

As Reported by the House Criminal Justice Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 215

Representatives Boggs, Carfagna

**Cosponsors: Representatives Brown, Cera, Crawley, Crossman, Edwards,
Galonski, Hicks-Hudson, Kent, Leland, Lightbody, Liston, O'Brien, Romanchuk,
Sheehy, Smith, K., Weinstein, Lang**

A BILL

To amend sections 181.21, 181.26, 2152.13, 2152.14, 1
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2
2929.20, 2930.16, 2945.37, 2945.401, 2949.08, 3
2951.03, 2953.07, 2953.08, 2967.14, 2967.191, 4
2967.193, 2967.271, 5120.021, 5120.038, 5
5120.113, 5120.66, and 5149.04 and to enact 6
section 181.27 of the Revised Code to modify the 7
Criminal Sentencing Law with respect to non-life 8
felony indefinite sentencing, to modify the 9
process for felony appeals as a matter of right, 10
to modify the Corrections Law regarding a 11
Department of Rehabilitation and Correction 12
reentry program for certain offenders, maximum 13
workload and caseload standards for parole and 14
field officers, GPS monitoring of offenders 15
released from prison, and entry into LEADS of 16
specified information about GPS-monitored 17
offenders, and to require the Ohio Criminal 18
Sentencing Commission to appoint an Offender 19
Supervision Study Committee. 20

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

Section 1. That sections 181.21, 181.26, 2152.13, 2152.14, 21
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2929.20, 2930.16, 22
2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2953.08, 2967.14, 23
2967.191, 2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 24
5120.66, and 5149.04 be amended and section 181.27 of the 25
Revised Code be enacted to read as follows: 26

Sec. 181.21. (A) There is hereby created within the 27
supreme court the state criminal sentencing commission, 28
consisting of thirty-one members. One member shall be the chief 29
justice of the supreme court, who shall be the chairperson of 30
the commission. The following ten members of the commission, no 31
more than six of whom shall be members of the same political 32
party, shall be appointed by the chief justice: one judge of a 33
court of appeals, three judges of courts of common pleas who are 34
not juvenile court judges, three judges of juvenile courts, and 35
three judges of municipal courts or county courts. Four members 36
shall be the superintendent of the state highway patrol, the 37
state public defender, the director of youth services, and the 38
director of rehabilitation and correction, or their individual 39
designees. The following twelve members, no more than seven of 40
whom shall be members of the same political party, shall be 41
appointed by the governor after consulting with the appropriate 42
state associations, if any, that are represented by these 43
members: one sheriff; two county prosecuting attorneys, at least 44
one of whom shall be experienced in the prosecution of cases in 45
juvenile court involving alleged delinquent children, unruly 46
children, and juvenile traffic offenders; two peace officers of 47
a municipal corporation or township, at least one of whom shall 48

be experienced in the investigation of cases involving 49
juveniles; one former victim of a violation of Title XXIX of the 50
Revised Code; one attorney whose practice of law primarily 51
involves the representation of criminal defendants; one member 52
of the Ohio state bar association; one attorney whose practice 53
of law primarily involves the representation in juvenile court 54
of alleged delinquent children, unruly children, and juvenile 55
traffic offenders; one full-time city prosecuting attorney; one 56
county commissioner; and one mayor, city manager, or member of a 57
legislative authority of a municipal corporation. Two members 58
shall be members of the senate, one appointed by the president 59
of the senate and one appointed by the minority leader of the 60
senate. Two members shall be members of the house of 61
representatives, one appointed by the speaker of the house of 62
representatives and one appointed by the minority leader of the 63
house of representatives. 64

The chief justice shall become a member of the commission 65
on August 22, 1990, and the chief justice's successors in office 66
shall become members of the commission on the day that they 67
assume the office of chief justice. The term of office of the 68
chief justice as a member of the commission shall continue for 69
as long as that person holds the office of chief justice. The 70
term of office of the member who is an attorney whose practice 71
of law primarily involves the representation of criminal 72
defendants, the term of office of the member who is an attorney 73
whose practice of law primarily involves the representation in 74
juvenile court of alleged delinquent children, unruly children, 75
and juvenile traffic offenders, and the term of office of the 76
former victim of a violation of Title XXIX of the Revised Code 77
shall be four years. The term of office of the superintendent of 78
the state highway patrol, the state public defender, the 79

director of youth services, and the director of rehabilitation 80
and correction, or their individual designees, as members of the 81
commission shall continue for as long as they hold the office of 82
superintendent of the state highway patrol, state public 83
defender, director of youth services, or director of 84
rehabilitation and correction. The term of office of a municipal 85
corporation or township peace officer as a member of the 86
commission shall be the lesser of four years or until that 87
person ceases to be a peace officer of a municipal corporation 88
or township. Unless the full-time city prosecuting attorney is 89
an elected official, the term of office of the full-time city 90
prosecuting attorney shall be the lesser of four years or until 91
the full-time city prosecuting attorney ceases to be a full-time 92
city prosecuting attorney. All of the members of the commission 93
who are elected officials shall serve the lesser of four years 94
or until the expiration of their term of office. Any vacancy on 95
the commission shall be filled in the same manner as the 96
original appointment. 97

When the chief justice and governor make their 98
appointments to the commission, they shall consider adequate 99
representation by race and gender. 100

(B) The commission shall select a vice-chairperson and any 101
other necessary officers and adopt rules to govern its 102
proceedings. The commission shall meet as necessary at the call 103
of the chairperson or on the written request of eight or more of 104
its members. Sixteen members of the commission constitute a 105
quorum, and the votes of a majority of the quorum present shall 106
be required to validate any action of the commission. All 107
business of the commission shall be conducted in public 108
meetings. 109

The members of the commission shall serve without 110
compensation, but each member shall be reimbursed for the 111
member's actual and necessary expenses incurred in the 112
performance of the member's official duties on the commission. 113
In the absence of the chairperson, the vice-chairperson shall 114
perform the duties of the chairperson. 115

(C) The commission shall establish an office and shall 116
appoint and fix the compensation of a project director and any 117
other employees necessary to assist the commission in the 118
execution of its authority under sections 181.21 to 181.26 of 119
the Revised Code. The project director shall have a thorough 120
understanding of the criminal laws of this state and experience 121
in committee-oriented research. The other employees may include 122
a research coordinator with experience and training in policy- 123
oriented research; professional staff employees with backgrounds 124
in criminal law, criminal justice, political science, or related 125
fields of expertise; administrative assistants; and secretaries. 126
The commission also may appoint and fix the compensation of 127
part-time data collectors, clerical employees, and other 128
temporary employees as needed to enable the commission to 129
execute its authority under sections 181.21 to 181.26 of the 130
Revised Code. 131

(D) The sentencing commission shall establish a standing 132
juvenile committee. The committee shall consist of the following 133
commission members: the chief justice of the supreme court or 134
the chief justice's designee, the director of youth services, 135
the three juvenile court judges, one court of common pleas judge 136
who is not a juvenile court judge, one county prosecuting 137
attorney who is experienced in the prosecution of cases in 138
juvenile court involving alleged delinquent children, unruly 139
children, and juvenile traffic offenders, the attorney whose 140

practice of law primarily involves the representation in 141
juvenile court of alleged delinquent children, unruly children, 142
and juvenile traffic offenders, the former victim of a violation 143
of Title XXIX of the Revised Code, the county commissioner, one 144
legislator from each political party, the sheriff, and one 145
municipal corporation or township peace officer who is 146
experienced in the investigation of cases involving juveniles. 147
The members of the commission may serve on the committee by 148
designation of the chief justice. The chief justice shall 149
designate a member to serve as chairperson of the committee. The 150
committee shall meet as necessary at the call of the chairperson 151
or on the written request of four or more of the committee's 152
members. A majority of the members of the committee shall 153
constitute a quorum, and the votes of a majority of the quorum 154
present shall be required to validate any action of the 155
committee, including recommendations to the commission. The 156
committee and the commission shall comply with section 181.26 of 157
the Revised Code. 158

(E) (1) The sentencing commission shall establish an ad 159
hoc, standing offender supervision study committee. The 160
committee shall consist of one member who is a person appointed 161
by the governor and the following twelve members appointed by 162
the commission: one active parole line officer who is a member 163
of the exclusive representative, as defined in section 4117.01 164
of the Revised Code, with which the state has entered into a 165
collective bargaining agreement that is in effect at the time of 166
the appointment and who has been recommended by the exclusive 167
representative; one active probation officer; two members of the 168
house of representatives who shall not be members of the same 169
political party; two members of the senate who shall not be 170
members of the same political party; one judge of a court of 171

common pleas; one representative of the Ohio community 172
corrections association; the director of rehabilitation and 173
corrections or the director's representative; one county 174
prosecuting attorney; the state public defender, the state 175
public defender's representative, or a county public defender; 176
and one sheriff. The members of the commission may serve on the 177
committee by designation of the chief justice, to the extent 178
that the members satisfy the criteria for service on the 179
committee. The chief justice shall designate a member to serve 180
as chairperson of the committee. The committee shall select a 181
vice-chairperson. The committee shall meet as necessary at the 182
call of the chairperson or on the written request of four or 183
more of the committee's members. In the absence of the 184
chairperson, the vice-chairperson shall perform the duties of 185
the chairperson. A majority of the members of the committee 186
shall constitute a quorum, and the votes of a majority of the 187
quorum present shall be required to validate any action of the 188
committee, including the content of reports and recommendations 189
to the commission. 190

