, as 10012  
described in division (E) of this section, and shall provide an 10013  
explanation of a victim conference. 10014

The prosecutor or custodial agency may give the notices to 10015  
which this division applies by any reasonable means, including 10016  
regular mail, telephone, and electronic mail. If the prosecutor 10017  
or custodial agency attempts to provide notice to a victim under 10018  
this division but the attempt is unsuccessful because the 10019  
prosecutor or custodial agency is unable to locate the victim, 10020  
is unable to provide the notice by its chosen method because it 10021  
cannot determine the mailing address, telephone number, or 10022  
electronic mail address at which to provide the notice, or, if 10023  
the notice is sent by mail, the notice is returned, the 10024  
prosecutor or custodial agency shall make another attempt to 10025  
provide the notice to the victim. If the second attempt is 10026  
unsuccessful, the prosecutor or custodial agency shall make at 10027  
least one more attempt to provide the notice. If the notice is 10028  
based on an offense committed prior to March 22, 2013, in each 10029  
attempt to provide the notice to the victim, the notice shall 10030  
include the opt-out information described in the preceding 10031  
paragraph. The prosecutor or custodial agency, in accordance 10032  
with division (D)(2) of this section, shall keep a record of all 10033  
attempts to provide the notice, and of all notices provided, 10034  
under this division. 10035

Division (D)(1) of this section, and the notice-related 10036  
provisions of divisions (E)(2) and (K) of section 2929.20, 10037  
division (H) of section 2967.12, division (E)(1)(b) of section 10038  
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) 10039  
of section 2967.28, and division (A)(2) of section 5149.101 of 10040  
the Revised Code enacted in the act in which division (D)(1) of 10041

this section was enacted, shall be known as "Roberta's Law." 10042

(2) Each prosecutor and custodial agency that attempts to 10043  
give any notice to which division (D)(1) of this section applies 10044  
shall keep a record of all attempts to give the notice. The 10045  
record shall indicate the person who was to be the recipient of 10046  
the notice, the date on which the attempt was made, the manner 10047  
in which the attempt was made, and the person who made the 10048  
attempt. If the attempt is successful and the notice is given, 10049  
the record shall indicate that fact. The record shall be kept in 10050  
a manner that allows public inspection of attempts and notices 10051  
given to persons other than victims without revealing the names, 10052  
addresses, or other identifying information relating to victims. 10053  
The record of attempts and notices given to victims is not a 10054  
public record, but the prosecutor or custodial agency shall 10055  
provide upon request a copy of that record to a prosecuting 10056  
attorney, judge, law enforcement agency, or member of the 10057  
general assembly. The record of attempts and notices given to 10058  
persons other than victims is a public record. A record kept 10059  
under this division may be indexed by offender name, or in any 10060  
other manner determined by the prosecutor or the custodial 10061  
agency. Each prosecutor or custodial agency that is required to 10062  
keep a record under this division shall determine the procedures 10063  
for keeping the record and the manner in which it is to be kept, 10064  
subject to the requirements of this division. 10065

(E) The adult parole authority shall adopt rules under 10066  
Chapter 119. of the Revised Code providing for a victim 10067  
conference, upon request of the victim, a member of the victim's 10068  
immediate family, or the victim's representative, prior to a 10069  
parole hearing in the case of a prisoner who is incarcerated for 10070  
the commission of aggravated murder, murder, or an offense of 10071  
violence that is a felony of the first, second, or third degree 10072

or is under a sentence of life imprisonment. The rules shall 10073  
provide for, but not be limited to, all of the following: 10074

(1) Subject to division (E) (3) of this section, attendance 10075  
by the victim, members of the victim's immediate family, the 10076  
victim's representative, and, if practicable, other individuals; 10077

(2) Allotment of up to one hour for the conference; 10078

(3) A specification of the number of persons specified in 10079  
division (E) (1) of this section who may be present at any single 10080  
victim conference, if limited by the department pursuant to 10081  
division (F) of this section. 10082

(F) The department may limit the number of persons 10083  
specified in division (E) (1) of this section who may be present 10084  
at any single victim conference, provided that the department 10085  
shall not limit the number of persons who may be present at any 10086  
single conference to fewer than three. If the department limits 10087  
the number of persons who may be present at any single victim 10088  
conference, the department shall permit and schedule, upon 10089  
request of the victim, a member of the victim's immediate 10090  
family, or the victim's representative, multiple victim 10091  
conferences for the persons specified in division (E) (1) of this 10092  
section. 10093

(G) As used in this section, "victim's immediate family" 10094  
has the same meaning as in section 2967.12 of the Revised Code. 10095

**Sec. 2943.032.** (A) Prior to accepting a guilty plea or a 10096  
plea of no contest to an indictment, information, or complaint 10097  
that charges a felony, the court shall inform the defendant 10098  
personally that, if the defendant pleads guilty or no contest to 10099  
the felony so charged or any other felony, if the court imposes 10100  
a prison term upon the defendant for the felony, and if the 10101

offender violates the conditions of a post-release control 10102  
sanction imposed by the parole board upon the completion of the 10103  
stated prison term, the parole board may impose upon the 10104  
offender a residential sanction that includes a new prison term 10105  
of up to nine months, subject to a maximum cumulative prison 10106  
term for all violations that does not exceed one-half of the 10107  
definite prison term that is the stated prison term originally 10108  
imposed upon the offender or, with respect to a non-life felony 10109  
indefinite prison term, one-half of the minimum prison term 10110  
included as part of the stated non-life felony indefinite prison 10111  
term originally imposed on the offender. 10112

(B) As used in this section, "non-life felony indefinite 10113  
prison term" has the same meaning as in section 2929.01 of the 10114  
Revised Code. 10115

**Sec. 2953.08.** (A) In addition to any other right to appeal 10116  
and except as provided in division (D) of this section, a 10117  
defendant who is convicted of or pleads guilty to a felony may 10118  
appeal as a matter of right the sentence imposed upon the 10119  
defendant on one of the following grounds: 10120

(1) The sentence consisted of or included the maximum 10121  
definite prison term allowed for the offense by division (A) of 10122  
section 2929.14 or section 2929.142 of the Revised Code or, with 10123  
respect to a non-life felony indefinite prison term, the longest 10124  
minimum prison term allowed for the offense by division (A) (1) 10125  
(a) or (2) (a) of section 2929.14 of the Revised Code, the 10126  
maximum definite prison term or longest minimum prison term was 10127  
not required for the offense pursuant to Chapter 2925. or any 10128  
other provision of the Revised Code, and the court imposed the 10129  
sentence under one of the following circumstances: 10130

(a) The sentence was imposed for only one offense. 10131

(b) The sentence was imposed for two or more offenses 10132  
arising out of a single incident, and the court imposed the 10133  
maximum definite prison term or longest minimum prison term for 10134  
the offense of the highest degree. 10135

(2) The sentence consisted of or included a prison term 10136  
and the offense for which it was imposed is a felony of the 10137  
fourth or fifth degree or is a felony drug offense that is a 10138  
violation of a provision of Chapter 2925. of the Revised Code 10139  
and that is specified as being subject to division (B) of 10140  
section 2929.13 of the Revised Code for purposes of sentencing. 10141  
If the court specifies that it found one or more of the factors 10142  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 10143  
apply relative to the defendant, the defendant is not entitled 10144  
under this division to appeal as a matter of right the sentence 10145  
imposed upon the offender. 10146

(3) The person was convicted of or pleaded guilty to a 10147  
violent sex offense or a designated homicide, assault, or 10148  
kidnapping offense, was adjudicated a sexually violent predator 10149  
in relation to that offense, and was sentenced pursuant to 10150  
division (A) (3) of section 2971.03 of the Revised Code, if the 10151  
minimum term of the indefinite term imposed pursuant to division 10152  
(A) (3) of section 2971.03 of the Revised Code is the longest 10153  
term available for the offense from among the range of definite 10154  
terms listed in section 2929.14 of the Revised Code or, with 10155  
respect to a non-life felony indefinite prison term, the longest 10156  
minimum prison term allowed for the offense by division (A) (1) 10157  
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 10158  
this division, "designated homicide, assault, or kidnapping 10159  
offense" and "violent sex offense" have the same meanings as in 10160  
section 2971.01 of the Revised Code. As used in this division, 10161  
"adjudicated a sexually violent predator" has the same meaning 10162

as in section 2929.01 of the Revised Code, and a person is 10163  
"adjudicated a sexually violent predator" in the same manner and 10164  
the same circumstances as are described in that section. 10165

(4) The sentence is contrary to law. 10166

(5) The sentence consisted of an additional prison term of 10167  
ten years imposed pursuant to division (B)(2)(a) of section 10168  
2929.14 of the Revised Code. 10169

(B) In addition to any other right to appeal and except as 10170  
provided in division (D) of this section, a prosecuting 10171  
attorney, a city director of law, village solicitor, or similar 10172  
chief legal officer of a municipal corporation, or the attorney 10173  
general, if one of those persons prosecuted the case, may appeal 10174  
as a matter of right a sentence imposed upon a defendant who is 10175  
convicted of or pleads guilty to a felony or, in the 10176  
circumstances described in division (B)(3) of this section the 10177  
modification of a sentence imposed upon such a defendant, on any 10178  
of the following grounds: 10179

(1) The sentence did not include a prison term despite a 10180  
presumption favoring a prison term for the offense for which it 10181  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 10182  
the Revised Code. 10183

(2) The sentence is contrary to law. 10184

(3) The sentence is a modification under section 2929.20 10185  
of the Revised Code of a sentence that was imposed for a felony 10186  
of the first or second degree. 10187

(C)(1) In addition to the right to appeal a sentence 10188  
granted under division (A) or (B) of this section, a defendant 10189  
who is convicted of or pleads guilty to a felony may seek leave 10190  
to appeal a sentence imposed upon the defendant on the basis 10191



that the sentencing judge has imposed consecutive sentences 10192  
under division (C) (3) of section 2929.14 of the Revised Code and 10193  
that the consecutive sentences exceed the maximum definite 10194  
prison term allowed by division (A) of that section for the most 10195  
serious offense of which the defendant was convicted or, with 10196  
respect to a non-life felony indefinite prison term, exceed the 10197  
longest minimum prison term allowed by division (A) (1) (a) or (2) 10198  
(a) of that section for the most serious such offense. Upon the 10199  
filing of a motion under this division, the court of appeals may 10200  
grant leave to appeal the sentence if the court determines that 10201  
the allegation included as the basis of the motion is true. 10202

(2) A defendant may seek leave to appeal an additional 10203  
sentence imposed upon the defendant pursuant to division (B) (2) 10204  
(a) or (b) of section 2929.14 of the Revised Code if the 10205  
additional sentence is for a definite prison term that is longer 10206  
than five years. 10207

(D) (1) A sentence imposed upon a defendant is not subject 10208  
to review under this section if the sentence is authorized by 10209  
law, has been recommended jointly by the defendant and the 10210  
prosecution in the case, and is imposed by a sentencing judge. 10211

(2) Except as provided in division (C) (2) of this section, 10212  
a sentence imposed upon a defendant is not subject to review 10213  
under this section if the sentence is imposed pursuant to 10214  
division (B) (2) (b) of section 2929.14 of the Revised Code. 10215  
Except as otherwise provided in this division, a defendant 10216  
retains all rights to appeal as provided under this chapter or 10217  
any other provision of the Revised Code. A defendant has the 10218  
right to appeal under this chapter or any other provision of the 10219  
Revised Code the court's application of division (B) (2) (c) of 10220  
section 2929.14 of the Revised Code. 10221

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

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

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

(1) Any presentence, psychiatric, or other investigative report that was submitted to the court in writing before the sentence was imposed. An appellate court that reviews a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in connection with the appeal of a sentence under this section shall comply with division (D)(3) of section 2951.03 of the Revised Code when the appellate court is not using the presentence investigation report, and the appellate court's use of a presentence investigation report of that nature in connection with the appeal of a sentence under this section does not affect the otherwise confidential character of the contents

of that report as described in division (D) (1) of section 10252  
2951.03 of the Revised Code and does not cause that report to 10253  
become a public record, as defined in section 149.43 of the 10254  
Revised Code, following the appellate court's use of the report. 10255

(2) The trial record in the case in which the sentence was 10256  
imposed; 10257

(3) Any oral or written statements made to or by the court 10258  
at the sentencing hearing at which the sentence was imposed; 10259

(4) Any written findings that the court was required to 10260  
make in connection with the modification of the sentence 10261  
pursuant to a judicial release under division (I) of section 10262  
2929.20 of the Revised Code. 10263

(G) (1) If the sentencing court was required to make the 10264  
findings required by division (B) or (D) of section 2929.13 or 10265  
division (I) of section 2929.20 of the Revised Code, or to state 10266  
the findings of the trier of fact required by division (B) (2) (e) 10267  
of section 2929.14 of the Revised Code, relative to the 10268  
imposition or modification of the sentence, and if the 10269  
sentencing court failed to state the required findings on the 10270  
record, the court hearing an appeal under division (A), (B), or 10271  
(C) of this section shall remand the case to the sentencing 10272  
court and instruct the sentencing court to state, on the record, 10273  
the required findings. 10274

(2) The court hearing an appeal under division (A), (B), 10275  
or (C) of this section shall review the record, including the 10276  
findings underlying the sentence or modification given by the 10277  
sentencing court. 10278

The appellate court may increase, reduce, or otherwise 10279  
modify a sentence that is appealed under this section or may 10280

vacate the sentence and remand the matter to the sentencing 10281  
court for resentencing. The appellate court's standard for 10282  
review is not whether the sentencing court abused its 10283  
discretion. The appellate court may take any action authorized 10284  
by this division if it clearly and convincingly finds either of 10285  
the following: 10286

(a) That the record does not support the sentencing 10287  
court's findings under division (B) or (D) of section 2929.13, 10288  
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 10289  
of section 2929.20 of the Revised Code, whichever, if any, is 10290  
relevant; 10291

(b) That the sentence is otherwise contrary to law. 10292

(H) A judgment or final order of a court of appeals under 10293  
this section may be appealed, by leave of court, to the supreme 10294  
court. 10295

(I) As used in this section, "non-life felony indefinite 10296  
prison term" has the same meaning as in section 2929.01 of the 10297  
Revised Code. 10298

**Sec. 2967.01.** As used in this chapter: 10299

(A) "State correctional institution" includes any 10300  
institution or facility that is operated by the department of 10301  
rehabilitation and correction and that is used for the custody, 10302  
care, or treatment of criminal, delinquent, or psychologically 10303  
or psychiatrically disturbed offenders. 10304

(B) "Pardon" means the remission of penalty by the 10305  
governor in accordance with the power vested in the governor by 10306  
the constitution. 10307

(C) "Commutation" or "commutation of sentence" means the 10308

substitution by the governor of a lesser for a greater 10309  
punishment. A stated prison term may be commuted without the 10310  
consent of the convict, except when granted upon the acceptance 10311  
and performance by the convict of conditions precedent. After 10312  
commutation, the commuted prison term shall be the only one in 10313  
existence. The commutation may be stated in terms of commuting 10314  
from a named offense to a lesser included offense with a shorter 10315  
prison term, in terms of commuting from a stated prison term in 10316  
months and years to a shorter prison term in months and years, 10317  
or in terms of commuting from any other stated prison term to a 10318  
shorter prison term. 10319

(D) "Reprieve" means the temporary suspension by the 10320  
governor of the execution of a sentence or prison term. The 10321  
governor may grant a reprieve without the consent of and against 10322  
the will of the convict. 10323

(E) "Parole" means, regarding a prisoner who is serving a 10324  
prison term for aggravated murder or murder, who is serving a 10325  
prison term of life imprisonment for rape or for felonious 10326  
sexual penetration as it existed under section 2907.12 of the 10327  
Revised Code prior to September 3, 1996, or who was sentenced 10328  
prior to July 1, 1996, a release of the prisoner from 10329  
confinement in any state correctional institution by the adult 10330  
parole authority that is subject to the eligibility criteria 10331  
specified in this chapter and that is under the terms and 10332  
conditions, and for the period of time, prescribed by the 10333  
authority in its published rules and official minutes or 10334  
required by division (A) of section 2967.131 of the Revised Code 10335  
or another provision of this chapter. 10336

(F) "Head of a state correctional institution" or "head of 10337  
the institution" means the resident head of the institution and 10338

the person immediately in charge of the institution, whether 10339  
designated warden, superintendent, or any other name by which 10340  
the head is known. 10341

(G) "Convict" means a person who has been convicted of a 10342  
felony under the laws of this state, whether or not actually 10343  
confined in a state correctional institution, unless the person 10344  
has been pardoned or has served the person's sentence or prison 10345  
term. 10346

(H) "Prisoner" means a person who is in actual confinement 10347  
in a state correctional institution. 10348