The members of the committee who are not members of the 191
commission shall serve without compensation, but each such 192
member shall be reimbursed for the member's actual and necessary 193
expenses incurred in the performance of the member's official 194
duties on the commission. Section 181.21 of the Revised Code 195
applies to the members of the committee who are members of the 196
commission. 197

(2) The offender supervision study committee shall study 198
and review all issues related to the supervision of offenders, 199
including issues related to parole, community control, 200
probation, community corrections, and transitional control, and 201
issues related to interstate compact policies. The committee 202

shall submit a report to the commission not later than the 203
thirty-first day of December in each even-numbered year that 204
contains its findings with respect to the issues it studies and 205
reviews and recommendations regarding possible changes in the 206
law based on those findings. 207

The commission shall comply with division (D) of section 208
181.26 of the Revised Code with respect to the reports submitted 209
to it under this division. 210

(3) The sentencing commission may appoint persons who are 211
experts in issues related to the supervision of offenders to 212
assist the committee in the performance of its duties under 213
division (E) (2) of this section. No person appointed in a 214
capacity under this division may vote on any action of the 215
committee, including the content of any report or recommendation 216
to the commission. 217

Sec. 181.26. (A) In addition to its duties set forth in 218
sections 181.23 to 181.25 of the Revised Code, the state 219
criminal sentencing commission shall do all of the following: 220

(1) Review all statutes governing delinquent child, unruly 221
child, and juvenile traffic offender dispositions in this state; 222

(2) Review state and local resources, including facilities 223
and programs, used for delinquent child, unruly child, and 224
juvenile traffic offender dispositions and profile the 225
populations of youthful offenders in the facilities and 226
programs; 227

(3) Report to the general assembly no later than October 228
1, 1999, a comprehensive plan containing recommendations based 229
on the reviews required under divisions (A) (1) and (2) of this 230
section. The recommendations shall do all of the following: 231

(a) Assist in the managing of the number of persons in,	232
and costs of, the facilities, the programs, and other resources	233
used in delinquent child, unruly child, and juvenile traffic	234
offender dispositions;	235
(b) Foster rehabilitation, public safety, sanctions,	236
accountability, and other reasonable goals;	237
(c) Provide greater certainty, proportionality,	238
uniformity, fairness, and simplicity in delinquent child, unruly	239
child, and juvenile traffic offender dispositions while	240
retaining reasonable judicial discretion;	241
(d) Provide for the restoration of victims of juvenile	242
offenses.	243
(B) The commission shall project the impact of the	244
comprehensive plan recommended by the commission under <u>division</u>	245
<u>(A) of this section</u> on state and local resources used in	246
delinquent child, unruly child, and juvenile traffic offender	247
dispositions. The commission shall determine whether any	248
additional facilities, programs, or other resources are needed	249
to implement the comprehensive plan.	250
(C) If the general assembly enacts all or a substantial	251
part of the comprehensive plan recommended by the commission	252
under <u>division (A) of this section</u> , the commission shall do all	253
of the following:	254
(1) Assist in the implementation of the enacted plan;	255
(2) Monitor the operation of the plan, periodically report	256
to the general assembly on the plan's operation and the plan's	257
impact on resources used in delinquent child, unruly child, and	258
juvenile traffic offender dispositions, and periodically	259
recommend changes in the plan to the general assembly based on	260

this monitoring; 261

(3) Review all bills that are introduced in the general 262
assembly that relate to delinquent child, unruly child, and 263
juvenile traffic offender dispositions and assist the general 264
assembly in making legislation consistent with the plan. 265

(D) In addition to its duties set forth in sections 181.23 266
to 181.25 of the Revised Code and divisions (A) to (C) of this 267
section, the state criminal sentencing commission shall review 268
all reports submitted to it by the offender supervision study 269
committee under division (E) (2) of section 181.21 of the Revised 270
Code and, for each report so received, not later than ninety 271
days after receiving the report, shall submit a report to the 272
general assembly that contains the commission's recommendations 273
regarding possible changes in the law based on the findings of 274
the committee that are set forth in the report. In preparing its 275
report to the general assembly, the commission shall consider 276
all findings and recommendations of the committee contained in 277
the report the committee submitted to the commission, and the 278
commission's report to the general assembly may be, but is not 279
required to be, the same as the report of the committee 280
submitted to the commission. 281

Sec. 181.27. In addition to its duties set forth in 282
sections 181.23 to 181.26 of the Revised Code, the state 283
criminal sentencing commission is hereby designated a criminal 284
justice agency as defined in section 109.571 of the Revised Code 285
and as such is authorized by this state to access computerized 286
and other databases administered by state and local agencies or 287
jurisdictions for the purposes of the administration of criminal 288
justice. The state criminal sentencing commission, within ninety 289
days after the effective date of this section, pursuant to 290

section 181.23 of the Revised Code, shall study the impact of 291
sections relevant to the Reagan Tokes Law, including those 292
listed in section 2901.011 of the Revised Code as constituting 293
the Reagan Tokes Law. The commission shall submit a report to 294
the general assembly and the governor that contains the results 295
of the study and recommendations on the thirty-first day of 296
December in every even-numbered year beginning on December 31, 297
2022. 298

Sec. 2152.13. (A) A juvenile court shall impose a serious 299
youthful dispositional sentence on a child when required under 300
division (B) (3) of section 2152.121 of the Revised Code. In such 301
a case, the remaining provisions of this division and divisions 302
(B) and (C) do not apply to the child, and the court shall 303
impose the mandatory serious youthful dispositional sentence 304
under division (D) (1) of this section. 305

In all other cases, a juvenile court may impose a serious 306
youthful offender dispositional sentence on a child only if the 307
prosecuting attorney of the county in which the delinquent act 308
allegedly occurred initiates the process against the child in 309
accordance with this division, and the child is an alleged 310
delinquent child who is eligible for the dispositional sentence. 311
The prosecuting attorney may initiate the process in any of the 312
following ways: 313

(1) Obtaining an indictment of the child as a serious 314
youthful offender; 315

(2) The child waives the right to indictment, charging the 316
child in a bill of information as a serious youthful offender; 317

(3) Until an indictment or information is obtained, 318
requesting a serious youthful offender dispositional sentence in 319

the original complaint alleging that the child is a delinquent 320
child; 321

(4) Until an indictment or information is obtained, if the 322
original complaint does not request a serious youthful offender 323
dispositional sentence, filing with the juvenile court a written 324
notice of intent to seek a serious youthful offender 325
dispositional sentence within twenty days after the later of the 326
following, unless the time is extended by the juvenile court for 327
good cause shown: 328

(a) The date of the child's first juvenile court hearing 329
regarding the complaint; 330

(b) The date the juvenile court determines not to transfer 331
the case under section 2152.12 of the Revised Code. 332

After a written notice is filed under division (A) (4) of 333
this section, the juvenile court shall serve a copy of the 334
notice on the child and advise the child of the prosecuting 335
attorney's intent to seek a serious youthful offender 336
dispositional sentence in the case. 337

(B) If an alleged delinquent child is not indicted or 338
charged by information as described in division (A) (1) or (2) of 339
this section and if a notice or complaint as described in 340
division (A) (3) or (4) of this section indicates that the 341
prosecuting attorney intends to pursue a serious youthful 342
offender dispositional sentence in the case, the juvenile court 343
shall hold a preliminary hearing to determine if there is 344
probable cause that the child committed the act charged and is 345
by age eligible for, or required to receive, a serious youthful 346
offender dispositional sentence. 347

(C) (1) A child for whom a serious youthful offender 348

dispositional sentence is sought by a prosecuting attorney has 349
the right to a grand jury determination of probable cause that 350
the child committed the act charged and that the child is 351
eligible by age for a serious youthful offender dispositional 352
sentence. The grand jury may be impaneled by the court of common 353
pleas or the juvenile court. 354

Once a child is indicted, or charged by information or the 355
juvenile court determines that the child is eligible for a 356
serious youthful offender dispositional sentence, the child is 357
entitled to an open and speedy trial by jury in juvenile court 358
and to be provided with a transcript of the proceedings. The 359
time within which the trial is to be held under Title XXIX of 360
the Revised Code commences on whichever of the following dates 361
is applicable: 362