(I) "Parolee" means any inmate who has been released from 10349  
confinement on parole by order of the adult parole authority or 10350  
conditionally pardoned, who is under supervision of the adult 10351  
parole authority and has not been granted a final release, and 10352  
who has not been declared in violation of the inmate's parole by 10353  
the authority or is performing the prescribed conditions of a 10354  
conditional pardon. 10355

(J) "Releasee" means an inmate who has been released from 10356  
confinement pursuant to section 2967.28 of the Revised Code 10357  
under a period of post-release control that includes one or more 10358  
post-release control sanctions. 10359

(K) "Final release" means a remission by the adult parole 10360  
authority of the balance of the sentence or prison term of a 10361  
parolee or prisoner or the termination by the authority of a 10362  
term of post-release control of a releasee. 10363

(L) "Parole violator" or "release violator" means any 10364  
parolee or releasee who has been declared to be in violation of 10365  
the condition of parole or post-release control specified in 10366  
division (A) or (B) of section 2967.131 of the Revised Code or 10367

in violation of any other term, condition, or rule of the 10368  
parolee's or releasee's parole or of the parolee's or releasee's 10369  
post-release control sanctions, the determination of which has 10370  
been made by the adult parole authority and recorded in its 10371  
official minutes. 10372

(M) "Administrative release" means a termination of 10373  
jurisdiction over a particular sentence or prison term by the 10374  
adult parole authority for administrative convenience. 10375

(N) "Post-release control" means a period of supervision 10376  
by the adult parole authority after a prisoner's release from 10377  
imprisonment, other than under a term of life imprisonment, that 10378  
includes one or more post-release control sanctions imposed 10379  
under section 2967.28 of the Revised Code. 10380

(O) "Post-release control sanction" means a sanction that 10381  
is authorized under sections 2929.16 to 2929.18 of the Revised 10382  
Code and that is imposed upon a prisoner upon the prisoner's 10383  
release from a prison term other than a term of life 10384  
imprisonment. 10385

(P) "Community control sanction," "prison term," 10386  
"mandatory prison term," and "stated prison term" have the same 10387  
meanings as in section 2929.01 of the Revised Code. 10388

(Q) "Transitional control" means control of a prisoner 10389  
under the transitional control program established by the 10390  
department of rehabilitation and correction under section 10391  
2967.26 of the Revised Code, if the department establishes a 10392  
program of that nature under that section. 10393

(R) "Random drug testing" has the same meaning as in 10394  
section 5120.63 of the Revised Code. 10395

(S) "Non-life felony indefinite prison term" has the same 10396

meaning as in section 2929.01 of the Revised Code. 10397

**Sec. 2967.021.** (A) Chapter 2967. of the Revised Code, as 10398  
it existed prior to July 1, 1996, applies to a person upon whom 10399  
a court imposed a term of imprisonment prior to July 1, 1996, 10400  
and a person upon whom a court, on or after July 1, 1996, and in 10401  
accordance with law existing prior to July 1, 1996, imposed a 10402  
term of imprisonment for an offense that was committed prior to 10403  
July 1, 1996. 10404

(B) Chapter 2967. of the Revised Code, as it exists on and 10405  
after July 1, 1996, applies to a person upon whom a court 10406  
imposed a stated prison term for an offense committed on or 10407  
after July 1, 1996, subject to division (C) of this section. 10408

(C) Section 2967.271 of the Revised Code, and other 10409  
provisions of Chapter 2967. of the Revised Code, as they exist 10410  
on and after the effective date of this amendment, apply to a 10411  
person who is sentenced to a non-life felony indefinite prison 10412  
term. 10413

**Sec. 2967.03.** The adult parole authority may exercise its 10414  
functions and duties in relation to the pardon, commutation of 10415  
sentence, or reprieve of a convict upon direction of the 10416  
governor or upon its own initiative. It may exercise its 10417  
functions and duties in relation to the parole of a prisoner who 10418  
is eligible for parole upon the initiative of the head of the 10419  
institution in which the prisoner is confined or upon its own 10420  
initiative. When a prisoner becomes eligible for parole, the 10421  
head of the institution in which the prisoner is confined shall 10422  
notify the authority in the manner prescribed by the authority. 10423  
The authority may investigate and examine, or cause the 10424  
investigation and examination of, prisoners confined in state 10425  
correctional institutions concerning their conduct in the 10426



institutions, their mental and moral qualities and 10427  
characteristics, their knowledge of a trade or profession, their 10428  
former means of livelihood, their family relationships, and any 10429  
other matters affecting their fitness to be at liberty without 10430  
being a threat to society. 10431

The authority may recommend to the governor the pardon, 10432  
commutation of sentence, or reprieve of any convict or prisoner 10433  
or grant a parole to any prisoner for whom parole is authorized, 10434  
if in its judgment there is reasonable ground to believe that 10435  
granting a pardon, commutation, or reprieve to the convict or 10436  
paroling the prisoner would further the interests of justice and 10437  
be consistent with the welfare and security of society. However, 10438  
the authority shall not recommend a pardon or commutation of 10439  
sentence, or grant a parole to, any convict or prisoner until 10440  
the authority has complied with the applicable notice 10441  
requirements of sections 2930.16 and 2967.12 of the Revised Code 10442  
and until it has considered any statement made by a victim or a 10443  
victim's representative that is relevant to the convict's or 10444  
prisoner's case and that was sent to the authority pursuant to 10445  
section 2930.17 of the Revised Code, any other statement made by 10446  
a victim or a victim's representative that is relevant to the 10447  
convict's or prisoner's case and that was received by the 10448  
authority after it provided notice of the pendency of the action 10449  
under sections 2930.16 and 2967.12 of the Revised Code, and any 10450  
written statement of any person submitted to the court pursuant 10451  
to division (I) of section 2967.12 of the Revised Code. If a 10452  
victim, victim's representative, or the victim's spouse, parent, 10453  
sibling, or child appears at a full board hearing of the parole 10454  
board and gives testimony as authorized by section 5149.101 of 10455  
the Revised Code, the authority shall consider the testimony in 10456  
determining whether to grant a parole. The trial judge and 10457

prosecuting attorney of the trial court in which a person was 10458  
convicted shall furnish to the authority, at the request of the 10459  
authority, a summarized statement of the facts proved at the 10460  
trial and of all other facts having reference to the propriety 10461  
of recommending a pardon or commutation or granting a parole, 10462  
together with a recommendation for or against a pardon, 10463  
commutation, or parole, and the reasons for the recommendation. 10464  
The trial judge, the prosecuting attorney, specified law 10465  
enforcement agency members, and a representative of the prisoner 10466  
may appear at a full board hearing of the parole board and give 10467  
testimony in regard to the grant of a parole to the prisoner as 10468  
authorized by section 5149.101 of the Revised Code. All state 10469  
and local officials shall furnish information to the authority, 10470  
when so requested by it in the performance of its duties. 10471

The adult parole authority shall exercise its functions 10472  
and duties in relation to the release of prisoners who are 10473  
serving a ~~stated~~ definite prison term as a stated prison term in 10474  
accordance with section 2967.28 of the Revised Code, and the 10475  
authority and the department of rehabilitation and correction 10476  
shall exercise their functions and duties in relation to the 10477  
release of prisoners who are serving a non-life felony 10478  
indefinite prison term as a stated prison term in accordance 10479  
with sections 2967.271 and 2967.28 of the Revised Code. 10480

**Sec. 2967.13.** (A) Except as provided in division (G) of 10481  
this section, a prisoner serving a sentence of imprisonment for 10482  
life for an offense committed on or after July 1, 1996, is not 10483  
entitled to any earned credit under section 2967.193 of the 10484  
Revised Code and becomes eligible for parole as follows: 10485

(1) If a sentence of imprisonment for life was imposed for 10486  
the offense of murder, at the expiration of the prisoner's 10487

minimum term; 10488

(2) If a sentence of imprisonment for life with parole 10489  
eligibility after serving twenty years of imprisonment was 10490  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 10491  
Code, after serving a term of twenty years; 10492

(3) If a sentence of imprisonment for life with parole 10493  
eligibility after serving twenty-five full years of imprisonment 10494  
was imposed pursuant to section 2929.022 or 2929.03 of the 10495  
Revised Code, after serving a term of twenty-five full years; 10496

(4) If a sentence of imprisonment for life with parole 10497  
eligibility after serving thirty full years of imprisonment was 10498  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 10499  
Code, after serving a term of thirty full years; 10500

(5) If a sentence of imprisonment for life was imposed for 10501  
rape, after serving a term of ten full years' imprisonment; 10502

(6) If a sentence of imprisonment for life with parole 10503  
eligibility after serving fifteen years of imprisonment was 10504  
imposed for a violation of section 2927.24 of the Revised Code, 10505  
after serving a term of fifteen years. 10506

(B) Except as provided in division (G) of this section, a 10507  
prisoner serving a sentence of imprisonment for life with parole 10508  
eligibility after serving twenty years of imprisonment or a 10509  
sentence of imprisonment for life with parole eligibility after 10510  
serving twenty-five full years or thirty full years of 10511  
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 10512  
the Revised Code for an offense committed on or after July 1, 10513  
1996, consecutively to any other term of imprisonment, becomes 10514  
eligible for parole after serving twenty years, twenty full 10515  
years, or thirty full years, as applicable, as to each such 10516

sentence of life imprisonment, which shall not be reduced for 10517  
earned credits under section 2967.193 of the Revised Code, plus 10518  
the term or terms of the other sentences consecutively imposed 10519  
or, if one of the other sentences is another type of life 10520  
sentence with parole eligibility, the number of years before 10521  
parole eligibility for that sentence. 10522

(C) Except as provided in division (G) of this section, a 10523  
prisoner serving consecutively two or more sentences in which an 10524  
indefinite term of imprisonment is imposed becomes eligible for 10525  
parole upon the expiration of the aggregate of the minimum terms 10526  
of the sentences. 10527

(D) Except as provided in division (G) of this section, a 10528  
prisoner serving a term of imprisonment who is described in 10529  
division (A) of section 2967.021 of the Revised Code becomes 10530  
eligible for parole as described in that division or, if the 10531  
prisoner is serving a definite term of imprisonment, shall be 10532  
released as described in that division. 10533

(E) A prisoner serving a sentence of life imprisonment 10534  
without parole imposed pursuant to section 2907.02 or section 10535  
2929.03 or 2929.06 of the Revised Code is not eligible for 10536  
parole and shall be imprisoned until death. 10537

(F) A prisoner serving a stated prison term that is a non- 10538  
life felony indefinite prison term shall be released in 10539  
accordance with sections 2967.271 and 2967.28 of the Revised 10540  
Code. A prisoner serving a stated prison term of any other 10541  
nature shall be released in accordance with section 2967.28 of 10542  
the Revised Code. 10543

(G) A prisoner serving a prison term or term of life 10544  
imprisonment without parole imposed pursuant to section 2971.03 10545

of the Revised Code never becomes eligible for parole during 10546  
that term of imprisonment. 10547

**Sec. 2967.19.** (A) As used in this section: 10548

(1) "Deadly weapon" and "dangerous ordnance" have the same 10549  
meanings as in section 2923.11 of the Revised Code. 10550

(2) "Disqualifying prison term" means any of the 10551  
following: 10552

(a) A prison term imposed for aggravated murder, murder, 10553  
voluntary manslaughter, involuntary manslaughter, felonious 10554  
assault, kidnapping, rape, aggravated arson, aggravated 10555  
burglary, or aggravated robbery; 10556

(b) A prison term imposed for complicity in, an attempt to 10557  
commit, or conspiracy to commit any offense listed in division 10558  
(A) (2) (a) of this section; 10559

(c) A prison term of life imprisonment, including any term 10560  
of life imprisonment that has parole eligibility; 10561

(d) A prison term imposed for any felony other than 10562  
carrying a concealed weapon an essential element of which is any 10563  
conduct or failure to act expressly involving any deadly weapon 10564  
or dangerous ordnance; 10565

(e) A prison term imposed for any violation of section 10566  
2925.03 of the Revised Code that is a felony of the first or 10567  
second degree; 10568

(f) A prison term imposed for engaging in a pattern of 10569  
corrupt activity in violation of section 2923.32 of the Revised 10570  
Code; 10571

(g) A prison term imposed pursuant to section 2971.03 of 10572

the Revised Code; 10573

(h) A prison term imposed for any sexually oriented offense. 10574  
10575

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 10576  
10577  
10578

(4) "Restricting prison term" means any of the following: 10579

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 10580  
10581  
10582  
10583

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 10584  
10585  
10586  
10587  
10588  
10589

(c) A prison term imposed for trafficking in persons; 10590

(d) A prison term imposed for any offense that is described in division (A) (4) (d) (i) of this section if division (A) (4) (d) (ii) of this section applies to the offender: 10591  
10592  
10593

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or second degree, or an offense under an existing or former law of 10594  
10595  
10596  
10597  
10598  
10599  
10600

this state, another state, or the United States that is or was 10601  
substantially equivalent to any other offense described in this 10602  
division. 10603

(ii) The offender previously was convicted of or pleaded 10604  
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 10605  
of this section. 10606

(5) "Sexually oriented offense" has the same meaning as in 10607  
section 2950.01 of the Revised Code. 10608

(6) "Stated prison term of one year or more" means a 10609  
definite prison term of one year or more imposed as a stated 10610  
prison term. 10611

(B) The director of the department of rehabilitation and 10612  
correction may recommend in writing to the sentencing court that 10613  
the court consider releasing from prison any offender who, on or 10614  
after September 30, 2011, is confined in a state correctional 10615  
institution, who is serving a stated prison term of one year or 10616  
more, and who is eligible under division (C) of this section for 10617  
a release under this section. If the director wishes to 10618  
recommend that the sentencing court consider releasing an 10619  
offender under this section, the director shall notify the 10620  
sentencing court in writing of the offender's eligibility not 10621  
earlier than ninety days prior to the date on which the offender 10622  
becomes eligible as described in division (C) of this section. 10623  
The director's submission of the written notice constitutes a 10624  
recommendation by the director that the court strongly consider 10625  
release of the offender consistent with the purposes and 10626  
principles of sentencing set forth in sections 2929.11 and 10627  
2929.13 of the Revised Code. Only an offender recommended by the 10628  
director under division (B) of this section may be considered 10629  
for early release under this section. 10630

(C) (1) An offender serving a stated prison term of one 10631  
year or more and who has commenced service of that stated prison 10632  
term becomes eligible for release from prison under this section 10633  
only as described in this division. An offender serving a stated 10634  
prison term that includes a disqualifying prison term is not 10635  
eligible for release from prison under this section. An offender 10636  
serving a stated prison term that consists solely of one or more 10637  
restricting prison terms is not eligible for release under this 10638  
section. An offender serving a stated prison term of one year or 10639  
more that includes one or more restricting prison terms and one 10640  
or more eligible prison terms becomes eligible for release under 10641  
this section after having fully served all restricting prison 10642  
terms and having served eighty per cent of ~~the~~ that stated 10643  
prison term that remains to be served after all restricting 10644  
prison terms have been fully served. An offender serving a 10645  
stated prison term of one year or more that consists solely of 10646  
one or more eligible prison terms becomes eligible for release 10647  
under this section after having served eighty per cent of that 10648  
stated prison term. For purposes of determining an offender's 10649  
eligibility for release under this section, if the offender's 10650  
stated prison term includes consecutive prison terms, any 10651  
restricting prison terms shall be deemed served prior to any 10652  
eligible prison terms that run consecutively to the restricting 10653  
prison terms, and the eligible prison terms are deemed to 10654  
commence after all of the restricting prison terms have been 10655  
fully served. 10656

An offender serving a stated prison term of one year or 10657  
more that includes a mandatory prison term that is not a 10658  
disqualifying prison term and is not a restricting prison term 10659  
is not automatically ineligible as a result of the offender's 10660  
service of that mandatory term for release from prison under 10661



this section, and the offender's eligibility for release from 10662  
prison under this section is determined in accordance with this 10663  
division. 10664

(2) If an offender confined in a state correctional 10665  
institution under a stated prison term is eligible for release 10666  
under this section as described in division (C) (1) of this 10667  
section, the director of the department of rehabilitation and 10668  
correction may recommend in writing that the sentencing court 10669  
consider releasing the offender from prison under this section 10670  
by submitting to the sentencing court the written notice 10671  
described in division (B) of this section. 10672

(D) The director shall include with any notice submitted 10673  
to the sentencing court under division (B) of this section an 10674  
institutional summary report that covers the offender's 10675  
participation while confined in a state correctional institution 10676  
in school, training, work, treatment, and other rehabilitative 10677  
activities and any disciplinary action taken against the 10678  
offender while so confined. The director shall include with the 10679  
notice any other documentation requested by the court, if 10680  
available. 10681