(a) If the child is indicted or charged by information, on 363
the date of the filing of the indictment or information. 364

(b) If the child is charged by an original complaint that 365
requests a serious youthful offender dispositional sentence, on 366
the date of the filing of the complaint. 367

(c) If the child is not charged by an original complaint 368
that requests a serious youthful offender dispositional 369
sentence, on the date that the prosecuting attorney files the 370
written notice of intent to seek a serious youthful offender 371
dispositional sentence. 372

(2) If the child is detained awaiting adjudication, upon 373
indictment or being charged by information, the child has the 374
same right to bail as an adult charged with the offense the 375
alleged delinquent act would be if committed by an adult. Except 376
as provided in division (D) of section 2152.14 of the Revised 377

Code, all provisions of Title XXIX of the Revised Code and the 378
Criminal Rules shall apply in the case and to the child. The 379
juvenile court shall afford the child all rights afforded a 380
person who is prosecuted for committing a crime including the 381
right to counsel and the right to raise the issue of competency. 382
The child may not waive the right to counsel. 383

(D) (1) If a child is adjudicated a delinquent child for 384
committing an act under circumstances that require the juvenile 385
court to impose upon the child a serious youthful offender 386
dispositional sentence under section 2152.11 of the Revised 387
Code, all of the following apply: 388

(a) The juvenile court shall impose upon the child a 389
sentence available for the violation, as if the child were an 390
adult, under Chapter 2929. of the Revised Code, except that the 391
juvenile court shall not impose on the child a sentence of death 392
or life imprisonment without parole. 393

(b) The juvenile court also shall impose upon the child 394
one or more traditional juvenile dispositions under sections 395
2152.16, 2152.19, and 2152.20, and, if applicable, section 396
2152.17 of the Revised Code. 397

(c) The juvenile court shall stay the adult portion of the 398
serious youthful offender dispositional sentence pending the 399
successful completion of the traditional juvenile dispositions 400
imposed. 401

(2) (a) If a child is adjudicated a delinquent child for 402
committing an act under circumstances that allow, but do not 403
require, the juvenile court to impose on the child a serious 404
youthful offender dispositional sentence under section 2152.11 405
of the Revised Code, all of the following apply: 406

(i) If the juvenile court on the record makes a finding 407
that, given the nature and circumstances of the violation and 408
the history of the child, the length of time, level of security, 409
and types of programming and resources available in the juvenile 410
system alone are not adequate to provide the juvenile court with 411
a reasonable expectation that the purposes set forth in section 412
2152.01 of the Revised Code will be met, the juvenile court may 413
impose upon the child a sentence available for the violation, as 414
if the child were an adult, under Chapter 2929. of the Revised 415
Code, except that the juvenile court shall not impose on the 416
child a sentence of death or life imprisonment without parole. 417

(ii) If a sentence is imposed under division (D) (2) (a) (i) 418
of this section, the juvenile court also shall impose upon the 419
child one or more traditional juvenile dispositions under 420
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 421
section 2152.17 of the Revised Code. 422

(iii) The juvenile court shall stay the adult portion of 423
the serious youthful offender dispositional sentence pending the 424
successful completion of the traditional juvenile dispositions 425
imposed. 426

(b) If the juvenile court does not find that a sentence 427
should be imposed under division (D) (2) (a) (i) of this section, 428
the juvenile court may impose one or more traditional juvenile 429
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 430
applicable, section 2152.17 of the Revised Code. 431

(3) A child upon whom a serious youthful offender 432
dispositional sentence is imposed under division (D) (1) or (2) 433
of this section has a right to appeal under division ~~(A) (1)~~ (B) 434
(1), (3), (4), or (5) of section 2953.08 of the Revised Code the 435
adult portion of the serious youthful offender dispositional 436

sentence when any of those divisions apply. The child may appeal 437
the adult portion, and the court shall consider the appeal as if 438
the adult portion were not stayed. 439

Sec. 2152.14. (A) (1) The director of youth services may 440
request the prosecuting attorney of the county in which is 441
located the juvenile court that imposed a serious youthful 442
offender dispositional sentence upon a person under section 443
2152.121 or 2152.13 of the Revised Code to file a motion with 444
that juvenile court to invoke the adult portion of the 445
dispositional sentence if all of the following apply to the 446
person: 447

(a) The person is at least fourteen years of age. 448

(b) The person is in the institutional custody, or an 449
escapee from the custody, of the department of youth services. 450

(c) The person is serving the juvenile portion of the 451
serious youthful offender dispositional sentence. 452

(2) The motion shall state that there is reasonable cause 453
to believe that either of the following misconduct has occurred 454
and shall state that at least one incident of misconduct of that 455
nature occurred after the person reached fourteen years of age: 456

(a) The person committed an act that is a violation of the 457
rules of the institution and that could be charged as any felony 458
or as a first degree misdemeanor offense of violence if 459
committed by an adult. 460

(b) The person has engaged in conduct that creates a 461
substantial risk to the safety or security of the institution, 462
the community, or the victim. 463

(B) If a person is at least fourteen years of age, is 464

465 serving the juvenile portion of a serious youthful offender
466 dispositional sentence imposed under section 2152.121 or 2152.13
467 of the Revised Code, and is on parole or aftercare from a
468 department of youth services facility, or on community control,
469 the director of youth services, the juvenile court that imposed
470 the serious youthful offender dispositional sentence on the
471 person, or the probation department supervising the person may
472 request the prosecuting attorney of the county in which is
473 located the juvenile court to file a motion with the juvenile
474 court to invoke the adult portion of the dispositional sentence.
475 The prosecuting attorney may file a motion to invoke the adult
476 portion of the dispositional sentence even if no request is
477 made. The motion shall state that there is reasonable cause to
478 believe that either of the following occurred and shall state
479 that at least one incident of misconduct of that nature occurred
480 after the person reached fourteen years of age:

481 (1) The person committed an act that is a violation of the
482 conditions of supervision and that could be charged as any
483 felony or as a first degree misdemeanor offense of violence if
484 committed by an adult.

485 (2) The person has engaged in conduct that creates a
486 substantial risk to the safety or security of the community or
487 of the victim.

488 (C) If the prosecuting attorney declines a request to file
489 a motion that was made by the department of youth services or
490 the supervising probation department under division (A) or (B)
491 of this section or fails to act on a request made under either
492 division by the department within a reasonable time, the
493 department of youth services or the supervising probation
494 department may file a motion of the type described in division

(A) or (B) of this section with the juvenile court to invoke the adult portion of the serious youthful offender dispositional sentence. If the prosecuting attorney declines a request to file a motion that was made by the juvenile court under division (B) of this section or fails to act on a request from the court under that division within a reasonable time, the juvenile court may hold the hearing described in division (D) of this section on its own motion.

(D) Upon the filing of a motion described in division (A), (B), or (C) of this section, the juvenile court may hold a hearing to determine whether to invoke the adult portion of a person's serious juvenile offender dispositional sentence. The juvenile court shall not invoke the adult portion of the dispositional sentence without a hearing. At the hearing the person who is the subject of the serious youthful offender disposition has the right to be present, to receive notice of the grounds upon which the adult sentence portion is sought to be invoked, to be represented by counsel including counsel appointed under Juvenile Rule 4(A), to be advised on the procedures and protections set forth in the Juvenile Rules, and to present evidence on the person's own behalf, including evidence that the person has a mental illness or intellectual disability. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

(E) (1) The juvenile court may invoke the adult portion of a person's serious youthful offender dispositional sentence if the juvenile court finds all of the following on the record by

clear and convincing evidence:	526
(a) The person is serving the juvenile portion of a serious youthful offender dispositional sentence.	527 528
(b) The person is at least fourteen years of age and has been admitted to a department of youth services facility, or criminal charges are pending against the person.	529 530 531
(c) The person engaged in the conduct or acts charged under division (A), (B), or (C) of this section, and the person's conduct demonstrates that the person is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.	532 533 534 535 536
(2) The court may modify the adult sentence the court invokes to consist of any lesser prison term that could be imposed for the offense and, in addition to the prison term or in lieu of the prison term if the prison term was not mandatory, any community control sanction that the offender was eligible to receive at sentencing.	537 538 539 540 541 542
(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of rehabilitation and correction or place the person under another sanction imposed as part of the sentence. The juvenile court shall state in its order the total number of days that the person has been held in detention or in a facility operated by, or under contract with, the department of youth services under the juvenile portion of the dispositional sentence. The time the person must serve on a prison term imposed under the adult	543 544 545 546 547 548 549 550 551 552 553 554

portion of the dispositional sentence shall be reduced by the 555
total number of days specified in the order plus any additional 556
days the person is held in a juvenile facility or in detention 557
after the order is issued and before the person is transferred 558
to the custody of the department of rehabilitation and 559
correction. In no case shall the total prison term as calculated 560
under this division exceed the maximum prison term available for 561
an adult who is convicted of violating the same sections of the 562
Revised Code, including, for an offense that would be a felony 563
of the first or second degree that was committed on or after 564
March 22, 2019, both the longest minimum prison term that the 565
defendant or person could have received for the offense if 566
convicted plus the corresponding maximum prison term that would 567
be required for the offense. 568

Any community control imposed as part of the adult 569
sentence or as a condition of a judicial release from prison 570
shall be under the supervision of the entity that provides adult 571
probation services in the county. Any post-release control 572
imposed after the offender otherwise is released from prison 573
shall be supervised by the adult parole authority. 574

(G) As used in division (F) of this section, "minimum 575
prison term" and "maximum prison term" have the same meanings as 576
in section 2929.01 of the Revised Code. 577

Sec. 2901.011. The amendments to sections 109.42, 121.22, 578
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 579
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 580
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 581
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 582
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 583
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 584

2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 585
the enactment of sections 2901.011, 2929.144, 2967.271, and 586
5120.038 of the Revised Code by S.B. 201 of the 132nd general 587
assembly and amendments to those sections made by the act in 588
which this amendment was made constitute the Reagan Tokes Law. 589

Sec. 2929.01. As used in this chapter: 590

(A) (1) "Alternative residential facility" means, subject 591
to division (A) (2) of this section, any facility other than an 592
offender's home or residence in which an offender is assigned to 593
live and that satisfies all of the following criteria: 594

(a) It provides programs through which the offender may 595
seek or maintain employment or may receive education, training, 596
treatment, or habilitation. 597

(b) It has received the appropriate license or certificate 598
for any specialized education, training, treatment, 599
habilitation, or other service that it provides from the 600
government agency that is responsible for licensing or 601
certifying that type of education, training, treatment, 602
habilitation, or service. 603

(2) "Alternative residential facility" does not include a 604
community-based correctional facility, jail, halfway house, or 605
prison. 606

(B) "Basic probation supervision" means a requirement that 607
the offender maintain contact with a person appointed to 608
supervise the offender in accordance with sanctions imposed by 609
the court or imposed by the parole board pursuant to section 610
2967.28 of the Revised Code. "Basic probation supervision" 611
includes basic parole supervision and basic post-release control 612
supervision. 613

(C) "Cocaine," "fentanyl-related compound," "hashish," 614
"L.S.D.," and "unit dose" have the same meanings as in section 615
2925.01 of the Revised Code. 616

(D) "Community-based correctional facility" means a 617
community-based correctional facility and program or district 618
community-based correctional facility and program developed 619
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 620

(E) "Community control sanction" means a sanction that is 621
not a prison term and that is described in section 2929.15, 622
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 623
that is not a jail term and that is described in section 624
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 625
control sanction" includes probation if the sentence involved 626
was imposed for a felony that was committed prior to July 1, 627
1996, or if the sentence involved was imposed for a misdemeanor 628
that was committed prior to January 1, 2004. 629

(F) "Controlled substance," "marihuana," "schedule I," and 630
"schedule II" have the same meanings as in section 3719.01 of 631
the Revised Code. 632

(G) "Curfew" means a requirement that an offender during a 633
specified period of time be at a designated place. 634

(H) "Day reporting" means a sanction pursuant to which an 635
offender is required each day to report to and leave a center or 636
other approved reporting location at specified times in order to 637
participate in work, education or training, treatment, and other 638
approved programs at the center or outside the center. 639

(I) "Deadly weapon" has the same meaning as in section 640
2923.11 of the Revised Code. 641

(J) "Drug and alcohol use monitoring" means a program 642

under which an offender agrees to submit to random chemical 643
analysis of the offender's blood, breath, or urine to determine 644
whether the offender has ingested any alcohol or other drugs. 645

(K) "Drug treatment program" means any program under which 646
a person undergoes assessment and treatment designed to reduce 647
or completely eliminate the person's physical or emotional 648
reliance upon alcohol, another drug, or alcohol and another drug 649
and under which the person may be required to receive assessment 650
and treatment on an outpatient basis or may be required to 651
reside at a facility other than the person's home or residence 652
while undergoing assessment and treatment. 653

(L) "Economic loss" means any economic detriment suffered 654
by a victim as a direct and proximate result of the commission 655
of an offense and includes any loss of income due to lost time 656
at work because of any injury caused to the victim, any property 657
loss, medical cost, or funeral expense incurred as a result of 658
the commission of the offense, and the cost of any accounting or 659
auditing done to determine the extent of loss if the cost is 660
incurred and payable by the victim. "Economic loss" does not 661
include non-economic loss or any punitive or exemplary damages. 662

(M) "Education or training" includes study at, or in 663
conjunction with a program offered by, a university, college, or 664
technical college or vocational study and also includes the 665
completion of primary school, secondary school, and literacy 666
curricula or their equivalent. 667

(N) "Firearm" has the same meaning as in section 2923.11 668
of the Revised Code. 669

(O) "Halfway house" means a facility licensed by the 670
division of parole and community services of the department of 671

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(P) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, 701
or other residential facility used for the confinement of 702
alleged or convicted offenders that is operated by a political 703
subdivision or a combination of political subdivisions of this 704
state. 705

(S) "Jail term" means the term in a jail that a sentencing 706
court imposes or is authorized to impose pursuant to section 707
2929.24 or 2929.25 of the Revised Code or pursuant to any other 708
provision of the Revised Code that authorizes a term in a jail 709
for a misdemeanor conviction. 710

(T) "Mandatory jail term" means the term in a jail that a 711
sentencing court is required to impose pursuant to division (G) 712
of section 1547.99 of the Revised Code, division (E) of section 713
2903.06 or division (D) of section 2903.08 of the Revised Code, 714
division (E) or (G) of section 2929.24 of the Revised Code, 715
division (B) of section 4510.14 of the Revised Code, or division 716
(G) of section 4511.19 of the Revised Code or pursuant to any 717
other provision of the Revised Code that requires a term in a 718
jail for a misdemeanor conviction. 719

(U) "Delinquent child" has the same meaning as in section 720
2152.02 of the Revised Code. 721

(V) "License violation report" means a report that is made 722
by a sentencing court, or by the parole board pursuant to 723
section 2967.28 of the Revised Code, to the regulatory or 724
licensing board or agency that issued an offender a professional 725
license or a license or permit to do business in this state and 726
that specifies that the offender has been convicted of or 727
pleaded guilty to an offense that may violate the conditions 728
under which the offender's professional license or license or 729
permit to do business in this state was granted or an offense 730

for which the offender's professional license or license or 731
permit to do business in this state may be revoked or suspended. 732

(W) "Major drug offender" means an offender who is 733
convicted of or pleads guilty to the possession of, sale of, or 734
offer to sell any drug, compound, mixture, preparation, or 735
substance that consists of or contains at least one thousand 736
grams of hashish; at least one hundred grams of cocaine; at 737
least one thousand unit doses or one hundred grams of heroin; at 738
least five thousand unit doses of L.S.D. or five hundred grams 739
of L.S.D. in a liquid concentrate, liquid extract, or liquid 740
distillate form; at least fifty grams of a controlled substance 741
analog; at least one thousand unit doses or one hundred grams of 742
a fentanyl-related compound; or at least one hundred times the 743
amount of any other schedule I or II controlled substance other 744
than marihuana that is necessary to commit a felony of the third 745
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 746
of the Revised Code that is based on the possession of, sale of, 747
or offer to sell the controlled substance. 748

(X) "Mandatory prison term" means any of the following: 749

(1) Subject to division (X)(2) of this section, the term 750
in prison that must be imposed for the offenses or circumstances 751
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 752
section 2929.13 and division (B) of section 2929.14 of the 753
Revised Code. Except as provided in sections 2925.02, 2925.03, 754
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 755
maximum or another specific term is required under section 756
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 757
described in this division may be any prison term authorized for 758
the level of offense except that if the offense is a felony of 759
the first or second degree committed on or after March 22, 2019, 760

a mandatory prison term described in this division may be one of 761
the terms prescribed in division (A) (1) (a) or (2) (a) of section 762
2929.14 of the Revised Code, whichever is applicable, that is 763
authorized as the minimum prison term for the offense. 764

(2) The term of sixty or one hundred twenty days in prison 765
that a sentencing court is required to impose for a third or 766
fourth degree felony OVI offense pursuant to division (G) (2) of 767
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 768
of the Revised Code or the term of one, two, three, four, or 769
five years in prison that a sentencing court is required to 770
impose pursuant to division (G) (2) of section 2929.13 of the 771
Revised Code. 772