(E) (1) When the director submits a written notice to a 10682  
sentencing court that an offender is eligible to be considered 10683  
for early release under this section, the department promptly 10684  
shall provide to the prosecuting attorney of the county in which 10685  
the offender was indicted a copy of the written notice, a copy 10686  
of the institutional summary report, and any other information 10687  
provided to the court and shall provide a copy of the 10688  
institutional summary report to any law enforcement agency that 10689  
requests the report. The department also promptly shall do 10690  
whichever of the following is applicable: 10691

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

(b) If the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, except as otherwise provided in this division, notify the victim or the victim's representative of the filing of the petition regardless of whether the victim or victim's representative has registered with the office of victim's services. The notice of the filing of the petition shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the department may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to ~~the effective date of this amendment~~ March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code. The department, in accordance with division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (E) (1) (b) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section

2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 10723  
of section 2967.28, and division (A) (2) of section 5149.101 of 10724  
the Revised Code enacted in the act in which division (E) (2) of 10725  
this section was enacted, shall be known as "Roberta's Law." 10726

(2) When the director submits a petition under this 10727  
section, the department also promptly shall post a copy of the 10728  
written notice on the database it maintains under section 10729  
5120.66 of the Revised Code and include information on where a 10730  
person may send comments regarding the recommendation of early 10731  
release. 10732

The information provided to the court, the prosecutor, and 10733  
the victim or victim's representative under divisions (D) and 10734  
(E) of this section shall include the name and contact 10735  
information of a specific department of rehabilitation and 10736  
correction employee who is available to answer questions about 10737  
the offender who is the subject of the written notice submitted 10738  
by the director, including, but not limited to, the offender's 10739  
institutional conduct and rehabilitative activities while 10740  
incarcerated. 10741

(F) Upon receipt of a written notice submitted by the 10742  
director under division (B) of this section, the court either 10743  
shall, on its own motion, schedule a hearing to consider 10744  
releasing the offender who is the subject of the notice or shall 10745  
inform the department that it will not be conducting a hearing 10746  
relative to the offender. The court shall not grant an early 10747  
release to an offender without holding a hearing. If a court 10748  
declines to hold a hearing relative to an offender with respect 10749  
to a written notice submitted by the director, the court may 10750  
later consider release of that offender under this section on 10751  
its own motion by scheduling a hearing for that purpose. Within 10752

thirty days after the written notice is submitted, the court 10753  
shall inform the department whether or not the court is 10754  
scheduling a hearing on the offender who is the subject of the 10755  
notice. 10756

(G) If the court schedules a hearing upon receiving a 10757  
written notice submitted under division (B) of this section or 10758  
upon its own motion under division (F) of this section, the 10759  
court shall notify the head of the state correctional 10760  
institution in which the offender is confined of the hearing 10761  
prior to the hearing. If the court makes a journal entry 10762  
ordering the offender to be conveyed to the hearing, except as 10763  
otherwise provided in this division, the head of the 10764  
correctional institution shall deliver the offender to the 10765  
sheriff of the county in which the hearing is to be held, and 10766  
the sheriff shall convey the offender to and from the hearing. 10767  
Upon the court's own motion or the motion of the offender or the 10768  
prosecuting attorney of the county in which the offender was 10769  
indicted, the court may permit the offender to appear at the 10770  
hearing by video conferencing equipment if equipment of that 10771  
nature is available and compatible. 10772

Upon receipt of notice from a court of a hearing on the 10773  
release of an offender under this division, the head of the 10774  
state correctional institution in which the offender is confined 10775  
immediately shall notify the appropriate person at the 10776  
department of rehabilitation and correction of the hearing, and 10777  
the department within twenty-four hours after receipt of the 10778  
notice shall post on the database it maintains pursuant to 10779  
section 5120.66 of the Revised Code the offender's name and all 10780  
of the information specified in division (A) (1) (c) (i) of that 10781  
section. If the court schedules a hearing under this section, 10782  
the court promptly shall give notice of the hearing to the 10783

prosecuting attorney of the county in which the offender was 10784  
indicted. Upon receipt of the notice from the court, the 10785  
prosecuting attorney shall notify pursuant to section 2930.16 of 10786  
the Revised Code any victim of the offender or the victim's 10787  
representative of the hearing. 10788

(H) If the court schedules a hearing under this section, 10789  
at the hearing, the court shall afford the offender and the 10790  
offender's attorney an opportunity to present written 10791  
information and, if present, oral information relevant to the 10792  
offender's early release. The court shall afford a similar 10793  
opportunity to the prosecuting attorney, victim or victim's 10794  
representative, as defined in section 2930.01 of the Revised 10795  
Code, and any other person the court determines is likely to 10796  
present additional relevant information. If the court pursuant 10797  
to division (G) of this section permits the offender to appear 10798  
at the hearing by video conferencing equipment, the offender's 10799  
opportunity to present oral information shall be as a part of 10800  
the video conferencing. The court shall consider any statement 10801  
of a victim made under section 2930.14 or 2930.17 of the Revised 10802  
Code, any victim impact statement prepared under section 10803  
2947.051 of the Revised Code, and any report and other 10804  
documentation submitted by the director under division (D) of 10805  
this section. After ruling on whether to grant the offender 10806  
early release, the court shall notify the victim in accordance 10807  
with sections 2930.03 and 2930.16 of the Revised Code. 10808

(I) If the court grants an offender early release under 10809  
this section, it shall order the release of the offender, shall 10810  
place the offender under one or more appropriate community 10811  
control sanctions, under appropriate conditions, and under the 10812  
supervision of the department of probation that serves the 10813  
court, and shall reserve the right to reimpose the sentence that 10814

it reduced and from which the offender was released if the 10815  
offender violates the sanction. The court shall not make a 10816  
release under this section effective prior to the date on which 10817  
the offender becomes eligible as described in division (C) of 10818  
this section. If the sentence under which the offender is 10819  
confined in a state correctional institution and from which the 10820  
offender is being released was imposed for a felony of the first 10821  
or second degree, the court shall consider ordering that the 10822  
offender be monitored by means of a global positioning device. 10823  
If the court reimposes the sentence that it reduced and from 10824  
which the offender was released and if the violation of the 10825  
sanction is a new offense, the court may order that the 10826  
reimposed sentence be served either concurrently with, or 10827  
consecutive to, any new sentence imposed upon the offender as a 10828  
result of the violation that is a new offense. The period of all 10829  
community control sanctions imposed under this division shall 10830  
not exceed five years. The court, in its discretion, may reduce 10831  
the period of community control sanctions by the amount of time 10832  
the offender spent in jail or prison for the offense. 10833

If the court grants an offender early release under this 10834  
section, it shall notify the appropriate person at the 10835  
department of rehabilitation and correction of the release, and 10836  
the department shall post notice of the release on the database 10837  
it maintains pursuant to section 5120.66 of the Revised Code. 10838

(J) The department shall adopt under Chapter 119. of the 10839  
Revised Code any rules necessary to implement this section. 10840

**Sec. 2967.191.** (A) The department of rehabilitation and 10841  
correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 10842  
~~if the prisoner is serving a term for which there is parole~~ 10843  
~~eligibility, the minimum and maximum term or the parole~~ 10844

~~eligibility date of the prisoner, as described in division (B)~~ 10845  
~~of this section, by the total number of days that the prisoner~~ 10846  
was confined for any reason arising out of the offense for which 10847  
the prisoner was convicted and sentenced, including confinement 10848  
in lieu of bail while awaiting trial, confinement for 10849  
examination to determine the prisoner's competence to stand 10850  
trial or sanity, confinement while awaiting transportation to 10851  
the place where the prisoner is to serve the prisoner's prison 10852  
term, as determined by the sentencing court under division (B) 10853  
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 10854  
confinement in a juvenile facility. The department of 10855  
rehabilitation and correction also shall reduce the stated 10856  
prison term of a prisoner or, if the prisoner is serving a term 10857  
for which there is parole eligibility, the minimum and maximum 10858  
term or the parole eligibility date of the prisoner by the total 10859  
number of days, if any, that the prisoner previously served in 10860  
the custody of the department of rehabilitation and correction 10861  
arising out of the offense for which the prisoner was convicted 10862  
and sentenced. 10863

(B) The reductions described in division (A) of this 10864  
section shall be made to the following prison terms, as 10865  
applicable: 10866

(1) The definite prison term of a prisoner serving a 10867  
definite prison term as a stated prison term; 10868

(2) The minimum and maximum term of a prisoner serving a 10869  
non-life felony indefinite prison term as a stated prison term; 10870

(3) The minimum and maximum term or the parole eligibility 10871  
date of a prisoner serving a term for which there is parole 10872  
eligibility. 10873

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 10874  
of this section and subject to the maximum aggregate total 10875  
specified in division (A) (3) of this section, a person confined 10876  
in a state correctional institution or placed in the substance 10877  
use disorder treatment program may provisionally earn one day or 10878  
five days of credit, based on the category set forth in division 10879  
(D) (1), (2), (3), (4), or (5) of this section in which the 10880  
person is included, toward satisfaction of the person's stated 10881  
prison term, as described in division (F) of this section, for 10882  
each completed month during which the person, if confined in a 10883  
state correctional institution, productively participates in an 10884  
education program, vocational training, employment in prison 10885  
industries, treatment for substance abuse, or any other 10886  
constructive program developed by the department with specific 10887  
standards for performance by prisoners or during which the 10888  
person, if placed in the substance use disorder treatment 10889  
program, productively participates in the program. Except as 10890  
provided in division (C) of this section and subject to the 10891  
maximum aggregate total specified in division (A) (3) of this 10892  
section, a person so confined in a state correctional 10893  
institution who successfully completes two programs or 10894  
activities of that type may, in addition, provisionally earn up 10895  
to five days of credit toward satisfaction of the person's 10896  
stated prison term, as described in division (F) of this 10897  
section, for the successful completion of the second program or 10898  
activity. The person shall not be awarded any provisional days 10899  
of credit for the successful completion of the first program or 10900  
activity or for the successful completion of any program or 10901  
activity that is completed after the second program or activity. 10902  
At the end of each calendar month in which a person productively 10903  
participates in a program or activity listed in this division or 10904  
successfully completes a program or activity listed in this 10905



division, the department of rehabilitation and correction shall 10906  
determine and record the total number of days credit that the 10907  
person provisionally earned in that calendar month. If the 10908  
person in a state correctional institution violates prison rules 10909  
or the person in the substance use disorder treatment program 10910  
violates program or department rules, the department may deny 10911  
the person a credit that otherwise could have been provisionally 10912  
awarded to the person or may withdraw one or more credits 10913  
previously provisionally earned by the person. Days of credit 10914  
provisionally earned by a person shall be finalized and awarded 10915  
by the department subject to administrative review by the 10916  
department of the person's conduct. 10917

(2) Unless a person is serving a mandatory prison term or 10918  
a prison term for an offense of violence or a sexually oriented 10919  
offense, and notwithstanding the maximum aggregate total 10920  
specified in division (A) (3) of this section, a person who 10921  
successfully completes any of the following shall earn ninety 10922  
days of credit toward satisfaction of the person's stated prison 10923  
term or a ten per cent reduction of the person's stated prison 10924  
term, whichever is less: 10925

(a) An Ohio high school diploma or Ohio certificate of 10926  
high school equivalence certified by the Ohio central school 10927  
system; 10928

(b) A therapeutic drug community program; 10929

(c) All three phases of the department of rehabilitation 10930  
and correction's intensive outpatient drug treatment program; 10931

(d) A career technical vocational school program; 10932

(e) A college certification program; 10933

(f) The criteria for a certificate of achievement and 10934

employability as specified in division (A) (1) of section 2961.22 10935  
of the Revised Code. 10936

(3) Except for persons described in division (A) (2) of 10937  
this section, the aggregate days of credit provisionally earned 10938  
by a person for program or activity participation and program 10939  
and activity completion under this section and the aggregate 10940  
days of credit finally credited to a person under this section 10941  
shall not exceed eight per cent of the total number of days in 10942  
the person's stated prison term. 10943

(B) The department of rehabilitation and correction shall 10944  
adopt rules that specify the programs or activities for which 10945  
credit may be earned under this section, the criteria for 10946  
determining productive participation in, or completion of, the 10947  
programs or activities and the criteria for awarding credit, 10948  
including criteria for awarding additional credit for successful 10949  
program or activity completion, and the criteria for denying or 10950  
withdrawing previously provisionally earned credit as a result 10951  
of a violation of prison rules, or program or department rules, 10952  
whichever is applicable. 10953

(C) No person confined in a state correctional institution 10954  
or placed in a substance use disorder treatment program to whom 10955  
any of the following applies shall be awarded any days of credit 10956  
under division (A) of this section: 10957

(1) The person is serving a prison term that section 10958  
2929.13 or section 2929.14 of the Revised Code specifies cannot 10959  
be reduced pursuant to this section or this chapter or is 10960  
serving a sentence for which section 2967.13 or division (B) of 10961  
section 2929.143 of the Revised Code specifies that the person 10962  
is not entitled to any earned credit under this section. 10963

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

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

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

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22,

2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 10994  
2927.24 of the Revised Code; 10995

(b) A conspiracy or attempt to commit, or complicity in 10996  
committing, any other offense for which the maximum penalty is 10997  
imprisonment for life or any offense listed in division (D)(1) 10998  
(a) of this section. 10999

(2) The offender may earn one day of credit under division 11000  
(A) of this section, except as provided in division (C) of this 11001  
section, if the offender is serving a stated prison term that 11002  
includes a prison term imposed for a sexually oriented offense 11003  
that the offender committed prior to September 30, 2011. 11004

(3) The offender may earn one day of credit under division 11005  
(A) of this section, except as provided in division (C) of this 11006  
section, if the offender is serving a stated prison term that 11007  
includes a prison term imposed for a felony other than carrying 11008  
a concealed weapon an essential element of which is any conduct 11009  
or failure to act expressly involving any deadly weapon or 11010  
dangerous ordnance. 11011

(4) Except as provided in division (C) of this section, if 11012  
the most serious offense for which the offender is confined is a 11013  
felony of the first or second degree and divisions (D)(1), (2), 11014  
and (3) of this section do not apply to the offender, the 11015  
offender may earn one day of credit under division (A) of this 11016  
section if the offender committed that offense prior to 11017  
September 30, 2011, and the offender may earn five days of 11018  
credit under division (A) of this section if the offender 11019  
committed that offense on or after September 30, 2011. 11020

(5) Except as provided in division (C) of this section, if 11021  
the most serious offense for which the offender is confined is a 11022

felony of the third, fourth, or fifth degree or an unclassified 11023  
felony and neither division (D) (2) nor (3) of this section 11024  
applies to the offender, the offender may earn one day of credit 11025  
under division (A) of this section if the offender committed 11026  
that offense prior to September 30, 2011, and the offender may 11027  
earn five days of credit under division (A) of this section if 11028  
the offender committed that offense on or after September 30, 11029  
2011. 11030

(E) The department annually shall seek and consider the 11031  
written feedback of the Ohio prosecuting attorneys association, 11032  
the Ohio judicial conference, the Ohio public defender, the Ohio 11033  
association of criminal defense lawyers, and other organizations 11034  
and associations that have an interest in the operation of the 11035  
corrections system and the earned credits program under this 11036  
section as part of its evaluation of the program and in 11037  
determining whether to modify the program. 11038

(F) Days of credit awarded under this section shall be 11039  
applied toward satisfaction of a person's stated prison term as 11040  
follows: 11041

(1) Toward the definite prison term of a prisoner serving 11042  
a definite prison term as a stated prison term; 11043

(2) Toward the minimum and maximum terms of a prisoner 11044  
serving an indefinite prison term imposed under division (A) (1) 11045  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 11046  
felony of the first or second degree committed on or after the 11047  
effective date of this amendment. 11048

(G) As used in this section: 11049

(1) "Sexually oriented offense" has the same meaning as in 11050  
section 2950.01 of the Revised Code. 11051

(2) "Substance use disorder treatment program" means the 11052  
substance use disorder treatment program established by the 11053  
department of rehabilitation and correction under section 11054  
5120.035 of the Revised Code. 11055

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 11056  
correction, by rule, may establish a transitional control 11057  
program for the purpose of closely monitoring a prisoner's 11058  
adjustment to community supervision during the final one hundred 11059  
eighty days of the prisoner's confinement. If the department 11060  
establishes a transitional control program under this division, 11061  
the division of parole and community services of the department 11062  
of rehabilitation and correction may transfer eligible prisoners 11063  
to transitional control status under the program during the 11064  
final one hundred eighty days of their confinement and under the 11065  
terms and conditions established by the department, shall 11066  
provide for the confinement as provided in this division of each 11067  
eligible prisoner so transferred, and shall supervise each 11068  
eligible prisoner so transferred in one or more community 11069  
control sanctions. Each eligible prisoner who is transferred to 11070  
transitional control status under the program shall be confined 11071  
in a suitable facility that is licensed pursuant to division (C) 11072  
of section 2967.14 of the Revised Code, or shall be confined in 11073  
a residence the department has approved for this purpose and be 11074  
monitored pursuant to an electronic monitoring device, as 11075  
defined in section 2929.01 of the Revised Code. If the 11076  
department establishes a transitional control program under this 11077  
division, the rules establishing the program shall include 11078  
criteria that define which prisoners are eligible for the 11079  
program, criteria that must be satisfied to be approved as a 11080  
residence that may be used for confinement under the program of 11081  
a prisoner that is transferred to it and procedures for the 11082

department to approve residences that satisfy those criteria, 11083  
and provisions of the type described in division (C) of this 11084  
section. At a minimum, the criteria that define which prisoners 11085  
are eligible for the program shall provide all of the following: 11086