(3) The term in prison imposed pursuant to division (A) of 773
section 2971.03 of the Revised Code for the offenses and in the 774
circumstances described in division (F) (11) of section 2929.13 775
of the Revised Code or pursuant to division (B) (1) (a), (b), or 776
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 777
section 2971.03 of the Revised Code and that term as modified or 778
terminated pursuant to section 2971.05 of the Revised Code. 779

(Y) "Monitored time" means a period of time during which 780
an offender continues to be under the control of the sentencing 781
court or parole board, subject to no conditions other than 782
leading a law-abiding life. 783

(Z) "Offender" means a person who, in this state, is 784
convicted of or pleads guilty to a felony or a misdemeanor. 785

(AA) "Prison" means a residential facility used for the 786
confinement of convicted felony offenders that is under the 787
control of the department of rehabilitation and correction and 788
includes a violation sanction center operated under authority of 789

section 2967.141 of the Revised Code.	790
(BB) (1) "Prison term" includes either of the following	791
sanctions for an offender:	792
(a) A stated prison term;	793
(b) A term in a prison shortened by, or with the approval	794
of, the sentencing court pursuant to section 2929.143, 2929.20,	795
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	796
(2) With respect to a non-life felony indefinite prison	797
term, references in any provision of law to a reduction of, or	798
deduction from, the prison term mean a reduction in, or	799
deduction from, the minimum <u>prison</u> term imposed as part of the	800
indefinite term.	801
(CC) "Repeat violent offender" means a person about whom	802
both of the following apply:	803
(1) The person is being sentenced for committing or for	804
complicity in committing any of the following:	805
(a) Aggravated murder, murder, any felony of the first or	806
second degree that is an offense of violence, or an attempt to	807
commit any of these offenses if the attempt is a felony of the	808
first or second degree;	809
(b) An offense under an existing or former law of this	810
state, another state, or the United States that is or was	811
substantially equivalent to an offense described in division	812
(CC) (1) (a) of this section.	813
(2) The person previously was convicted of or pleaded	814
guilty to an offense described in division (CC) (1) (a) or (b) of	815
this section.	816

(DD) "Sanction" means any penalty imposed upon an offender 817
who is convicted of or pleads guilty to an offense, as 818
punishment for the offense. "Sanction" includes any sanction 819
imposed pursuant to any provision of sections 2929.14 to 2929.18 820
or 2929.24 to 2929.28 of the Revised Code. 821

(EE) "Sentence" means the sanction or combination of 822
sanctions imposed by the sentencing court on an offender who is 823
convicted of or pleads guilty to an offense. 824

(FF) (1) "Stated prison term" means the prison term, 825
mandatory prison term, or combination of all prison terms and 826
mandatory prison terms imposed by the sentencing court pursuant 827
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 828
under section 2919.25 of the Revised Code. "Stated prison term" 829
includes any credit received by the offender for time spent in 830
jail awaiting trial, sentencing, or transfer to prison for the 831
offense and any time spent under house arrest or house arrest 832
with electronic monitoring imposed after earning credits 833
pursuant to section 2967.193 of the Revised Code. If an offender 834
is serving a prison term as a risk reduction sentence under 835
sections 2929.143 and 5120.036 of the Revised Code, "stated 836
prison term" includes any period of time by which the prison 837
term imposed upon the offender is shortened by the offender's 838
successful completion of all assessment and treatment or 839
programming pursuant to those sections. 840

(2) As used in the definition of "stated prison term" set 841
forth in division (FF) (1) of this section, a prison term is a 842
definite prison term imposed under section 2929.14 of the 843
Revised Code or any other provision of law, ~~is the a minimum and~~ 844
prison term imposed under section 2929.14 of the Revised Code 845
for a non-life felony indefinite prison term plus any maximum 846

prison ~~terms under a term imposed as part of the non-life felony~~ 847
~~indefinite prison term under section 2929.144 of the Revised~~ 848
~~Code,~~ or is a term of life imprisonment except to the extent 849
that the use of that definition in a section of the Revised Code 850
clearly is not intended to include a term of life imprisonment. 851
With respect to an offender sentenced to a non-life felony 852
indefinite prison term, references in section 2967.191 or 853
2967.193 of the Revised Code or any other provision of law to a 854
reduction of, or deduction from, the offender's stated prison 855
term or to release of the offender before the expiration of the 856
offender's stated prison term mean a reduction in, or deduction 857
from, the minimum prison term imposed as part of the indefinite 858
term or a release of the offender before the expiration of that 859
minimum prison term, references in section 2929.19 or 2967.28 of 860
the Revised Code to a stated prison term with respect to a 861
prison term imposed for a violation of a post-release control 862
sanction mean the minimum prison term so imposed, and references 863
in any provision of law to an offender's service of the 864
offender's stated prison term or the expiration of the 865
offender's stated prison term mean service or expiration of the 866
minimum prison term so imposed plus any additional period of 867
incarceration under the sentence that is required under section 868
2967.271 of the Revised Code. 869

(GG) "Victim-offender mediation" means a reconciliation or 870
mediation program that involves an offender and the victim of 871
the offense committed by the offender and that includes a 872
meeting in which the offender and the victim may discuss the 873
offense, discuss restitution, and consider other sanctions for 874
the offense. 875

(HH) "Fourth degree felony OVI offense" means a violation 876
of division (A) of section 4511.19 of the Revised Code that, 877

under division (G) of that section, is a felony of the fourth 878
degree. 879

(II) "Mandatory term of local incarceration" means the 880
term of sixty or one hundred twenty days in a jail, a community- 881
based correctional facility, a halfway house, or an alternative 882
residential facility that a sentencing court may impose upon a 883
person who is convicted of or pleads guilty to a fourth degree 884
felony OVI offense pursuant to division (G) (1) of section 885
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 886
section 4511.19 of the Revised Code. 887

(JJ) "Designated homicide, assault, or kidnapping 888
offense," "violent sex offense," "sexual motivation 889
specification," "sexually violent offense," "sexually violent 890
predator," and "sexually violent predator specification" have 891
the same meanings as in section 2971.01 of the Revised Code. 892

(KK) "Sexually oriented offense," "child-victim oriented 893
offense," and "tier III sex offender/child-victim offender" have 894
the same meanings as in section 2950.01 of the Revised Code. 895

(LL) An offense is "committed in the vicinity of a child" 896
if the offender commits the offense within thirty feet of or 897
within the same residential unit as a child who is under 898
eighteen years of age, regardless of whether the offender knows 899
the age of the child or whether the offender knows the offense 900
is being committed within thirty feet of or within the same 901
residential unit as the child and regardless of whether the 902
child actually views the commission of the offense. 903

(MM) "Family or household member" has the same meaning as 904
in section 2919.25 of the Revised Code. 905

(NN) "Motor vehicle" and "manufactured home" have the same 906

meanings as in section 4501.01 of the Revised Code.	907
(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.	908 909
(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.	910 911 912 913
(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	914 915
(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	916 917
(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	918 919
(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	920 921
(UU) "Electronic monitoring device" means any of the following:	922 923
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	924 925
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU) (1) (b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can	926 927 928 929 930 931 932 933 934

transmit continuously and periodically a signal to that receiver 935
when the person is within a specified distance from the 936
receiver, and that can transmit an appropriate signal to that 937
receiver if the person to whom it is attached travels a 938
specified distance from that receiver. 939

(b) The device has a receiver that can receive 940
continuously the signals transmitted by a transmitter of the 941
type described in division (UU) (1) (a) of this section, can 942
transmit continuously those signals by a wireless or landline 943
telephone connection to a central monitoring computer of the 944
type described in division (UU) (1) (c) of this section, and can 945
transmit continuously an appropriate signal to that central 946
monitoring computer if the device has been turned off or altered 947
without prior court approval or otherwise tampered with. The 948
device is designed specifically for use in electronic 949
monitoring, is not a converted wireless phone or another 950
tracking device that is clearly not designed for electronic 951
monitoring, and provides a means of text-based or voice 952
communication with the person. 953

(c) The device has a central monitoring computer that can 954
receive continuously the signals transmitted by a wireless or 955
landline telephone connection by a receiver of the type 956
described in division (UU) (1) (b) of this section and can monitor 957
continuously the person to whom an electronic monitoring device 958
of the type described in division (UU) (1) (a) of this section is 959
attached. 960

(2) Any device that is not a device of the type described 961
in division (UU) (1) of this section and that conforms with all 962
of the following: 963

(a) The device includes a transmitter and receiver that 964

can monitor and determine the location of a subject person at 965
any time, or at a designated point in time, through the use of a 966
central monitoring computer or through other electronic means. 967

(b) The device includes a transmitter and receiver that 968
can determine at any time, or at a designated point in time, 969
through the use of a central monitoring computer or other 970
electronic means the fact that the transmitter is turned off or 971
altered in any manner without prior approval of the court in 972
relation to the electronic monitoring or without prior approval 973
of the department of rehabilitation and correction in relation 974
to the use of an electronic monitoring device for an inmate on 975
transitional control or otherwise is tampered with. 976

(3) Any type of technology that can adequately track or 977
determine the location of a subject person at any time and that 978
is approved by the director of rehabilitation and correction, 979
including, but not limited to, any satellite technology, voice 980
tracking system, or retinal scanning system that is so approved. 981

(VV) "Non-economic loss" means nonpecuniary harm suffered 982
by a victim of an offense as a result of or related to the 983
commission of the offense, including, but not limited to, pain 984
and suffering; loss of society, consortium, companionship, care, 985
assistance, attention, protection, advice, guidance, counsel, 986
instruction, training, or education; mental anguish; and any 987
other intangible loss. 988

(WW) "Prosecutor" has the same meaning as in section 989
2935.01 of the Revised Code. 990

(XX) "Continuous alcohol monitoring" means the ability to 991
automatically test and periodically transmit alcohol consumption 992
levels and tamper attempts at least every hour, regardless of 993

the location of the person who is being monitored. 994

(YY) A person is "adjudicated a sexually violent predator" 995
if the person is convicted of or pleads guilty to a violent sex 996
offense and also is convicted of or pleads guilty to a sexually 997
violent predator specification that was included in the 998
indictment, count in the indictment, or information charging 999
that violent sex offense or if the person is convicted of or 1000
pleads guilty to a designated homicide, assault, or kidnapping 1001
offense and also is convicted of or pleads guilty to both a 1002
sexual motivation specification and a sexually violent predator 1003
specification that were included in the indictment, count in the 1004
indictment, or information charging that designated homicide, 1005
assault, or kidnapping offense. 1006

(ZZ) An offense is "committed in proximity to a school" if 1007
the offender commits the offense in a school safety zone or 1008
within five hundred feet of any school building or the 1009
boundaries of any school premises, regardless of whether the 1010
offender knows the offense is being committed in a school safety 1011
zone or within five hundred feet of any school building or the 1012
boundaries of any school premises. 1013

(AAA) "Human trafficking" means a scheme or plan to which 1014
all of the following apply: 1015

(1) Its object is one or more of the following: 1016

(a) To subject a victim or victims to involuntary 1017
servitude, as defined in section 2905.31 of the Revised Code or 1018
to compel a victim or victims to engage in sexual activity for 1019
hire, to engage in a performance that is obscene, sexually 1020
oriented, or nudity oriented, or to be a model or participant in 1021
the production of material that is obscene, sexually oriented, 1022

or nudity oriented; 1023

(b) To facilitate, encourage, or recruit a victim who is 1024
less than sixteen years of age or is a person with a 1025
developmental disability, or victims who are less than sixteen 1026
years of age or are persons with developmental disabilities, for 1027
any purpose listed in divisions (A) (2) (a) to (c) of section 1028
2905.32 of the Revised Code; 1029

(c) To facilitate, encourage, or recruit a victim who is 1030
sixteen or seventeen years of age, or victims who are sixteen or 1031
seventeen years of age, for any purpose listed in divisions (A) 1032
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 1033
circumstances described in division (A) (5), (6), (7), (8), (9), 1034
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 1035
apply with respect to the person engaging in the conduct and the 1036
victim or victims. 1037

(2) It involves at least two felony offenses, whether or 1038
not there has been a prior conviction for any of the felony 1039
offenses, to which all of the following apply: 1040

(a) Each of the felony offenses is a violation of section 1041
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 1042
division (A) (1) or (2) of section 2907.323, or division (B) (1), 1043
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 1044
is a violation of a law of any state other than this state that 1045
is substantially similar to any of the sections or divisions of 1046
the Revised Code identified in this division. 1047

(b) At least one of the felony offenses was committed in 1048
this state. 1049

(c) The felony offenses are related to the same scheme or 1050
plan and are not isolated instances. 1051

(BBB) "Material," "nudity," "obscene," "performance," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.

(CCC) "Material that is obscene, sexually oriented, or nudity oriented" means any material that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.

(DDD) "Performance that is obscene, sexually oriented, or nudity oriented" means any performance that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.

(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.

(FFF) "Permanent disabling harm" means serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person's ability to meet one or more of the ordinary demands of life, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 and section 2929.144 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019 that consists of both a minimum prison term and a maximum prison term.

(HHH) "Minimum prison term" means the minimum term of 1081
years imposed under division (A) (1) (a) or (A) (2) (a) of section 1082
2929.14 of the Revised Code as part of a non-life felony 1083
indefinite prison term. 1084

(III) "Maximum prison term" means the potential additional 1085
prison term imposed as part of a non-life felony indefinite 1086
prison term as calculated under section 2929.144 of the Revised 1087
Code that must be served by the offender at the conclusion of 1088
the offender's minimum prison term or aggregate minimum prison 1089
term, to the extent that the presumption of release under 1090
division (C) of section 2967.271 of the Revised Code has been 1091
rebutted. 1092

(JJJ) "Aggregate minimum prison term" means the sum of all 1093
minimum prison terms and definite terms sentenced to be served 1094
consecutively to one another or combined under division (C) (10) 1095
of section 2929.14 of the Revised Code as part of a non-life 1096
felony indefinite sentence. 1097

Sec. 2929.14. (A) Except as provided in division (B) (1), 1098
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1099
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1100
in division (D) (6) of section 2919.25 of the Revised Code and 1101
except in relation to an offense for which a sentence of death 1102
or life imprisonment is to be imposed, if the court imposing a 1103
sentence upon an offender for a felony elects or is required to 1104
impose a prison term on the offender pursuant to this chapter, 1105
the court shall impose a prison term that shall be one of the 1106
following: 1107

(1) (a) ~~For~~ (i) Except as provided in division (A) (1) (a) 1108
(ii) of this section, for a felony of the first degree committed 1109
on or after the effective date of this amendment March 22, 2019, 1110

the prison term shall be ~~an~~ a non-life felony indefinite prison 1111
term ~~with that consists of a stated~~ minimum prison term selected 1112
by the court of three, four, five, six, seven, eight, nine, ten, 1113
or eleven years ~~and followed by a single~~ maximum prison term 1114
that ~~is~~ shall be determined pursuant to section 2929.144 of the 1115
Revised Code, ~~except that if~~ . 1116

(ii) If the section that criminalizes the conduct 1117
constituting the felony specifies a different minimum prison 1118
term or penalty for the offense, the specific language of that 1119
section shall control over division (A) (1) (a) (i) of this section 1120
in determining the minimum prison term or otherwise sentencing 1121
the offender but the minimum prison term or sentence imposed 1122
under that specific language shall be considered for purposes of 1123
the Revised Code as if it had been imposed under ~~this~~ division 1124
(A) (1) (a) (i) of this section. 1125

(b) For a felony of the first degree committed prior to 1126
~~the effective date of this amendment~~ March 22, 2019, the prison 1127
term shall be a definite prison term of three, four, five, six, 1128
seven, eight, nine, ten, or eleven years. 1129

~~(2) (a) For (i)~~ Except as provided in division (A) (2) (a) 1130
(ii) of this section, for a felony of the second degree 1131
committed on or after ~~the effective date of this amendment~~ March 1132
22, 2019, the prison term shall be ~~an~~ a non-life felony 1133
indefinite prison term ~~with that consists of a stated~~ minimum 1134
prison term selected by the court of two, three, four, five, 1135
six, seven, or eight years ~~and followed by a single~~ maximum 1136
prison term that ~~is~~ shall be determined pursuant to section 1137
2929.144 of the Revised Code, ~~except that if~~ . 1138

(ii) If the section that criminalizes the conduct 1139
constituting the felony specifies a different minimum prison 1140

term or penalty for the offense, the specific language of that 1141
section shall control over division (A) (2) (a) (i) of this section 1142
in determining the minimum prison term or otherwise sentencing 1143
the offender but the minimum prison term or sentence imposed 1144
under that specific language shall be considered for purposes of 1145
the Revised Code as if it had been imposed under ~~this~~ division 1146
(A) (2) (a) (i) of this section. 1147

(b) For a felony of the second degree committed prior to 1148
~~the effective date of this amendment~~ March 22, 2019, the prison 1149
term shall be a definite term of two, three, four, five, six, 1150
seven, or eight years. 1151

(3) (a) For a felony of the third degree that is a 1152
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1153
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1154
Code or that is a violation of section 2911.02 or 2911.12 of the 1155
Revised Code if the offender previously has been convicted of or 1156
pleaded guilty in two or more separate proceedings to two or 1157
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1158
of the Revised Code, the prison term shall be a definite term of 1159
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1160
forty-eight, fifty-four, or sixty months. 1161