(a) That a prisoner is eligible for the program if the 11087  
prisoner is serving a prison term or term of imprisonment for an 11088  
offense committed prior to March 17, 1998, and if, at the time 11089  
at which eligibility is being determined, the prisoner would 11090  
have been eligible for a furlough under this section as it 11091  
existed immediately prior to March 17, 1998, or would have been 11092  
eligible for conditional release under former section 2967.23 of 11093  
the Revised Code as that section existed immediately prior to 11094  
March 17, 1998; 11095

(b) That no prisoner who is serving a mandatory prison 11096  
term is eligible for the program until after expiration of the 11097  
mandatory term; 11098

(c) That no prisoner who is serving a prison term or term 11099  
of life imprisonment without parole imposed pursuant to section 11100  
2971.03 of the Revised Code is eligible for the program. 11101

(2) At least sixty days prior to transferring to 11102  
transitional control under this section a prisoner who is 11103  
serving a definite term of imprisonment or definite prison term 11104  
of two years or less for an offense committed on or after July 11105  
1, 1996, or who is serving a minimum term of two years or less 11106  
under a non-life felony indefinite prison term, the division of 11107  
parole and community services of the department of 11108  
rehabilitation and correction shall give notice of the pendency 11109  
of the transfer to transitional control to the court of common 11110  
pleas of the county in which the indictment against the prisoner 11111  
was found and of the fact that the court may disapprove the 11112

transfer of the prisoner to transitional control and shall 11113  
include the institutional summary report prepared by the head of 11114  
the state correctional institution in which the prisoner is 11115  
confined. The head of the state correctional institution in 11116  
which the prisoner is confined, upon the request of the division 11117  
of parole and community services, shall provide to the division 11118  
for inclusion in the notice sent to the court under this 11119  
division an institutional summary report on the prisoner's 11120  
conduct in the institution and in any institution from which the 11121  
prisoner may have been transferred. The institutional summary 11122  
report shall cover the prisoner's participation in school, 11123  
vocational training, work, treatment, and other rehabilitative 11124  
activities and any disciplinary action taken against the 11125  
prisoner. If the court disapproves of the transfer of the 11126  
prisoner to transitional control, the court shall notify the 11127  
division of the disapproval within thirty days after receipt of 11128  
the notice. If the court timely disapproves the transfer of the 11129  
prisoner to transitional control, the division shall not proceed 11130  
with the transfer. If the court does not timely disapprove the 11131  
transfer of the prisoner to transitional control, the division 11132  
may transfer the prisoner to transitional control. 11133

(3) (a) If the victim of an offense for which a prisoner 11134  
was sentenced to a prison term or term of imprisonment has 11135  
requested notification under section 2930.16 of the Revised Code 11136  
and has provided the department of rehabilitation and correction 11137  
with the victim's name and address or if division (A) (3) (b) of 11138  
this section applies, the division of parole and community 11139  
services, at least sixty days prior to transferring the prisoner 11140  
to transitional control pursuant to this section, shall notify 11141  
the victim of the pendency of the transfer and of the victim's 11142  
right to submit a statement to the division regarding the impact 11143



of the transfer of the prisoner to transitional control. If the 11144  
victim subsequently submits a statement of that nature to the 11145  
division, the division shall consider the statement in deciding 11146  
whether to transfer the prisoner to transitional control. 11147

(b) If a prisoner is incarcerated for the commission of 11148  
aggravated murder, murder, or an offense of violence that is a 11149  
felony of the first, second, or third degree or under a sentence 11150  
of life imprisonment, except as otherwise provided in this 11151  
division, the notice described in division (A) (3) (a) of this 11152  
section shall be given regardless of whether the victim has 11153  
requested the notification. The notice described in division (A) 11154  
(3) (a) of this section shall not be given under this division to 11155  
a victim if the victim has requested pursuant to division (B) (2) 11156  
of section 2930.03 of the Revised Code that the victim not be 11157  
provided the notice. If notice is to be provided to a victim 11158  
under this division, the authority may give the notice by any 11159  
reasonable means, including regular mail, telephone, and 11160  
electronic mail, in accordance with division (D) (1) of section 11161  
2930.16 of the Revised Code. If the notice is based on an 11162  
offense committed prior to March 22, 2013, the notice also shall 11163  
include the opt-out information described in division (D) (1) of 11164  
section 2930.16 of the Revised Code. The authority, in 11165  
accordance with division (D) (2) of section 2930.16 of the 11166  
Revised Code, shall keep a record of all attempts to provide the 11167  
notice, and of all notices provided, under this division. 11168

Division (A) (3) (b) of this section, and the notice-related 11169  
provisions of divisions (E) (2) and (K) of section 2929.20, 11170  
division (D) (1) of section 2930.16, division (H) of section 11171  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 11172  
of section 2967.28, and division (A) (2) of section 5149.101 of 11173  
the Revised Code enacted in the act in which division (A) (3) (b) 11174

of this section was enacted, shall be known as "Roberta's Law." 11175

(4) The department of rehabilitation and correction, at 11176  
least sixty days prior to transferring a prisoner to 11177  
transitional control pursuant to this section, shall post on the 11178  
database it maintains pursuant to section 5120.66 of the Revised 11179  
Code the prisoner's name and all of the information specified in 11180  
division (A) (1) (c) (iv) of that section. In addition to and 11181  
independent of the right of a victim to submit a statement as 11182  
described in division (A) (3) of this section or to otherwise 11183  
make a statement and in addition to and independent of any other 11184  
right or duty of a person to present information or make a 11185  
statement, any person may send to the division of parole and 11186  
community services at any time prior to the division's transfer 11187  
of the prisoner to transitional control a written statement 11188  
regarding the transfer of the prisoner to transitional control. 11189  
In addition to the information, reports, and statements it 11190  
considers under divisions (A) (2) and (3) of this section or that 11191  
it otherwise considers, the division shall consider each 11192  
statement submitted in accordance with this division in deciding 11193  
whether to transfer the prisoner to transitional control. 11194

(B) Each prisoner transferred to transitional control 11195  
under this section shall be confined in the manner described in 11196  
division (A) of this section during any period of time that the 11197  
prisoner is not actually working at the prisoner's approved 11198  
employment, engaged in a vocational training or another 11199  
educational program, engaged in another program designated by 11200  
the director, or engaged in other activities approved by the 11201  
department. 11202

(C) The department of rehabilitation and correction shall 11203  
adopt rules for transferring eligible prisoners to transitional 11204

control, supervising and confining prisoners so transferred, 11205  
administering the transitional control program in accordance 11206  
with this section, and using the moneys deposited into the 11207  
transitional control fund established under division (E) of this 11208  
section. 11209

(D) The department of rehabilitation and correction may 11210  
adopt rules for the issuance of passes for the limited purposes 11211  
described in this division to prisoners who are transferred to 11212  
transitional control under this section. If the department 11213  
adopts rules of that nature, the rules shall govern the granting 11214  
of the passes and shall provide for the supervision of prisoners 11215  
who are temporarily released pursuant to one of those passes. 11216  
Upon the adoption of rules under this division, the department 11217  
may issue passes to prisoners who are transferred to 11218  
transitional control status under this section in accordance 11219  
with the rules and the provisions of this division. All passes 11220  
issued under this division shall be for a maximum of forty-eight 11221  
hours and may be issued only for the following purposes: 11222

(1) To visit a relative in imminent danger of death; 11223

(2) To have a private viewing of the body of a deceased 11224  
relative; 11225

(3) To visit with family; 11226

(4) To otherwise aid in the rehabilitation of the 11227  
prisoner. 11228

(E) The division of parole and community services may 11229  
require a prisoner who is transferred to transitional control to 11230  
pay to the division the reasonable expenses incurred by the 11231  
division in supervising or confining the prisoner while under 11232  
transitional control. Inability to pay those reasonable expenses 11233

shall not be grounds for refusing to transfer an otherwise 11234  
eligible prisoner to transitional control. Amounts received by 11235  
the division of parole and community services under this 11236  
division shall be deposited into the transitional control fund, 11237  
which is hereby created in the state treasury and which hereby 11238  
replaces and succeeds the furlough services fund that formerly 11239  
existed in the state treasury. All moneys that remain in the 11240  
furlough services fund on March 17, 1998, shall be transferred 11241  
on that date to the transitional control fund. The transitional 11242  
control fund shall be used solely to pay costs related to the 11243  
operation of the transitional control program established under 11244  
this section. The director of rehabilitation and correction 11245  
shall adopt rules in accordance with section 111.15 of the 11246  
Revised Code for the use of the fund. 11247

(F) A prisoner who violates any rule established by the 11248  
department of rehabilitation and correction under division (A), 11249  
(C), or (D) of this section may be transferred to a state 11250  
correctional institution pursuant to rules adopted under 11251  
division (A), (C), or (D) of this section, but the prisoner 11252  
shall receive credit towards completing the prisoner's sentence 11253  
for the time spent under transitional control. 11254

If a prisoner is transferred to transitional control under 11255  
this section, upon successful completion of the period of 11256  
transitional control, the prisoner may be released on parole or 11257  
under post-release control pursuant to section 2967.13 or 11258  
2967.28 of the Revised Code and rules adopted by the department 11259  
of rehabilitation and correction. If the prisoner is released 11260  
under post-release control, the duration of the post-release 11261  
control, the type of post-release control sanctions that may be 11262  
imposed, the enforcement of the sanctions, and the treatment of 11263  
prisoners who violate any sanction applicable to the prisoner 11264

are governed by section 2967.28 of the Revised Code. 11265

Sec. 2967.271. (A) As used in this section: 11266

(1) "Offender's minimum prison term" means the minimum 11267  
prison term imposed on an offender under a non-life felony 11268  
indefinite prison term, diminished as provided in section 11269  
2967.191 or 2967.193 of the Revised Code or in any other 11270  
provision of the Revised Code, other than division (F) of this 11271  
section, that provides for diminution or reduction of an 11272  
offender's sentence. 11273

(2) "Offender's presumptive earned early release date" 11274  
means the date that is determined under the procedures described 11275  
in division (F) of this section by the reduction, if any, of an 11276  
offender's minimum prison term by the sentencing court and the 11277  
crediting of that reduction toward the satisfaction of the 11278  
minimum term. 11279

(3) "Rehabilitative programs and activities" means 11280  
education programs, vocational training, employment in prison 11281  
industries, treatment for substance abuse, or other constructive 11282  
programs developed by the department of rehabilitation and 11283  
correction with specific standards for performance by prisoners. 11284

(4) "Security level" means the security level in which an 11285  
offender is classified under the inmate classification level 11286  
system of the department of rehabilitation and correction that 11287  
then is in effect. 11288

(5) "Sexually oriented offense" has the same meaning as in 11289  
section 2950.01 of the Revised Code. 11290

(B) When an offender is sentenced to a non-life felony 11291  
indefinite prison term, there shall be a presumption that the 11292  
person shall be released from service of the sentence on the 11293

expiration of the offender's minimum prison term or on the 11294  
offender's presumptive earned early release date, whichever is 11295  
earlier. 11296

(C) The presumption established under division (B) of this 11297  
section is a rebuttable presumption that the department of 11298  
rehabilitation and correction may rebut as provided in this 11299  
division. Unless the department rebuts the presumption, the 11300  
offender shall be released from service of the sentence on the 11301  
expiration of the offender's minimum prison term or on the 11302  
offender's presumptive earned early release date, whichever is 11303  
earlier. The department may rebut the presumption only if the 11304  
department determines, at a hearing, that one or more of the 11305  
following applies: 11306

(1) Regardless of the security level in which the offender 11307  
is classified at the time of the hearing, both of the following 11308  
apply: 11309

(a) During the offender's incarceration, the offender 11310  
committed institutional rule infractions that involved 11311  
compromising the security of a state correctional institution, 11312  
compromising the safety of the staff of a state correctional 11313  
institution or its inmates, or physical harm or the threat of 11314  
physical harm to the staff of a state correctional institution 11315  
or its inmates, or committed a violation of law that was not 11316  
prosecuted, and the infractions or violations demonstrate that 11317  
the offender has not been rehabilitated. 11318

(b) The offender's behavior while incarcerated, including, 11319  
but not limited to the infractions and violations specified in 11320  
division (C) (1) (a) of this section, demonstrate that the 11321  
offender continues to pose a threat to society. 11322

(2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has been placed by the department in extended restrictive housing at any time within the year preceding the date of the hearing. 11323  
11324  
11325  
11326

(3) At the time of the hearing, the offender is classified by the department as a security level three, four, or five, or at a higher security level. 11327  
11328  
11329

(D)(1) If the department of rehabilitation and correction, pursuant to division (C) of this section, rebuts the presumption established under division (B) of this section, the department may maintain the offender's incarceration in a state correctional institution under the sentence after the expiration of the offender's minimum prison term or, for offenders who have a presumptive earned early release date, after the offender's presumptive earned early release date. The department may maintain the offender's incarceration under this division for an additional period of incarceration determined by the department. The additional period of incarceration shall be a reasonable period determined by the department, shall be specified by the department, and shall not exceed the offender's maximum prison term. 11330  
11331  
11332  
11333  
11334  
11335  
11336  
11337  
11338  
11339  
11340  
11341  
11342  
11343

(2) If the department maintains an offender's incarceration for an additional period under division (D)(1) of this section, there shall be a presumption that the offender shall be released on the expiration of the offender's minimum prison term plus the additional period of incarceration specified by the department as provided under that division or, for offenders who have a presumptive earned early release date, on the expiration of the additional period of incarceration to be served after the offender's presumptive earned early release 11344  
11345  
11346  
11347  
11348  
11349  
11350  
11351  
11352

date that is specified by the department as provided under that 11353  
division. The presumption is a rebuttable presumption that the 11354  
department may rebut, but only if it conducts a hearing and 11355  
makes the determinations specified in division (C) of this 11356  
section, and if the department rebuts the presumption, it may 11357  
maintain the offender's incarceration in a state correctional 11358  
institution for an additional period determined as specified in 11359  
division (D)(1) of this section. Unless the department rebuts 11360  
the presumption at the hearing, the offender shall be released 11361  
from service of the sentence on the expiration of the offender's 11362  
minimum prison term plus the additional period of incarceration 11363  
specified by the department or, for offenders who have a 11364  
presumptive earned early release date, on the expiration of the 11365  
additional period of incarceration to be served after the 11366  
offender's presumptive earned early release date as specified by 11367  
the department. 11368

The provisions of this division regarding the 11369  
establishment of a rebuttable presumption, the department's 11370  
rebuttal of the presumption, and the department's maintenance of 11371  
an offender's incarceration for an additional period of 11372  
incarceration apply, and may be utilized more than one time, 11373  
during the remainder of the offender's incarceration. If the 11374  
offender has not been released under division (C) of this 11375  
section or this division prior to the expiration of the 11376  
offender's maximum prison term imposed as part of the offender's 11377  
non-life felony indefinite prison term, the offender shall be 11378  
released upon the expiration of that maximum term. 11379

(E) The department shall provide notices of hearings to be 11380  
conducted under division (C) or (D) of this section in the same 11381  
manner, and to the same persons, as specified in section 2967.12 11382  
and Chapter 2930. of the Revised Code with respect to hearings 11383



to be conducted regarding the possible release on parole of an inmate. 11384  
11385

(F)(1) The director of the department of rehabilitation and correction may notify the sentencing court in writing that the director is recommending that the court grant a reduction in the minimum prison term imposed on a specified offender who is serving a non-life felony indefinite prison term and who is eligible under division (F)(8) of this section for such a reduction, due to the offender's exceptional conduct while incarcerated or the offender's adjustment to incarceration. If the director wishes to recommend such a reduction for an offender, the director shall send the notice to the court not earlier than ninety days prior to the date on which the director wishes to credit the reduction toward the satisfaction of the offender's minimum prison term. If the director recommends such a reduction for an offender, there shall be a presumption that the court shall grant the recommended reduction to the offender. The presumption established under this division is a rebuttable presumption that may be rebutted as provided in division (F)(4) of this section. 11386  
11387  
11388  
11389  
11390  
11391  
11392  
11393  
11394  
11395  
11396  
11397  
11398  
11399  
11400  
11401  
11402  
11403