(b) For a felony of the third degree that is not an 1162
offense for which division (A) (3) (a) of this section applies, 1163
the prison term shall be a definite term of nine, twelve, 1164
eighteen, twenty-four, thirty, or thirty-six months. 1165

(4) For a felony of the fourth degree, the prison term 1166
shall be a definite term of six, seven, eight, nine, ten, 1167
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1168
or eighteen months. 1169

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

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

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

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

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

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the

Revised Code that charges the offender with having a firearm 1199
that is an automatic firearm or that was equipped with a firearm 1200
muffler or suppressor on or about the offender's person or under 1201
the offender's control while committing the offense and 1202
specifies that the offender previously has been convicted of or 1203
pleaded guilty to a specification of the type described in 1204
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1205
the Revised Code; 1206

(v) A prison term of fifty-four months if the 1207
specification is of the type described in division (D) of 1208
section 2941.145 of the Revised Code that charges the offender 1209
with having a firearm on or about the offender's person or under 1210
the offender's control while committing the offense and 1211
displaying the firearm, brandishing the firearm, indicating that 1212
the offender possessed the firearm, or using the firearm to 1213
facilitate the offense and that the offender previously has been 1214
convicted of or pleaded guilty to a specification of the type 1215
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1216
2941.1412 of the Revised Code; 1217

(vi) A prison term of eighteen months if the specification 1218
is of the type described in division (D) of section 2941.141 of 1219
the Revised Code that charges the offender with having a firearm 1220
on or about the offender's person or under the offender's 1221
control while committing the offense and that the offender 1222
previously has been convicted of or pleaded guilty to a 1223
specification of the type described in section 2941.141, 1224
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1225

(b) If a court imposes a prison term on an offender under 1226
division (B)(1)(a) of this section, the prison term shall not be 1227
reduced pursuant to section 2967.19, section 2929.20, section 1228

2967.193, or any other provision of Chapter 2967. or Chapter 1229
5120. of the Revised Code. Except as provided in division (B) (1) 1230
(g) of this section, a court shall not impose more than one 1231
prison term on an offender under division (B) (1) (a) of this 1232
section for felonies committed as part of the same act or 1233
transaction. 1234

(c) (i) Except as provided in division (B) (1) (e) of this 1235
section, if an offender who is convicted of or pleads guilty to 1236
a violation of section 2923.161 of the Revised Code or to a 1237
felony that includes, as an essential element, purposely or 1238
knowingly causing or attempting to cause the death of or 1239
physical harm to another, also is convicted of or pleads guilty 1240
to a specification of the type described in division (A) of 1241
section 2941.146 of the Revised Code that charges the offender 1242
with committing the offense by discharging a firearm from a 1243
motor vehicle other than a manufactured home, the court, after 1244
imposing a prison term on the offender for the violation of 1245
section 2923.161 of the Revised Code or for the other felony 1246
offense under division (A), (B) (2), or (B) (3) of this section, 1247
shall impose an additional prison term of five years upon the 1248
offender that shall not be reduced pursuant to section 2929.20, 1249
section 2967.19, section 2967.193, or any other provision of 1250
Chapter 2967. or Chapter 5120. of the Revised Code. 1251

(ii) Except as provided in division (B) (1) (e) of this 1252
section, if an offender who is convicted of or pleads guilty to 1253
a violation of section 2923.161 of the Revised Code or to a 1254
felony that includes, as an essential element, purposely or 1255
knowingly causing or attempting to cause the death of or 1256
physical harm to another, also is convicted of or pleads guilty 1257
to a specification of the type described in division (C) of 1258
section 2941.146 of the Revised Code that charges the offender 1259

with committing the offense by discharging a firearm from a 1260
motor vehicle other than a manufactured home and that the 1261
offender previously has been convicted of or pleaded guilty to a 1262
specification of the type described in section 2941.141, 1263
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1264
the court, after imposing a prison term on the offender for the 1265
violation of section 2923.161 of the Revised Code or for the 1266
other felony offense under division (A), (B) (2), or (3) of this 1267
section, shall impose an additional prison term of ninety months 1268
upon the offender that shall not be reduced pursuant to section 1269
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1270
2967. or Chapter 5120. of the Revised Code. 1271

(iii) A court shall not impose more than one additional 1272
prison term on an offender under division (B) (1) (c) of this 1273
section for felonies committed as part of the same act or 1274
transaction. If a court imposes an additional prison term on an 1275
offender under division (B) (1) (c) of this section relative to an 1276
offense, the court also shall impose a prison term under 1277
division (B) (1) (a) of this section relative to the same offense, 1278
provided the criteria specified in that division for imposing an 1279
additional prison term are satisfied relative to the offender 1280
and the offense. 1281

(d) If an offender who is convicted of or pleads guilty to 1282
an offense of violence that is a felony also is convicted of or 1283
pleads guilty to a specification of the type described in 1284
section 2941.1411 of the Revised Code that charges the offender 1285
with wearing or carrying body armor while committing the felony 1286
offense of violence, the court shall impose on the offender an 1287
additional prison term of two years. The prison term so imposed, 1288
subject to divisions (C) to (I) of section 2967.19 of the 1289
Revised Code, shall not be reduced pursuant to section 2929.20, 1290

section 2967.19, section 2967.193, or any other provision of 1291
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1292
shall not impose more than one prison term on an offender under 1293
division (B) (1) (d) of this section for felonies committed as 1294
part of the same act or transaction. If a court imposes an 1295
additional prison term under division (B) (1) (a) or (c) of this 1296
section, the court is not precluded from imposing an additional 1297
prison term under division (B) (1) (d) of this section. 1298

(e) The court shall not impose any of the prison terms 1299
described in division (B) (1) (a) of this section or any of the 1300
additional prison terms described in division (B) (1) (c) of this 1301
section upon an offender for a violation of section 2923.12 or 1302
2923.123 of the Revised Code. The court shall not impose any of 1303
the prison terms described in division (B) (1) (a) or (b) of this 1304
section upon an offender for a violation of section 2923.122 1305
that involves a deadly weapon that is a firearm other than a 1306
dangerous ordnance, section 2923.16, or section 2923.121 of the 1307
Revised Code. The court shall not impose any of the prison terms 1308
described in division (B) (1) (a) of this section or any of the 1309
additional prison terms described in division (B) (1) (c) of this 1310
section upon an offender for a violation of section 2923.13 of 1311
the Revised Code unless all of the following apply: 1312

(i) The offender previously has been convicted of 1313
aggravated murder, murder, or any felony of the first or second 1314
degree. 1315

(ii) Less than five years have passed since the offender 1316
was released from prison or post-release control, whichever is 1317
later, for the prior offense. 1318

(f) (i) If an offender is convicted of or pleads guilty to 1319
a felony that includes, as an essential element, causing or 1320

attempting to cause the death of or physical harm to another and 1321
also is convicted of or pleads guilty to a specification of the 1322
type described in division (A) of section 2941.1412 of the 1323
Revised Code that charges the offender with committing the 1324
offense by discharging a firearm at a peace officer as defined 1325
in section 2935.01 of the Revised Code or a corrections officer, 1326
as defined in section 2941.1412 of the Revised Code, the court, 1327
after imposing a prison term on the offender for the felony 1328
offense under division (A), (B) (2), or (B) (3) of this section, 1329
shall impose an additional prison term of seven years upon the 1330
offender that shall not be reduced pursuant to section 2929.20, 1331
section 2967.19, section 2967.193, or any other provision of 1332
Chapter 2967. or Chapter 5120. of the Revised Code. 1333

(ii) If an offender is convicted of or pleads guilty to a 1334
felony that includes, as an essential element, causing or 1335
attempting to cause the death of or physical harm to another and 1336
also is convicted of or pleads guilty to a specification of the 1337
type described in division (B) of section 2941.1412 of the 1338
Revised Code that charges the offender with committing the 1339
offense by discharging a firearm at a peace officer, as defined 1340
in section 2935.01 of the Revised Code, or a corrections 1341
officer, as defined in section 2941.1412 of the Revised Code, 1342
and that the offender previously has been convicted of or 1343
pleaded guilty to a specification of the type described in 1344
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1345
the Revised Code, the court, after imposing a prison term on the 1346
offender for the felony offense under division (A), (B) (2), or 1347
(3) of this section, shall impose an additional prison term of 1348
one hundred twenty-six months upon the offender that shall not 1349
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1350
any other provision of Chapter 2967. or 5120. of the Revised 1351