The director shall include with the notice sent to a court under this division an institutional summary report that covers the offender's participation while confined in a state correctional institution in rehabilitative programs and activities and any disciplinary action taken against the offender while so confined, and any other documentation requested by the court, if available. 11404  
11405  
11406  
11407  
11408  
11409  
11410

The notice the director sends to a court under this division shall do all of the following: 11411  
11412

(a) Identify the offender; 11413

(b) Specify the length of the recommended reduction, which shall be for five to fifteen per cent of the offender's minimum term determined in accordance with rules adopted by the department under division (F)(7) of this section; 11414  
11415  
11416  
11417

(c) Specify the reason or reasons that qualify the offender for the recommended reduction; 11418  
11419

(d) Inform the court of the rebuttable presumption and that the court must either approve or, if the court finds that the presumption has been rebutted, disapprove of the recommended reduction, and that if it approves of the recommended reduction, it must grant the reduction; 11420  
11421  
11422  
11423  
11424

(e) Inform the court that it must notify the department of its decision as to approval or disapproval not later than sixty days after receipt of the notice from the director. 11425  
11426  
11427

(2) When the director, under division (F)(1) of this section, submits a notice to a sentencing court that the director is recommending that the court grant a reduction in the minimum prison term imposed on an offender serving a non-life felony indefinite prison term, the department promptly shall provide to the prosecuting attorney of the county in which the offender was indicted a copy of the written notice, a copy of the institutional summary report described in that division, and any other information provided to the court. 11428  
11429  
11430  
11431  
11432  
11433  
11434  
11435  
11436

(3) Upon receipt of a notice submitted by the director under division (F)(1) of this section, the court shall schedule a hearing to consider whether to grant the reduction in the minimum prison term imposed on the specified offender that was recommended by the director or to find that the presumption has been rebutted and disapprove the recommended reduction. Upon 11437  
11438  
11439  
11440  
11441  
11442

scheduling the hearing, the court promptly shall give notice of 11443  
the hearing to the prosecuting attorney of the county in which 11444  
the offender was indicted and to the department. The notice 11445  
shall inform the prosecuting attorney that the prosecuting 11446  
attorney may submit to the court, prior to the date of the 11447  
hearing, written information relevant to the recommendation and 11448  
may present at the hearing written information and oral 11449  
information relevant to the recommendation. 11450

Upon receipt of the notice from the court, the prosecuting 11451  
attorney shall notify the victim of the offender or the victim's 11452  
representative of the recommendation by the director, the date, 11453  
time, and place of the hearing, the fact that the victim may 11454  
submit to the court, prior to the date of the hearing, written 11455  
information relevant to the recommendation, and the address and 11456  
procedure for submitting the information. 11457

(4) At the hearing scheduled under division (F) (3) of this 11458  
section, the court shall afford the prosecuting attorney an 11459  
opportunity to present written information and oral information 11460  
relevant to the director's recommendation. In making its 11461  
determination as to whether to grant or disapprove the reduction 11462  
in the minimum prison term imposed on the specified offender 11463  
that was recommended by the director, the court shall consider 11464  
any report and other documentation submitted by the director, 11465  
any information submitted by a victim, any information submitted 11466  
or presented at the hearing by the prosecuting attorney, and all 11467  
of the factors set forth in divisions (B) to (D) of section 11468  
2929.12 of the Revised Code that are relevant to the offender's 11469  
offense and to the offender. 11470

Unless the court, after considering at the hearing the 11471  
specified reports, documentation, information, and relevant 11472

factors, finds that the presumption that the recommended 11473  
reduction shall be granted has been rebutted and disapproves the 11474  
recommended reduction, the court shall grant the recommended 11475  
reduction. The court may disapprove the recommended reduction 11476  
only if, after considering at the hearing the specified reports, 11477  
documentation, information, and relevant factors, it finds that 11478  
the presumption that the reduction shall be granted has been 11479  
rebutted. The court may find that the presumption has been 11480  
rebutted and disapprove the recommended reduction only if it 11481  
determines at the hearing that one or more of the following 11482  
applies: 11483

(a) Regardless of the security level in which the offender 11484  
is classified at the time of the hearing, during the offender's 11485  
incarceration, the offender committed institutional rule 11486  
infractions that involved compromising the security of a state 11487  
correctional institution, compromising the safety of the staff 11488  
of a state correctional institution or its inmates, or physical 11489  
harm or the threat of physical harm to the staff of a state 11490  
correctional institution or its inmates, or committed a 11491  
violation of law that was not prosecuted, and the infractions or 11492  
violations demonstrate that the offender has not been 11493  
rehabilitated. 11494

(b) The offender's behavior while incarcerated, including, 11495  
but not limited to, the infractions and violations specified in 11496  
division (F) (4) (a) of this section, demonstrates that the 11497  
offender continues to pose a threat to society. 11498

(c) At the time of the hearing, the offender is classified 11499  
by the department as a security level three, four, or five, or 11500  
at a higher security level. 11501

(d) During the offender's incarceration, the offender did 11502

not productively participate in a majority of the rehabilitative 11503  
programs and activities recommended by the department for the 11504  
offender, or the offender participated in a majority of such 11505  
recommended programs or activities but did not successfully 11506  
complete a reasonable number of the programs or activities in 11507  
which the offender participated. 11508

(e) After release, the offender will not be residing in a 11509  
halfway house, reentry center, or community residential center 11510  
licensed under division (C) of section 2967.14 of the Revised 11511  
Code and, after release, does not have any other place to reside 11512  
at a fixed residence address. 11513

(5) If the court pursuant to division (F)(4) of this 11514  
section finds that the presumption that the recommended 11515  
reduction in the offender's minimum prison term has been 11516  
rebutted and disapproves the recommended reduction, the court 11517  
shall notify the department of the disapproval not later than 11518  
sixty days after receipt of the notice from the director. The 11519  
court shall specify in the notification the reason or reasons 11520  
for which it found that the presumption was rebutted and 11521  
disapproved the recommended reduction. The court shall not 11522  
reduce the offender's minimum prison term, and the department 11523  
shall not credit the amount of the disapproved reduction toward 11524  
satisfaction of the offender's minimum prison term. 11525

If the court pursuant to division (F)(4) of this section 11526  
grants the recommended reduction of the offender's minimum 11527  
prison term, the court shall notify the department of the grant 11528  
of the reduction not later than sixty days after receipt of the 11529  
notice from the director, the court shall reduce the offender's 11530  
minimum prison term in accordance with the recommendation 11531  
submitted by the director, and the department shall credit the 11532

amount of the reduction toward satisfaction of the offender's 11533  
minimum prison term. 11534

Upon deciding whether to disapprove or grant the 11535  
recommended reduction of the offender's minimum prison term, the 11536  
court shall notify the prosecuting attorney of the decision and 11537  
the prosecuting attorney shall notify the victim or victim's 11538  
representative of the court's decision. 11539

(6) If the court under division (F) (5) of this section 11540  
grants the reduction in the minimum prison term imposed on an 11541  
offender that was recommended by the director and reduces the 11542  
offender's minimum prison term, the date determined by the 11543  
department's crediting of the reduction toward satisfaction of 11544  
the offender's minimum prison term is the offender's presumptive 11545  
earned early release date. 11546

(7) The department of rehabilitation and correction by 11547  
rule shall specify both of the following for offenders serving a 11548  
non-life felony indefinite prison term: 11549

(a) The type of exceptional conduct while incarcerated and 11550  
the type of adjustment to incarceration that will qualify an 11551  
offender serving such a prison term for a reduction under 11552  
divisions (F) (1) to (6) of this section of the minimum prison 11553  
term imposed on the offender under the non-life felony 11554  
indefinite prison term. 11555

(b) The per cent of reduction that it may recommend for, 11556  
and that may be granted to, an offender serving such a prison 11557  
term under divisions (F) (1) to (6) of this section, based on the 11558  
offense level of the offense for which the prison term was 11559  
imposed, with the department specifying the offense levels used 11560  
for purposes of this division and assigning a specific 11561

percentage reduction within the range of five to fifteen per cent for each such offense level. 11562  
11563

(8) Divisions (F)(1) to (6) of this section do not apply with respect to an offender serving a non-life felony indefinite prison term for a sexually oriented offense, and no offender serving such a prison term for a sexually oriented offense is eligible to be recommended for or granted, or may be recommended for or granted, a reduction under those divisions in the offender's minimum prison term imposed under that non-life felony indefinite prison term. 11564  
11565  
11566  
11567  
11568  
11569  
11570  
11571

(G) If an offender is sentenced to a non-life felony indefinite prison term, any reference in a section of the Revised Code to a definite prison term shall be construed as referring to the offender's minimum term under that sentence plus any additional period of time of incarceration specified by the department under division (D)(1) or (2) of this section, except to the extent otherwise specified in the section or to the extent that that construction clearly would be inappropriate. 11572  
11573  
11574  
11575  
11576  
11577  
11578  
11579  
11580

**Sec. 2967.28.** (A) As used in this section: 11581

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code. 11582  
11583

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 11584  
11585

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony. 11586  
11587

(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the 11588  
11589  
11590

sentence under section 5120.036 of the Revised Code, and the 11591  
offender may potentially be released from imprisonment prior to 11592  
the expiration of the prison term if the offender successfully 11593  
completes all assessment and treatment or programming required 11594  
by the department of rehabilitation and correction under section 11595  
5120.036 of the Revised Code. 11596

(5) "Victim's immediate family" has the same meaning as in 11597  
section 2967.12 of the Revised Code. 11598

(6) "Minor drug possession offense" has the same meaning 11599  
as in section 2925.11 of the Revised Code. 11600

(B) Each sentence to a prison term, other than a term of 11601  
life imprisonment, for a felony of the first degree, for a 11602  
felony of the second degree, for a felony sex offense, or for a 11603  
felony of the third degree that is an offense of violence and is 11604  
not a felony sex offense shall include a requirement that the 11605  
offender be subject to a period of post-release control imposed 11606  
by the parole board after the offender's release from 11607  
imprisonment. This division applies with respect to all prison 11608  
terms of a type described in this division, including a term of 11609  
any such type that is a risk reduction sentence. If a court 11610  
imposes a sentence including a prison term of a type described 11611  
in this division on or after July 11, 2006, the failure of a 11612  
sentencing court to notify the offender pursuant to division (B) 11613  
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 11614  
requirement or to include in the judgment of conviction entered 11615  
on the journal a statement that the offender's sentence includes 11616  
this requirement does not negate, limit, or otherwise affect the 11617  
mandatory period of supervision that is required for the 11618  
offender under this division. This division applies with respect 11619  
to all prison terms of a type described in this division, 11620



including a non-life felony indefinite prison term. Section 11621  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 11622  
a court imposed a sentence including a prison term of a type 11623  
described in this division and failed to notify the offender 11624  
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 11625  
Revised Code regarding post-release control or to include in the 11626  
judgment of conviction entered on the journal or in the sentence 11627  
pursuant to division (D) (1) of section 2929.14 of the Revised 11628  
Code a statement regarding post-release control. Unless reduced 11629  
by the parole board pursuant to division (D) of this section 11630  
when authorized under that division, a period of post-release 11631  
control required by this division for an offender shall be of 11632  
one of the following periods: 11633

(1) For a felony of the first degree or for a felony sex 11634  
offense, five years; 11635

(2) For a felony of the second degree that is not a felony 11636  
sex offense, three years; 11637

(3) For a felony of the third degree that is an offense of 11638  
violence and is not a felony sex offense, three years. 11639

(C) Any sentence to a prison term for a felony of the 11640  
third, fourth, or fifth degree that is not subject to division 11641  
(B) (1) or (3) of this section shall include a requirement that 11642  
the offender be subject to a period of post-release control of 11643  
up to three years after the offender's release from 11644  
imprisonment, if the parole board, in accordance with division 11645  
(D) of this section, determines that a period of post-release 11646  
control is necessary for that offender. This division applies 11647  
with respect to all prison terms of a type described in this 11648  
division, including a term of any such type that is a risk 11649  
reduction sentence. Section 2929.191 of the Revised Code applies 11650

if, prior to July 11, 2006, a court imposed a sentence including 11651  
a prison term of a type described in this division and failed to 11652  
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 11653  
2929.19 of the Revised Code regarding post-release control or to 11654  
include in the judgment of conviction entered on the journal or 11655  
in the sentence pursuant to division (D) (2) of section 2929.14 11656  
of the Revised Code a statement regarding post-release control. 11657  
Pursuant to an agreement entered into under section 2967.29 of 11658  
the Revised Code, a court of common pleas or parole board may 11659  
impose sanctions or conditions on an offender who is placed on 11660  
post-release control under this division. 11661

(D) (1) Before the prisoner is released from imprisonment, 11662  
the parole board or, pursuant to an agreement under section 11663  
2967.29 of the Revised Code, the court shall impose upon a 11664  
prisoner described in division (B) of this section, shall impose 11665  
upon a prisoner described in division (C) of this section who is 11666  
to be released before the expiration of the prisoner's stated 11667  
prison term under a risk reduction sentence, may impose upon a 11668  
prisoner described in division (C) of this section who is not to 11669  
be released before the expiration of the prisoner's stated 11670  
prison term under a risk reduction sentence, and shall impose 11671  
upon a prisoner described in division (B) (2) (b) of section 11672  
5120.031 or in division (B) (1) of section 5120.032 of the 11673  
Revised Code, one or more post-release control sanctions to 11674  
apply during the prisoner's period of post-release control. 11675  
Whenever the board or court imposes one or more post-release 11676  
control sanctions upon a prisoner, the board or court, in 11677  
addition to imposing the sanctions, also shall include as a 11678  
condition of the post-release control that the offender not 11679  
leave the state without permission of the court or the 11680  
offender's parole or probation officer and that the offender 11681

abide by the law. The board or court may impose any other 11682  
conditions of release under a post-release control sanction that 11683  
the board or court considers appropriate, and the conditions of 11684  
release may include any community residential sanction, 11685  
community nonresidential sanction, or financial sanction that 11686  
the sentencing court was authorized to impose pursuant to 11687  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11688  
Prior to the release of a prisoner for whom it will impose one 11689  
or more post-release control sanctions under this division, the 11690  
parole board or court shall review the prisoner's criminal 11691  
history, results from the single validated risk assessment tool 11692  
selected by the department of rehabilitation and correction 11693  
under section 5120.114 of the Revised Code, all juvenile court 11694  
adjudications finding the prisoner, while a juvenile, to be a 11695  
delinquent child, and the record of the prisoner's conduct while 11696  
imprisoned. The parole board or court shall consider any 11697  
recommendation regarding post-release control sanctions for the 11698  
prisoner made by the office of victims' services. After 11699  
considering those materials, the board or court shall determine, 11700  
for a prisoner described in division (B) of this section, 11701  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11702  
section 5120.032 of the Revised Code and for a prisoner 11703  
described in division (C) of this section who is to be released 11704  
before the expiration of the prisoner's stated prison term under 11705  
a risk reduction sentence, which post-release control sanction 11706  
or combination of post-release control sanctions is reasonable 11707  
under the circumstances or, for a prisoner described in division 11708  
(C) of this section who is not to be released before the 11709  
expiration of the prisoner's stated prison term under a risk 11710  
reduction sentence, whether a post-release control sanction is 11711  
necessary and, if so, which post-release control sanction or 11712  
combination of post-release control sanctions is reasonable 11713

under the circumstances. In the case of a prisoner convicted of 11714  
a felony of the fourth or fifth degree other than a felony sex 11715  
offense, the board or court shall presume that monitored time is 11716  
the appropriate post-release control sanction unless the board 11717  
or court determines that a more restrictive sanction is 11718  
warranted. A post-release control sanction imposed under this 11719  
division takes effect upon the prisoner's release from 11720  
imprisonment. 11721

Regardless of whether the prisoner was sentenced to the 11722  
prison term prior to, on, or after July 11, 2006, prior to the 11723  
release of a prisoner for whom it will impose one or more post- 11724  
release control sanctions under this division, the parole board 11725  
shall notify the prisoner that, if the prisoner violates any 11726  
sanction so imposed or any condition of post-release control 11727  
described in division (B) of section 2967.131 of the Revised 11728  
Code that is imposed on the prisoner, the parole board may 11729  
impose a prison term of up to one-half of the stated prison term 11730  
originally imposed upon the prisoner. 11731

At least thirty days before the prisoner is released from 11732  
imprisonment under post-release control, except as otherwise 11733  
provided in this paragraph, the department of rehabilitation and 11734  
correction shall notify the victim and the victim's immediate 11735  
family of the date on which the prisoner will be released, the 11736  
period for which the prisoner will be under post-release control 11737  
supervision, and the terms and conditions of the prisoner's 11738  
post-release control regardless of whether the victim or 11739  
victim's immediate family has requested the notification. The 11740  
notice described in this paragraph shall not be given to a 11741  
victim or victim's immediate family if the victim or the 11742  
victim's immediate family has requested pursuant to division (B) 11743  
(2) of section 2930.03 of the Revised Code that the notice not 11744

be provided to the victim or the victim's immediate family. At 11745  
least thirty days before the prisoner is released from 11746  
imprisonment and regardless of whether the victim or victim's 11747  
immediate family has requested that the notice described in this 11748  
paragraph be provided or not be provided to the victim or the 11749  
victim's immediate family, the department also shall provide 11750  
notice of that nature to the prosecuting attorney in the case 11751  
and the law enforcement agency that arrested the prisoner if any 11752  
officer of that agency was a victim of the offense. 11753

If the notice given under the preceding paragraph to the 11754  
victim or the victim's immediate family is based on an offense 11755  
committed prior to March 22, 2013, and if the department of 11756  
rehabilitation and correction has not previously successfully 11757  
provided any notice to the victim or the victim's immediate 11758  
family under division (B), (C), or (D) of section 2930.16 of the 11759  
Revised Code with respect to that offense and the offender who 11760  
committed it, the notice also shall inform the victim or the 11761  
victim's immediate family that the victim or the victim's 11762  
immediate family may request that the victim or the victim's 11763  
immediate family not be provided any further notices with 11764  
respect to that offense and the offender who committed it and 11765  
shall describe the procedure for making that request. The 11766  
department may give the notices to which the preceding paragraph 11767  
applies by any reasonable means, including regular mail, 11768  
telephone, and electronic mail. If the department attempts to 11769  
provide notice to any specified person under the preceding 11770  
paragraph but the attempt is unsuccessful because the department 11771  
is unable to locate the specified person, is unable to provide 11772  
the notice by its chosen method because it cannot determine the 11773  
mailing address, electronic mail address, or telephone number at 11774  
which to provide the notice, or, if the notice is sent by mail, 11775

the notice is returned, the department shall make another 11776  
attempt to provide the notice to the specified person. If the 11777  
second attempt is unsuccessful, the department shall make at 11778  
least one more attempt to provide the notice. If the notice is 11779  
based on an offense committed prior to March 22, 2013, in each 11780  
attempt to provide the notice to the victim or victim's 11781  
immediate family, the notice shall include the opt-out 11782  
information described in this paragraph. The department, in the 11783  
manner described in division (D) (2) of section 2930.16 of the 11784  
Revised Code, shall keep a record of all attempts to provide the 11785  
notice, and of all notices provided, under this paragraph and 11786  
the preceding paragraph. The record shall be considered as if it 11787  
was kept under division (D) (2) of section 2930.16 of the Revised 11788  
Code. This paragraph, the preceding paragraph, and the notice- 11789  
related provisions of divisions (E) (2) and (K) of section 11790  
2929.20, division (D) (1) of section 2930.16, division (H) of 11791  
section 2967.12, division (E) (1) (b) of section 2967.19, division 11792  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 11793  
5149.101 of the Revised Code enacted in the act in which this 11794  
paragraph and the preceding paragraph were enacted, shall be 11795  
known as "Roberta's Law." 11796

(2) If a prisoner who is placed on post-release control 11797  
under this section is released before the expiration of the 11798  
definite term that is the prisoner's stated prison term or the 11799  
expiration of the minimum term that is part of the prisoner's 11800  
indefinite prison term imposed under a non-life felony 11801  
indefinite prison term by reason of credit earned under section 11802  
2967.193 or a reduction under division (F) of section 2967.271 11803  
of the Revised Code and if the prisoner earned sixty or more 11804  
days of credit, the adult parole authority shall supervise the 11805  
offender with an active global positioning system device for the 11806

first fourteen days after the offender's release from 11807  
imprisonment. This division does not prohibit or limit the 11808  
imposition of any post-release control sanction otherwise 11809  
authorized by this section. 11810

(3) At any time after a prisoner is released from 11811  
imprisonment and during the period of post-release control 11812  
applicable to the releasee, the adult parole authority or, 11813  
pursuant to an agreement under section 2967.29 of the Revised 11814  
Code, the court may review the releasee's behavior under the 11815  
post-release control sanctions imposed upon the releasee under 11816  
this section. The authority or court may determine, based upon 11817  
the review and in accordance with the standards established 11818  
under division (E) of this section, that a more restrictive or a 11819  
less restrictive sanction is appropriate and may impose a 11820  
different sanction. The authority also may recommend that the 11821  
parole board or court increase or reduce the duration of the 11822  
period of post-release control imposed by the court. If the 11823  
authority recommends that the board or court increase the 11824  
duration of post-release control, the board or court shall 11825  
review the releasee's behavior and may increase the duration of 11826  
the period of post-release control imposed by the court up to 11827  
eight years. If the authority recommends that the board or court 11828  
reduce the duration of control for an offense described in 11829  
division (B) or (C) of this section, the board or court shall 11830  
review the releasee's behavior and, subject to divisions (D) (3) 11831  
(a) to (c) of this section, may reduce the duration of the 11832  
period of control imposed by the court or, if the period of 11833  
control was imposed for a non-life felony indefinite prison 11834  
term, reduce the duration of or terminate the period of control 11835  
imposed by the court. In no case shall the board or court ~~reduce~~ 11836  
do any of the following: 11837

(a) Reduce the duration of the period of control imposed 11838  
for an offense described in division (B) (1) of this section to a 11839  
period less than the length of the ~~stated definite~~ prison term 11840  
included in the stated prison term originally imposed, ~~and in no~~ 11841  
case shall the board or court permit on the offender as part of 11842  
the sentence or, with respect to a stated non-life felony 11843  
indefinite prison term, to a period less than the length of the 11844  
minimum prison term imposed as part of that stated prison term; 11845

(b) Consider any reduction or termination of the duration 11846  
of the period of control imposed on a releasee prior to the 11847  
expiration of one year after the commencement of the period of 11848  
control, if the period of control was imposed for a non-life 11849  
felony indefinite prison term and the releasee's minimum prison 11850  
term or presumptive earned early release date under that term 11851  
was extended for any length of time under division (C) or (D) of 11852  
section 2967.271 of the Revised Code. 11853

(c) Permit the releasee to leave the state without 11854  
permission of the court or the releasee's parole or probation 11855  
officer. 11856

(4) The department of rehabilitation and correction shall 11857  
develop factors that the parole board or court shall consider in 11858  
determining under division (D) (3) of this section whether to 11859  
terminate the period of control imposed on a releasee for a non- 11860  
life felony indefinite prison term. 11861

(E) The department of rehabilitation and correction, in 11862  
accordance with Chapter 119. of the Revised Code, shall adopt 11863  
rules that do all of the following: 11864

(1) Establish standards for the imposition by the parole 11865  
board of post-release control sanctions under this section that 11866



are consistent with the overriding purposes and sentencing 11867  
principles set forth in section 2929.11 of the Revised Code and 11868  
that are appropriate to the needs of releasees; 11869

(2) Establish standards that provide for a period of post- 11870  
release control of up to three years for all prisoners described 11871  
in division (C) of this section who are to be released before 11872  
the expiration of their stated prison term under a risk 11873  
reduction sentence and standards by which the parole board can 11874  
determine which prisoners described in division (C) of this 11875  
section who are not to be released before the expiration of 11876  
their stated prison term under a risk reduction sentence should 11877  
be placed under a period of post-release control; 11878

(3) Establish standards to be used by the parole board in 11879  
reducing the duration of the period of post-release control 11880  
imposed by the court when authorized under division (D) of this 11881  
section, in imposing a more restrictive post-release control 11882  
sanction than monitored time upon a prisoner convicted of a 11883  
felony of the fourth or fifth degree other than a felony sex 11884  
offense, or in imposing a less restrictive control sanction upon 11885  
a releasee based on the releasee's activities including, but not 11886  
limited to, remaining free from criminal activity and from the 11887  
abuse of alcohol or other drugs, successfully participating in 11888  
approved rehabilitation programs, maintaining employment, and 11889  
paying restitution to the victim or meeting the terms of other 11890  
financial sanctions; 11891

(4) Establish standards to be used by the adult parole 11892  
authority in modifying a releasee's post-release control 11893  
sanctions pursuant to division (D)(2) of this section; 11894

(5) Establish standards to be used by the adult parole 11895  
authority or parole board in imposing further sanctions under 11896

division (F) of this section on releasees who violate post- 11897  
release control sanctions, including standards that do the 11898  
following: 11899

(a) Classify violations according to the degree of 11900  
seriousness; 11901

(b) Define the circumstances under which formal action by 11902  
the parole board is warranted; 11903

(c) Govern the use of evidence at violation hearings; 11904

(d) Ensure procedural due process to an alleged violator; 11905

(e) Prescribe nonresidential community control sanctions 11906  
for most misdemeanor and technical violations; 11907

(f) Provide procedures for the return of a releasee to 11908  
imprisonment for violations of post-release control. 11909

(F) (1) Whenever the parole board imposes one or more post- 11910  
release control sanctions upon an offender under this section, 11911  
the offender upon release from imprisonment shall be under the 11912  
general jurisdiction of the adult parole authority and generally 11913  
shall be supervised by the field services section through its 11914  
staff of parole and field officers as described in section 11915  
5149.04 of the Revised Code, as if the offender had been placed 11916  
on parole. If the offender upon release from imprisonment 11917  
violates the post-release control sanction or any conditions 11918  
described in division (A) of section 2967.131 of the Revised 11919  
Code that are imposed on the offender, the public or private 11920  
person or entity that operates or administers the sanction or 11921  
the program or activity that comprises the sanction shall report 11922  
the violation directly to the adult parole authority or to the 11923  
officer of the authority who supervises the offender. The 11924  
authority's officers may treat the offender as if the offender 11925

were on parole and in violation of the parole, and otherwise 11926  
shall comply with this section. 11927

(2) If the adult parole authority or, pursuant to an 11928  
agreement under section 2967.29 of the Revised Code, the court 11929  
determines that a releasee has violated a post-release control 11930  
sanction or any conditions described in division (A) of section 11931  
2967.131 of the Revised Code imposed upon the releasee and that 11932  
a more restrictive sanction is appropriate, the authority or 11933  
court may impose a more restrictive sanction upon the releasee, 11934  
in accordance with the standards established under division (E) 11935  
of this section or in accordance with the agreement made under 11936  
section 2967.29 of the Revised Code, or may report the violation 11937  
to the parole board for a hearing pursuant to division (F) (3) of 11938  
this section. The authority or court may not, pursuant to this 11939  
division, increase the duration of the releasee's post-release 11940  
control or impose as a post-release control sanction a 11941  
residential sanction that includes a prison term, but the 11942  
authority or court may impose on the releasee any other 11943  
residential sanction, nonresidential sanction, or financial 11944  
sanction that the sentencing court was authorized to impose 11945  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11946  
Revised Code. 11947

(3) The parole board or, pursuant to an agreement under 11948  
section 2967.29 of the Revised Code, the court may hold a 11949  
hearing on any alleged violation by a releasee of a post-release 11950  
control sanction or any conditions described in division (A) of 11951  
section 2967.131 of the Revised Code that are imposed upon the 11952  
releasee. If after the hearing the board or court finds that the 11953  
releasee violated the sanction or condition, the board or court 11954  
may increase the duration of the releasee's post-release control 11955  
up to the maximum duration authorized by division (B) or (C) of 11956

this section or impose a more restrictive post-release control 11957  
sanction. If a releasee was acting pursuant to division (B) (2) 11958  
(b) of section 2925.11 of the Revised Code and in so doing 11959  
violated the conditions of a post-release control sanction based 11960  
on a minor drug possession offense as defined in that section, 11961  
the board or the court may consider the releasee's conduct in 11962  
seeking or obtaining medical assistance for another in good 11963  
faith or for self or may consider the releasee being the subject 11964  
of another person seeking or obtaining medical assistance in 11965  
accordance with that division as a mitigating factor before 11966  
imposing any of the penalties described in this division. When 11967  
appropriate, the board or court may impose as a post-release 11968  
control sanction a residential sanction that includes a prison 11969  
term. The board or court shall consider a prison term as a post- 11970  
release control sanction imposed for a violation of post-release 11971  
control when the violation involves a deadly weapon or dangerous 11972  
ordnance, physical harm or attempted serious physical harm to a 11973  
person, or sexual misconduct, or when the releasee committed 11974  
repeated violations of post-release control sanctions. Unless a 11975  
releasee's stated prison term was reduced pursuant to section 11976  
5120.032 of the Revised Code, the period of a prison term that 11977  
is imposed as a post-release control sanction under this 11978  
division shall not exceed nine months, and the maximum 11979  
cumulative prison term for all violations under this division 11980  
shall not exceed one-half of the ~~stated~~definite prison term 11981  
that was the stated prison term originally imposed upon the 11982  
offender as part of this sentence or, with respect to a stated 11983  
non-life felony indefinite prison term, one-half of the minimum 11984  
prison term that was imposed as part of that stated prison term 11985  
originally imposed upon the offender. If a releasee's stated 11986  
prison term was reduced pursuant to section 5120.032 of the 11987  
Revised Code, the period of a prison term that is imposed as a 11988

post-release control sanction under this division and the 11989  
maximum cumulative prison term for all violations under this 11990  
division shall not exceed the period of time not served in 11991  
prison under the sentence imposed by the court. The period of a 11992  
prison term that is imposed as a post-release control sanction 11993  
under this division shall not count as, or be credited toward, 11994  
the remaining period of post-release control. 11995

If an offender is imprisoned for a felony committed while 11996  
under post-release control supervision and is again released on 11997  
post-release control for a period of time determined by division 11998  
(F) (4) (d) of this section, the maximum cumulative prison term 11999  
for all violations under this division shall not exceed one-half 12000  
of the total stated prison terms of the earlier felony, reduced 12001  
by any prison term administratively imposed by the parole board 12002  
or court, plus one-half of the total stated prison term of the 12003  
new felony. 12004

(4) Any period of post-release control shall commence upon 12005  
an offender's actual release from prison. If an offender is 12006  
serving an indefinite prison term or a life sentence in addition 12007  
to a stated prison term, the offender shall serve the period of 12008  
post-release control in the following manner: 12009

(a) If a period of post-release control is imposed upon 12010  
the offender and if the offender also is subject to a period of 12011  
parole under a life sentence or an indefinite sentence, and if 12012  
the period of post-release control ends prior to the period of 12013  
parole, the offender shall be supervised on parole. The offender 12014  
shall receive credit for post-release control supervision during 12015  
the period of parole. The offender is not eligible for final 12016  
release under section 2967.16 of the Revised Code until the 12017  
post-release control period otherwise would have ended. 12018

(b) If a period of post-release control is imposed upon 12019  
the offender and if the offender also is subject to a period of 12020  
parole under an indefinite sentence, and if the period of parole 12021  
ends prior to the period of post-release control, the offender 12022  
shall be supervised on post-release control. The requirements of 12023  
parole supervision shall be satisfied during the post-release 12024  
control period. 12025

(c) If an offender is subject to more than one period of 12026  
post-release control, the period of post-release control for all 12027  
of the sentences shall be the period of post-release control 12028  
that expires last, as determined by the parole board or court. 12029  
Periods of post-release control shall be served concurrently and 12030  
shall not be imposed consecutively to each other. 12031

(d) The period of post-release control for a releasee who 12032  
commits a felony while under post-release control for an earlier 12033  
felony shall be the longer of the period of post-release control 12034  
specified for the new felony under division (B) or (C) of this 12035  
section or the time remaining under the period of post-release 12036  
control imposed for the earlier felony as determined by the 12037  
parole board or court. 12038

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 12039  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 12040  
another section of the Revised Code, other than divisions (B) 12041  
and (C) of section 2929.14 of the Revised Code, that authorizes 12042  
or requires a specified prison term or a mandatory prison term 12043  
for a person who is convicted of or pleads guilty to a felony or 12044  
that specifies the manner and place of service of a prison term 12045  
or term of imprisonment, the court shall impose a sentence upon 12046  
a person who is convicted of or pleads guilty to a violent sex 12047  
offense and who also is convicted of or pleads guilty to a 12048

sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated murder or murder for which a term of life imprisonment may be imposed, it shall impose upon the offender a term of life

imprisonment without parole. 12080

(3) (a) Except as otherwise provided in division (A) (3) (b), 12081  
(c), (d), or (e) or (A) (4) of this section, if the offense for 12082  
which the sentence is being imposed is an offense other than 12083  
aggravated murder, murder, or rape and other than an offense for 12084  
which a term of life imprisonment may be imposed, it shall 12085  
impose an indefinite prison term consisting of a minimum term 12086  
fixed by the court ~~from among the range of terms available as a~~ 12087  
~~definite term for the offense as described in this division,~~ but 12088  
not less than two years, and a maximum term of life 12089  
imprisonment. Except as otherwise specified in this division, 12090  
the minimum term shall be fixed by the court from among the 12091  
range of terms available as a definite term for the offense. If 12092  
the offense is a felony of the first or second degree committed 12093  
on or after the effective date of this amendment, the minimum 12094  
term shall be fixed by the court from among the range of terms 12095  
available as a minimum term for the offense under division (A) 12096  
(1) (a) or (2) (a) of that section. 12097

(b) Except as otherwise provided in division (A) (4) of 12098  
this section, if the offense for which the sentence is being 12099  
imposed is kidnapping that is a felony of the first degree, it 12100  
shall impose an indefinite prison term as follows: 12101

(i) If the kidnapping is committed on or after January 1, 12102  
2008, and the victim of the offense is less than thirteen years 12103  
of age, except as otherwise provided in this division, it shall 12104  
impose an indefinite prison term consisting of a minimum term of 12105  
fifteen years and a maximum term of life imprisonment. If the 12106  
kidnapping is committed on or after January 1, 2008, the victim 12107  
of the offense is less than thirteen years of age, and the 12108  
offender released the victim in a safe place unharmed, it shall 12109



impose an indefinite prison term consisting of a minimum term of 12110  
ten years and a maximum term of life imprisonment. 12111

(ii) If the kidnapping is committed prior to January 1, 12112  
2008, or division (A) (3) (b) (i) of this section does not apply, 12113  
it shall impose an indefinite term consisting of a minimum term 12114  
fixed by the court that is not less than ten years and a maximum 12115  
term of life imprisonment. 12116

(c) Except as otherwise provided in division (A) (4) of 12117  
this section, if the offense for which the sentence is being 12118  
imposed is kidnapping that is a felony of the second degree, it 12119  
shall impose an indefinite prison term consisting of a minimum 12120  
term fixed by the court that is not less than eight years, and a 12121  
maximum term of life imprisonment. 12122

(d) Except as otherwise provided in division (A) (4) of 12123  
this section, if the offense for which the sentence is being 12124  
imposed is rape for which a term of life imprisonment is not 12125  
imposed under division (A) (2) of this section or division (B) of 12126  
section 2907.02 of the Revised Code, it shall impose an 12127  
indefinite prison term as follows: 12128

(i) If the rape is committed on or after January 2, 2007, 12129  
in violation of division (A) (1) (b) of section 2907.02 of the 12130  
Revised Code, it shall impose an indefinite prison term 12131  
consisting of a minimum term of twenty-five years and a maximum 12132  
term of life imprisonment. 12133

(ii) If the rape is committed prior to January 2, 2007, or 12134  
the rape is committed on or after January 2, 2007, other than in 12135  
violation of division (A) (1) (b) of section 2907.02 of the 12136  
Revised Code, it shall impose an indefinite prison term 12137  
consisting of a minimum term fixed by the court that is not less 12138

than ten years, and a maximum term of life imprisonment. 12139

(e) Except as otherwise provided in division (A) (4) of 12140  
this section, if the offense for which sentence is being imposed 12141  
is attempted rape, it shall impose an indefinite prison term as 12142  
follows: 12143

(i) Except as otherwise provided in division (A) (3) (e) 12144  
(ii), (iii), or (iv) of this section, it shall impose an 12145  
indefinite prison term pursuant to division (A) (3) (a) of this 12146  
section. 12147

(ii) If the attempted rape for which sentence is being 12148  
imposed was committed on or after January 2, 2007, and if the 12149  
offender also is convicted of or pleads guilty to a 12150  
specification of the type described in section 2941.1418 of the 12151  
Revised Code, it shall impose an indefinite prison term 12152  
consisting of a minimum term of five years and a maximum term of 12153  
twenty-five years. 12154

(iii) If the attempted rape for which sentence is being 12155  
imposed was committed on or after January 2, 2007, and if the 12156  
offender also is convicted of or pleads guilty to a 12157  
specification of the type described in section 2941.1419 of the 12158  
Revised Code, it shall impose an indefinite prison term 12159  
consisting of a minimum term of ten years and a maximum of life 12160  
imprisonment. 12161

(iv) If the attempted rape for which sentence is being 12162  
imposed was committed on or after January 2, 2007, and if the 12163  
offender also is convicted of or pleads guilty to a 12164  
specification of the type described in section 2941.1420 of the 12165  
Revised Code, it shall impose an indefinite prison term 12166  
consisting of a minimum term of fifteen years and a maximum of 12167

life imprisonment. 12168

(4) For any offense for which the sentence is being 12169  
imposed, if the offender previously has been convicted of or 12170  
pleaded guilty to a violent sex offense and also to a sexually 12171  
violent predator specification that was included in the 12172  
indictment, count in the indictment, or information charging 12173  
that offense, or previously has been convicted of or pleaded 12174  
guilty to a designated homicide, assault, or kidnapping offense 12175  
and also to both a sexual motivation specification and a 12176  
sexually violent predator specification that were included in 12177  
the indictment, count in the indictment, or information charging 12178  
that offense, it shall impose upon the offender a term of life 12179  
imprisonment without parole. 12180

(B) (1) Notwithstanding section 2929.13, division (A) or 12181  
(D) of section 2929.14, or another section of the Revised Code 12182  
other than division (B) of section 2907.02 or divisions (B) and 12183  
(C) of section 2929.14 of the Revised Code that authorizes or 12184  
requires a specified prison term or a mandatory prison term for 12185  
a person who is convicted of or pleads guilty to a felony or 12186  
that specifies the manner and place of service of a prison term 12187  
or term of imprisonment, if a person is convicted of or pleads 12188  
guilty to a violation of division (A) (1) (b) of section 2907.02 12189  
of the Revised Code committed on or after January 2, 2007, if 12190  
division (A) of this section does not apply regarding the 12191  
person, and if the court does not impose a sentence of life 12192  
without parole when authorized pursuant to division (B) of 12193  
section 2907.02 of the Revised Code, the court shall impose upon 12194  
the person an indefinite prison term consisting of one of the 12195  
following: 12196

(a) Except as otherwise required in division (B) (1) (b) or 12197

(c) of this section, a minimum term of ten years and a maximum term of life imprisonment. 12198  
12199

(b) If the victim was less than ten years of age, a minimum term of fifteen years and a maximum of life imprisonment. 12200  
12201  
12202

(c) If the offender purposely compels the victim to submit by force or threat of force, or if the offender previously has been convicted of or pleaded guilty to violating division (A) (1) (b) of section 2907.02 of the Revised Code or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of that section, or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, a minimum term of twenty-five years and a maximum of life imprisonment. 12203  
12204  
12205  
12206  
12207  
12208  
12209  
12210  
12211  
12212

(2) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment and except as otherwise provided in division (B) of section 2907.02 of the Revised Code, if a person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following: 12213  
12214  
12215  
12216  
12217  
12218  
12219  
12220  
12221  
12222  
12223  
12224  
12225

(a) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of 12226  
12227

the Revised Code, the court shall impose upon the person an 12228  
indefinite prison term consisting of a minimum term of five 12229  
years and a maximum term of twenty-five years. 12230

(b) If the person also is convicted of or pleads guilty to 12231  
a specification of the type described in section 2941.1419 of 12232  
the Revised Code, the court shall impose upon the person an 12233  
indefinite prison term consisting of a minimum term of ten years 12234  
and a maximum term of life imprisonment. 12235

(c) If the person also is convicted of or pleads guilty to 12236  
a specification of the type described in section 2941.1420 of 12237  
the Revised Code, the court shall impose upon the person an 12238  
indefinite prison term consisting of a minimum term of fifteen 12239  
years and a maximum term of life imprisonment. 12240

(3) Notwithstanding section 2929.13, division (A) or (D) 12241  
of section 2929.14, or another section of the Revised Code other 12242  
than divisions (B) and (C) of section 2929.14 of the Revised 12243  
Code that authorizes or requires a specified prison term or a 12244  
mandatory prison term for a person who is convicted of or pleads 12245  
guilty to a felony or that specifies the manner and place of 12246  
service of a prison term or term of imprisonment, if a person is 12247  
convicted of or pleads guilty to an offense described in 12248  
division (B) (3) (a), (b), (c), or (d) of this section committed 12249  
on or after January 1, 2008, if the person also is convicted of 12250  
or pleads guilty to a sexual motivation specification that was 12251  
included in the indictment, count in the indictment, or 12252  
information charging that offense, and if division (A) of this 12253  
section does not apply regarding the person, the court shall 12254  
impose upon the person an indefinite prison term consisting of 12255  
one of the following: 12256

(a) An indefinite prison term consisting of a minimum of 12257

ten years and a maximum term of life imprisonment if the offense 12258  
for which the sentence is being imposed is kidnapping, the 12259  
victim of the offense is less than thirteen years of age, and 12260  
the offender released the victim in a safe place unharmed; 12261

(b) An indefinite prison term consisting of a minimum of 12262  
fifteen years and a maximum term of life imprisonment if the 12263  
offense for which the sentence is being imposed is kidnapping 12264  
when the victim of the offense is less than thirteen years of 12265  
age and division (B) (3) (a) of this section does not apply; 12266

(c) An indefinite term consisting of a minimum of thirty 12267  
years and a maximum term of life imprisonment if the offense for 12268  
which the sentence is being imposed is aggravated murder, when 12269  
the victim of the offense is less than thirteen years of age, a 12270  
sentence of death or life imprisonment without parole is not 12271  
imposed for the offense, and division (A) (2) (b) (ii) of section 12272  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 12273  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 12274  
division (A) or (B) of section 2929.06 of the Revised Code 12275  
requires that the sentence for the offense be imposed pursuant 12276  
to this division; 12277

(d) An indefinite prison term consisting of a minimum of 12278  
thirty years and a maximum term of life imprisonment if the 12279  
offense for which the sentence is being imposed is murder when 12280  
the victim of the offense is less than thirteen years of age. 12281

(C) (1) If the offender is sentenced to a prison term 12282  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 12283  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 12284  
parole board shall have control over the offender's service of 12285  
the term during the entire term unless the parole board 12286  
terminates its control in accordance with section 2971.04 of the 12287

Revised Code.	12288
(2) Except as provided in division (C)(3) of this section,	12289
an offender sentenced to a prison term or term of life	12290
imprisonment without parole pursuant to division (A) of this	12291
section shall serve the entire prison term or term of life	12292
imprisonment in a state correctional institution. The offender	12293
is not eligible for judicial release under section 2929.20 of	12294
the Revised Code.	12295
(3) For a prison term imposed pursuant to division (A)(3),	12296
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a),	12297
(b), (c), or (d) of this section, the court, in accordance with	12298
section 2971.05 of the Revised Code, may terminate the prison	12299
term or modify the requirement that the offender serve the	12300
entire term in a state correctional institution if all of the	12301
following apply:	12302
(a) The offender has served at least the minimum term	12303
imposed as part of that prison term.	12304
(b) The parole board, pursuant to section 2971.04 of the	12305
Revised Code, has terminated its control over the offender's	12306
service of that prison term.	12307
(c) The court has held a hearing and found, by clear and	12308
convincing evidence, one of the following:	12309
(i) In the case of termination of the prison term, that	12310
the offender is unlikely to commit a sexually violent offense in	12311
the future;	12312
(ii) In the case of modification of the requirement, that	12313
the offender does not represent a substantial risk of physical	12314
harm to others.	12315

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation



specification and a sexually violent predator specification that 12346  
were included in the indictment, count in the indictment, or 12347  
information charging that offense, the conviction of or plea of 12348  
guilty to the offense and the sexually violent predator 12349  
specification automatically classifies the offender as a tier 12350  
III sex offender/child-victim offender for purposes of Chapter 12351  
2950. of the Revised Code. 12352

(2) If an offender is convicted of or pleads guilty to 12353  
committing on or after January 2, 2007, a violation of division 12354  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 12355  
offender is sentenced under section 2971.03 of the Revised Code 12356  
or a sentence of life without parole is imposed under division 12357  
(B) of section 2907.02 of the Revised Code, the conviction of or 12358  
plea of guilty to the offense automatically classifies the 12359  
offender as a tier III sex offender/child-victim offender for 12360  
purposes of Chapter 2950. of the Revised Code. 12361

(3) If a person is convicted of or pleads guilty to 12362  
committing on or after January 2, 2007, attempted rape and also 12363  
is convicted of or pleads guilty to a specification of the type 12364  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 12365  
Revised Code, the conviction of or plea of guilty to the offense 12366  
and the specification automatically classify the offender as a 12367  
tier III sex offender/child-victim offender for purposes of 12368  
Chapter 2950. of the Revised Code. 12369

(4) If a person is convicted of or pleads guilty to one of 12370  
the offenses described in division (B) (3) (a), (b), (c), or (d) 12371  
of this section and a sexual motivation specification related to 12372  
the offense and the victim of the offense is less than thirteen 12373  
years of age, the conviction of or plea of guilty to the offense 12374  
automatically classifies the offender as a tier III sex 12375

offender/child-victim offender for purposes of Chapter 2950. of 12376  
the Revised Code. 12377

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 12378  
3719.161 of the Revised Code is guilty of a felony of the fifth 12379  
degree. If the offender previously has been convicted of a 12380  
violation of section 3719.16 or 3719.161 of the Revised Code or 12381  
a drug abuse offense, a violation of section 3719.16 or 3719.161 12382  
of the Revised Code is a felony of the fourth degree. If the 12383  
violation involves the sale, offer to sell, or possession of a 12384  
schedule I or II controlled substance, with the exception of 12385  
marihuana, and if the offender, as a result of the violation, is 12386  
a major drug offender, division (D) of this section applies. 12387

(B) Whoever violates division (C) or (D) of section 12388  
3719.172 of the Revised Code is guilty of a felony of the fifth 12389  
degree. If the offender previously has been convicted of a 12390  
violation of division (C) or (D) of section 3719.172 of the 12391  
Revised Code or a drug abuse offense, a violation of division 12392  
(C) or (D) of section 3719.172 of the Revised Code is a felony 12393  
of the fourth degree. If the violation involves the sale, offer 12394  
to sell, or possession of a schedule I or II controlled 12395  
substance, with the exception of marihuana, and if the offender, 12396  
as a result of the violation, is a major drug offender, division 12397  
(D) of this section applies. 12398

(C) Whoever violates section 3719.07 or 3719.08 of the 12399  
Revised Code is guilty of a misdemeanor of the first degree. If 12400  
the offender previously has been convicted of a violation of 12401  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 12402  
offense, a violation of section 3719.07 or 3719.08 of the 12403  
Revised Code is a felony of the fifth degree. If the violation 12404  
involves the sale, offer to sell, or possession of a schedule I 12405

or II controlled substance, with the exception of marihuana, and 12406  
if the offender, as a result of the violation, is a major drug 12407  
offender, division (D) of this section applies. 12408

(D) (1) If an offender is convicted of or pleads guilty to 12409  
a felony violation of section 3719.07, 3719.08, 3719.16, or 12410  
3719.161 or of division (C) or (D) of section 3719.172 of the 12411  
Revised Code, if the violation involves the sale, offer to sell, 12412  
or possession of a schedule I or II controlled substance, with 12413  
the exception of marihuana, and if the court imposing sentence 12414  
upon the offender finds that the offender as a result of the 12415  
violation is a major drug offender and is guilty of a 12416  
specification of the type described in section 2941.1410 of the 12417  
Revised Code, the court, in lieu of the prison term authorized 12418  
or required by division (A), (B), or (C) of this section and 12419  
sections 2929.13 and 2929.14 of the Revised Code and in addition 12420  
to any other sanction imposed for the offense under sections 12421  
2929.11 to 2929.18 of the Revised Code, shall impose upon the 12422  
offender, in accordance with division (B) (3) ~~(a)~~ of section 12423  
2929.14 of the Revised Code, the mandatory prison term specified 12424  
in that division ~~and may impose an additional prison term under~~ 12425  
~~division (B) (3) (b) of that section.~~ 12426

(2) Notwithstanding any contrary provision of section 12427  
3719.21 of the Revised Code, the clerk of the court shall pay 12428  
any fine imposed for a felony violation of section 3719.07, 12429  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 12430  
section 3719.172 of the Revised Code pursuant to division (A) of 12431  
section 2929.18 of the Revised Code in accordance with and 12432  
subject to the requirements of division (F) of section 2925.03 12433  
of the Revised Code. The agency that receives the fine shall use 12434  
the fine as specified in division (F) of section 2925.03 of the 12435  
Revised Code. 12436

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 5120.021.** (A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior

to July 1, 1996, and all persons upon whom a court, on or after 12466  
July 1, 1996, and in accordance with law existing prior to July 12467  
1, 1996, imposed a term of imprisonment for an offense that was 12468  
committed prior to July 1, 1996. 12469

(B) (1) The provisions of Chapter 5120. of the Revised 12470  
Code, as they exist on or after July 1, 1996, and that address 12471  
the duration or potential duration of incarceration or 12472  
supervised release, apply to all persons upon whom a court 12473  
imposed a stated prison term for an offense committed on or 12474  
after July 1, 1996. 12475

(2) The provisions of Chapter 5120. of the Revised Code, 12476  
as they exist on or after the effective date of this amendment, 12477  
apply to an offender who is released from confinement in a state 12478  
correctional institution on or after that date. 12479

(C) Nothing in this section limits or affects the 12480  
applicability of any provision in Chapter 5120. of the Revised 12481  
Code, as amended or enacted on or after July 1, 1996, that 12482  
pertains to an issue other than the duration or potential 12483  
duration of incarceration or supervised release, to persons in 12484  
custody or under the supervision of the department of 12485  
rehabilitation and correction. 12486

**Sec. 5120.038.** (A) As used in this section, "GPS-monitored 12487  
offender" means an offender who, on or after the effective date 12488  
of this section, is released from confinement in a state 12489  
correctional institution under a conditional pardon, parole, 12490  
other form of authorized release, or transitional control that 12491  
includes global positioning system monitoring as a condition of 12492  
the person's release, or who, on or after that date, is placed 12493  
under post-release control that includes global positioning 12494  
system monitoring as a condition under the post-release control. 12495

(B) Not later than June 30, 2019, the department of 12496  
rehabilitation and correction shall study the feasibility of 12497  
contracting with a third-party contract administrator for global 12498  
position system monitoring that would include a crime scene 12499  
correlation program that could interface by link with a 12500  
statewide database for GPS-monitored offenders. The study also 12501  
shall analyze the use of GPS monitoring as a supervision tool. 12502  
In conducting the study, the department shall consider all of 12503  
the following factors: 12504

(1) The ability of the department or another state entity 12505  
to establish and operate a statewide internet database of GPS- 12506  
monitored offenders and the specific information that such a 12507  
database could include. 12508

(2) The capability for a GPS monitoring system run by a 12509  
third-party contract administrator to include a crime scene 12510  
correlation program that interfaces by link with a statewide 12511  
database of GPS-monitored offenders. 12512

(3) The ability of local law enforcement representatives 12513  
to remotely search a statewide internet database of GPS- 12514  
monitored offenders that is linked with a crime scene 12515  
correlation program. 12516

(4) The capability for a GPS monitoring system with crime 12517  
scene correlation features to allow local law enforcement 12518  
representatives without a subpoena or warrant to access 12519  
information contained in the crime scene correlation program 12520  
about a GPS-monitored offender, including the offender's current 12521  
location, the offender's location at previous points in time, 12522  
the location of recent criminal activity in or near the 12523  
offender's inclusionary or exclusionary zones included as 12524  
restrictions under the offender's supervision, and any possible 12525

connection between the offender's location and that recent 12526  
criminal activity. 12527

(5) The ability of law enforcement representatives to 12528  
obtain, without a warrant or subpoena, information about a GPS- 12529  
monitored offender from either an employee of the department or 12530  
a third-party contract administrator who is monitoring the 12531  
offender, including information of the types listed in division 12532  
(B) (4) of this section. 12533

(6) The types of offenders for whom GPS monitoring would 12534  
be beneficial, the appropriate length for monitoring, and the 12535  
costs related to GPS monitoring. 12536

(C) Upon completion of the study specified in division (B) 12537  
of this section, the department shall submit copies of the study 12538  
to the president and minority leader of the senate, the speaker 12539  
and minority leader of the house of representatives, and the 12540  
governor. 12541

**Sec. 5120.53.** (A) If a treaty between the United States 12542  
and a foreign country provides for the transfer or exchange, 12543  
from one of the signatory countries to the other signatory 12544  
country, of convicted offenders who are citizens or nationals of 12545  
the other signatory country, the governor, subject to and in 12546  
accordance with the terms of the treaty, may authorize the 12547  
director of rehabilitation and correction to allow the transfer 12548  
or exchange of convicted offenders and to take any action 12549  
necessary to initiate participation in the treaty. If the 12550  
governor grants the director the authority described in this 12551  
division, the director may take the necessary action to initiate 12552  
participation in the treaty and, subject to and in accordance 12553  
with division (B) of this section and the terms of the treaty, 12554  
may allow the transfer or exchange to a foreign country that has 12555

signed the treaty of any convicted offender who is a citizen or 12556  
national of that signatory country. 12557

(B) (1) No convicted offender who is serving a term of 12558  
imprisonment in this state for aggravated murder, murder, or a 12559  
felony of the first or second degree, who is serving a mandatory 12560  
prison term imposed under section 2925.03 or 2925.11 of the 12561  
Revised Code in circumstances in which the court was required to 12562  
impose as the mandatory prison term the maximum definite prison 12563  
term or longest minimum prison term authorized for the degree of 12564  
offense committed, who is serving a term of imprisonment in this 12565  
state imposed for an offense committed prior to ~~the effective~~ 12566  
~~date of this amendment~~ July 1, 1996, that was an aggravated 12567  
felony of the first or second degree or that was aggravated 12568  
trafficking in violation of division (A) (9) or (10) of section 12569  
2925.03 of the Revised Code, or who has been sentenced to death 12570  
in this state shall be transferred or exchanged to another 12571  
country pursuant to a treaty of the type described in division 12572  
(A) of this section. 12573

(2) If a convicted offender is serving a term of 12574  
imprisonment in this state and the offender is a citizen or 12575  
national of a foreign country that has signed a treaty of the 12576  
type described in division (A) of this section, if the governor 12577  
has granted the director of rehabilitation and correction the 12578  
authority described in that division, and if the transfer or 12579  
exchange of the offender is not barred by division (B) (1) of 12580  
this section, the director or the director's designee may 12581  
approve the offender for transfer or exchange pursuant to the 12582  
treaty if the director or the designee, after consideration of 12583  
the factors set forth in the rules adopted by the department 12584  
under division (D) of this section and all other relevant 12585  
factors, determines that the transfer or exchange of the 12586



offender is appropriate. 12587

(C) Notwithstanding any provision of the Revised Code 12588  
regarding the parole eligibility of, or the duration or 12589  
calculation of a sentence of imprisonment imposed upon, an 12590  
offender, if a convicted offender is serving a term of 12591  
imprisonment in this state and the offender is a citizen or 12592  
national of a foreign country that has signed a treaty of the 12593  
type described in division (A) of this section, if the offender 12594  
is serving an indefinite term of imprisonment, if the offender 12595  
is barred from being transferred or exchanged pursuant to the 12596  
treaty due to the indefinite nature of the offender's term of 12597  
imprisonment, and if in accordance with division (B) (2) of this 12598  
section the director of rehabilitation and correction or the 12599  
director's designee approves the offender for transfer or 12600  
exchange pursuant to the treaty, the parole board, pursuant to 12601  
rules adopted by the director, shall set a date certain for the 12602  
release of the offender. To the extent possible, the date 12603  
certain that is set shall be reasonably proportionate to the 12604  
indefinite term of imprisonment that the offender is serving. 12605  
The date certain that is set for the release of the offender 12606  
shall be considered only for purposes of facilitating the 12607  
international transfer or exchange of the offender, shall not be 12608  
viable or actionable for any other purpose, and shall not create 12609  
any expectation or guarantee of release. If an offender for whom 12610  
a date certain for release is set under this division is not 12611  
transferred to or exchanged with the foreign country pursuant to 12612  
the treaty, the date certain is null and void, and the 12613  
offender's release shall be determined pursuant to the laws and 12614  
rules of this state pertaining to parole eligibility and the 12615  
duration and calculation of an indefinite sentence of 12616  
imprisonment. 12617

(D) If the governor, pursuant to division (A) of this section, authorizes the director of rehabilitation and correction to allow any transfer or exchange of convicted offenders as described in that division, the director shall adopt rules under Chapter 119. of the Revised Code to implement the provisions of this section. The rules shall include a rule that requires the director or the director's designee, in determining whether to approve a convicted offender who is serving a term of imprisonment in this state for transfer or exchange pursuant to a treaty of the type described in division (A) of this section, to consider all of the following factors:

(1) The nature of the offense for which the offender is serving the term of imprisonment in this state;

(2) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will serve a shorter period of time in imprisonment in the foreign country than the offender would serve if the offender is not transferred or exchanged to the foreign country pursuant to the treaty;

(3) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will return or attempt to return to this state after the offender has been released from imprisonment in the foreign country;

(4) The degree of any shock to the conscience of justice and society that will be experienced in this state if the offender is transferred or exchanged to a foreign country pursuant to the treaty;

(5) All other factors that the department determines are

relevant to the determination. 12647

**Sec. 5120.66.** (A) Within ninety days after November 23, 12648  
2005, but not before January 1, 2006, the department of 12649  
rehabilitation and correction shall establish and operate on the 12650  
internet a database that contains all of the following: 12651

(1) For each inmate in the custody of the department under 12652  
a sentence imposed for a conviction of or plea of guilty to any 12653  
offense, all of the following information: 12654

(a) The inmate's name; 12655

(b) For each offense for which the inmate was sentenced to 12656  
a prison term or term of imprisonment and is in the department's 12657  
custody, the name of the offense, the Revised Code section of 12658  
which the offense is a violation, the gender of each victim of 12659  
the offense if those facts are known, whether each victim of the 12660  
offense was an adult or child if those facts are known, whether 12661  
any victim of the offense was a law enforcement officer if that 12662  
fact is known, the range of the possible prison terms or term of 12663  
imprisonment that could have been imposed for the offense, the 12664  
actual prison term or term of imprisonment imposed for the 12665  
offense, the county in which the offense was committed, the date 12666  
on which the inmate began serving the prison term or term of 12667  
imprisonment imposed for the offense, and ~~either the~~ whichever 12668  
of the following is applicable: 12669

(i) The date on which the inmate will be eligible for 12670  
parole relative to the offense if the prison term or term of 12671  
imprisonment is an indefinite term or life term ~~or the~~ with 12672  
parole eligibility; 12673

(ii) The date on which the term ends if the prison term is 12674  
a definite term; 12675

(iii) The date on which the inmate will be eligible for presumptive release under section 2967.271 of the Revised Code, if the inmate is serving a non-life felony indefinite prison term.

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

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written statement regarding the possible judicial release or release. The department also shall post notice of the submission to a sentencing court of any recommendation for early release of the inmate pursuant to section 2967.19 of the Revised Code, as required by division (E) of that section.

(ii) If the inmate is serving a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code, prior to the conduct of any hearing pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the inmate serve the entire prison term in a state correctional facility in accordance with division (C) of

that section, whether to continue, revise, or revoke any 12706  
existing modification of that requirement, or whether to 12707  
terminate the prison term in accordance with division (D) of 12708  
that section, notice of the fact that the inmate will be having 12709  
a hearing regarding those determinations and the date of the 12710  
hearing; 12711

(iii) At least sixty days before the adult parole 12712  
authority recommends a pardon or commutation of sentence for the 12713  
inmate ~~or~~, at least sixty days prior to a hearing before the 12714  
adult parole authority regarding a grant of parole to the inmate 12715  
in relation to any prison term or term of imprisonment the 12716  
inmate is serving for any offense, or at least sixty days prior 12717  
to a hearing before the department regarding a determination of 12718  
whether the inmate must be released under division (C) or (D) (2) 12719  
of section 2967.271 of the Revised Code if the inmate is serving 12720  
a non-life felony indefinite prison term, notice of the fact 12721  
that the inmate might be under consideration for a pardon or 12722  
commutation of sentence or will be having a hearing regarding a 12723  
possible grant of parole or release, the date of any hearing 12724  
regarding a possible grant of parole or release, and the right 12725  
of any person to submit a written statement regarding the 12726  
pending action; 12727

(iv) At least sixty days before the inmate is transferred 12728  
to transitional control under section 2967.26 of the Revised 12729  
Code in relation to any prison term or term of imprisonment the 12730  
inmate is serving for any offense, notice of the pendency of the 12731  
transfer, the date of the possible transfer, and the right of 12732  
any person to submit a statement regarding the possible 12733  
transfer; 12734

(v) Prompt notice of the inmate's escape from any facility 12735

in which the inmate was incarcerated and of the capture of the inmate after an escape; 12736  
12737

(vi) Notice of the inmate's death while in confinement; 12738

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release; 12739  
12740  
12741  
12742

(viii) Notice of the inmate's judicial release pursuant to section 2929.20 of the Revised Code or release pursuant to section 2967.19 of the Revised Code. 12743  
12744  
12745

(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section. 12746  
12747  
12748

(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current. 12749  
12750  
12751

(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department. 12752  
12753  
12754  
12755  
12756  
12757  
12758

(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division. 12759  
12760  
12761  
12762

(4) No information included on the database required under 12763

division (A) of this section shall identify or enable the 12764  
identification of any victim of any offense committed by an 12765  
inmate. 12766

(C) The failure of the department to comply with the 12767  
requirements of division (A) or (B) of this section does not 12768  
give any rights or any grounds for appeal or post-conviction 12769  
relief to any inmate. 12770

(D) This section, and the related provisions of sections 12771  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 12772  
enacted in the act in which this section was enacted, shall be 12773  
known as "Laura's Law." 12774

(E) As used in this section, "non-life felony indefinite 12775  
prison term" has the same meaning as in section 2929.01 of the 12776  
Revised Code. 12777

**Sec. 5120.80.** There is hereby created in the state 12778  
treasury the community programs fund. The department of 12779  
rehabilitation and correction shall use the moneys in the fund 12780  
to do the following: 12781

(A) Fund the halfway house, reentry center, and community 12782  
residential center program under section 2967.14 of the Revised 12783  
Code, with priority being given to the funding of residential 12784  
service contracts that reduce the number of homeless offenders 12785  
by housing offenders released from a state correctional 12786  
institution who are required to reside in a community 12787  
residential center pursuant to section 2967.14 of the Revised 12788  
Code, regardless of criminal history, security level at release, 12789  
or any other factor or factors that otherwise would have caused 12790  
the offender to be rejected from placement; 12791

(B) Fund the transitional control program under section 12792

2967.26 of the Revised Code;	12793
(C) Provide assistance to approved community-based	12794
correctional facilities and programs and district community-	12795
based correctional facilities and programs under section	12796
5120.112 of the Revised Code;	12797
(D) Support the subsidy program established under section	12798
5149.31 of the Revised Code; and	12799
(E) Provide probation improvement grants and probation	12800
incentive grants under section 5149.311 of the Revised Code.	12801
<b>Section 2.</b> That existing sections 109.42, 121.22, 149.43,	12802
1901.021, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32,	12803
2907.02, 2907.03, 2907.05, 2907.07, 2907.321, 2907.322,	12804
2907.323, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132,	12805
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11,	12806
2929.01, 2929.13, 2929.14, 2929.142, 2929.15, 2929.18, 2929.19,	12807
2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01,	12808
2967.021, 2967.03, 2967.13, 2967.19, 2967.191, 2967.193,	12809
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.53, 5120.66,	12810
and 5120.80 of the Revised Code are hereby repealed.	12811
<b>Section 3.</b> On the effective date of this act, all causes,	12812
judgments, executions, and other proceedings pending in the	12813
Wayne County Municipal Court located in the municipal	12814
corporation of Orrville shall be transferred to and proceed in	12815
the Wayne County Municipal Court located in the municipal	12816
corporation of Wooster.	12817
<b>Section 4.</b> The General Assembly, applying the principle	12818
stated in division (B) of section 1.52 of the Revised Code that	12819
amendments are to be harmonized if reasonably capable of	12820
simultaneous operation, finds that the following sections,	12821



presented in this act as composites of the sections as amended 12822  
by the acts indicated, are the resulting versions of the 12823  
sections in effect prior to the effective date of the sections 12824  
as presented in this act: 12825

Section 121.22 of the Revised Code as amended by both Sub. 12826  
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 12827

Section 2903.06 of the Revised Code as amended by both 12828  
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 12829

Section 2925.03 of the Revised Code as amended by Am. Sub. 12830  
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 12831  
Assembly. 12832

Section 2925.11 of the Revised Code as amended by Sub. 12833  
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 12834  
Assembly. 12835

Section 2929.13 of the Revised Code as amended by Sub. 12836  
H.B. 63, Am. Sub. S.B. 1, and Am. Sub. S.B. 66, all of the 132nd 12837  
General Assembly. 12838

Section 2929.18 of the Revised Code as amended by both 12839  
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly. 12840

Section 2929.19 of the Revised Code as amended by both Am. 12841  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12842  
Assembly. 12843

Section 2953.08 of the Revised Code as amended by Sub. 12844  
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12845  
129th General Assembly. 12846

Section 2967.03 of the Revised Code as amended by Am. Sub. 12847  
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12848  
129th General Assembly. 12849

Section 2967.191 of the Revised Code as amended by both 12850  
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12851  
Assembly. 12852

Section 5120.66 of the Revised Code as amended by both Am. 12853  
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General 12854  
Assembly. 12855