Code. 1352

(iii) If an offender is convicted of or pleads guilty to 1353
two or more felonies that include, as an essential element, 1354
causing or attempting to cause the death or physical harm to 1355
another and also is convicted of or pleads guilty to a 1356
specification of the type described under division (B)(1)(f) of 1357
this section in connection with two or more of the felonies of 1358
which the offender is convicted or to which the offender pleads 1359
guilty, the sentencing court shall impose on the offender the 1360
prison term specified under division (B)(1)(f) of this section 1361
for each of two of the specifications of which the offender is 1362
convicted or to which the offender pleads guilty and, in its 1363
discretion, also may impose on the offender the prison term 1364
specified under that division for any or all of the remaining 1365
specifications. If a court imposes an additional prison term on 1366
an offender under division (B)(1)(f) of this section relative to 1367
an offense, the court shall not impose a prison term under 1368
division (B)(1)(a) or (c) of this section relative to the same 1369
offense. 1370

(g) If an offender is convicted of or pleads guilty to two 1371
or more felonies, if one or more of those felonies are 1372
aggravated murder, murder, attempted aggravated murder, 1373
attempted murder, aggravated robbery, felonious assault, or 1374
rape, and if the offender is convicted of or pleads guilty to a 1375
specification of the type described under division (B)(1)(a) of 1376
this section in connection with two or more of the felonies, the 1377
sentencing court shall impose on the offender the prison term 1378
specified under division (B)(1)(a) of this section for each of 1379
the two most serious specifications of which the offender is 1380
convicted or to which the offender pleads guilty and, in its 1381
discretion, also may impose on the offender the prison term 1382

specified under that division for any or all of the remaining 1383
specifications. 1384

(2) (a) If division (B) (2) (b) of this section does not 1385
apply, the court may impose on an offender, in addition to the 1386
longest prison term authorized or required for the offense or, 1387
for offenses for which division (A) (1) (a) or (2) (a) of this 1388
section applies, in addition to the longest minimum prison term 1389
authorized or required for the offense, an additional definite 1390
prison term of one, two, three, four, five, six, seven, eight, 1391
nine, or ten years if all of the following criteria are met: 1392

(i) The offender is convicted of or pleads guilty to a 1393
specification of the type described in section 2941.149 of the 1394
Revised Code that the offender is a repeat violent offender. 1395

(ii) The offense of which the offender currently is 1396
convicted or to which the offender currently pleads guilty is 1397
aggravated murder and the court does not impose a sentence of 1398
death or life imprisonment without parole, murder, terrorism and 1399
the court does not impose a sentence of life imprisonment 1400
without parole, any felony of the first degree that is an 1401
offense of violence and the court does not impose a sentence of 1402
life imprisonment without parole, or any felony of the second 1403
degree that is an offense of violence and the trier of fact 1404
finds that the offense involved an attempt to cause or a threat 1405
to cause serious physical harm to a person or resulted in 1406
serious physical harm to a person. 1407

(iii) The court imposes the longest prison term for the 1408
offense or the longest minimum prison term for the offense, 1409
whichever is applicable, that is not life imprisonment without 1410
parole. 1411

(iv) The court finds that the prison terms imposed 1412
pursuant to division (B) (2) (a) (iii) of this section and, if 1413
applicable, division (B) (1) or (3) of this section are 1414
inadequate to punish the offender and protect the public from 1415
future crime, because the applicable factors under section 1416
2929.12 of the Revised Code indicating a greater likelihood of 1417
recidivism outweigh the applicable factors under that section 1418
indicating a lesser likelihood of recidivism. 1419

(v) The court finds that the prison terms imposed pursuant 1420
to division (B) (2) (a) (iii) of this section and, if applicable, 1421
division (B) (1) or (3) of this section are demeaning to the 1422
seriousness of the offense, because one or more of the factors 1423
under section 2929.12 of the Revised Code indicating that the 1424
offender's conduct is more serious than conduct normally 1425
constituting the offense are present, and they outweigh the 1426
applicable factors under that section indicating that the 1427
offender's conduct is less serious than conduct normally 1428
constituting the offense. 1429

(b) The court shall impose on an offender the longest 1430
prison term authorized or required for the offense or, for 1431
offenses for which division (A) (1) (a) or (2) (a) of this section 1432
applies, the longest minimum prison term authorized or required 1433
for the offense, and shall impose on the offender an additional 1434
definite prison term of one, two, three, four, five, six, seven, 1435
eight, nine, or ten years if all of the following criteria are 1436
met: 1437

(i) The offender is convicted of or pleads guilty to a 1438
specification of the type described in section 2941.149 of the 1439
Revised Code that the offender is a repeat violent offender. 1440

(ii) The offender within the preceding twenty years has 1441

been convicted of or pleaded guilty to three or more offenses 1442
described in division (CC) (1) of section 2929.01 of the Revised 1443
Code, including all offenses described in that division of which 1444
the offender is convicted or to which the offender pleads guilty 1445
in the current prosecution and all offenses described in that 1446
division of which the offender previously has been convicted or 1447
to which the offender previously pleaded guilty, whether 1448
prosecuted together or separately. 1449

(iii) The offense or offenses of which the offender 1450
currently is convicted or to which the offender currently pleads 1451
guilty is aggravated murder and the court does not impose a 1452
sentence of death or life imprisonment without parole, murder, 1453
terrorism and the court does not impose a sentence of life 1454
imprisonment without parole, any felony of the first degree that 1455
is an offense of violence and the court does not impose a 1456
sentence of life imprisonment without parole, or any felony of 1457
the second degree that is an offense of violence and the trier 1458
of fact finds that the offense involved an attempt to cause or a 1459
threat to cause serious physical harm to a person or resulted in 1460
serious physical harm to a person. 1461

(c) For purposes of division (B) (2) (b) of this section, 1462
two or more offenses committed at the same time or as part of 1463
the same act or event shall be considered one offense, and that 1464
one offense shall be the offense with the greatest penalty. 1465

(d) A sentence imposed under division (B) (2) (a) or (b) of 1466
this section shall not be reduced pursuant to section 2929.20, 1467
section 2967.19, or section 2967.193, or any other provision of 1468
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1469
shall serve an additional prison term imposed under division (B) 1470
(2) (a) or (b) of this section consecutively to and prior to the 1471

prison term imposed for the underlying offense. 1472

(e) When imposing a sentence pursuant to division (B) (2) 1473
(a) or (b) of this section, the court shall state its findings 1474
explaining the imposed sentence. 1475

(3) Except when an offender commits a violation of section 1476
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1477
for the violation is life imprisonment or commits a violation of 1478
section 2903.02 of the Revised Code, if the offender commits a 1479
violation of section 2925.03 or 2925.11 of the Revised Code and 1480
that section classifies the offender as a major drug offender, 1481
if the offender commits a violation of section 2925.05 of the 1482
Revised Code and division (E) (1) of that section classifies the 1483
offender as a major drug offender, if the offender commits a 1484
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1485
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1486
division (C) or (D) of section 3719.172, division (E) of section 1487
4729.51, or division (J) of section 4729.54 of the Revised Code 1488
that includes the sale, offer to sell, or possession of a 1489
schedule I or II controlled substance, with the exception of 1490
marihuana, and the court imposing sentence upon the offender 1491
finds that the offender is guilty of a specification of the type 1492
described in division (A) of section 2941.1410 of the Revised 1493
Code charging that the offender is a major drug offender, if the 1494
court imposing sentence upon an offender for a felony finds that 1495
the offender is guilty of corrupt activity with the most serious 1496
offense in the pattern of corrupt activity being a felony of the 1497
first degree, or if the offender is guilty of an attempted 1498
violation of section 2907.02 of the Revised Code and, had the 1499
offender completed the violation of section 2907.02 of the 1500
Revised Code that was attempted, the offender would have been 1501
subject to a sentence of life imprisonment or life imprisonment 1502

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A) (1) (b) of this section for a felony of the first degree, except that for offenses for which division (A) (1) (a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

in the range of six months to thirty months for a fourth degree 1534
felony OVI offense and shall equal one of the authorized prison 1535
terms specified in division (A) (3) of this section for a third 1536
degree felony OVI offense. If the court imposes an additional 1537
prison term under division (B) (4) of this section, the offender 1538
shall serve the additional prison term after the offender has 1539
served the mandatory prison term required for the offense. In 1540
addition to the mandatory prison term or mandatory and 1541
additional prison term imposed as described in division (B) (4) 1542
of this section, the court also may sentence the offender to a 1543
community control sanction under section 2929.16 or 2929.17 of 1544
the Revised Code, but the offender shall serve all of the prison 1545
terms so imposed prior to serving the community control 1546
sanction. 1547

If the offender is being sentenced for a fourth degree 1548
felony OVI offense under division (G) (1) of section 2929.13 of 1549
the Revised Code and the court imposes a mandatory term of local 1550
incarceration, the court may impose a prison term as described 1551
in division (A) (1) of that section. 1552

(5) If an offender is convicted of or pleads guilty to a 1553
violation of division (A) (1) or (2) of section 2903.06 of the 1554
Revised Code and also is convicted of or pleads guilty to a 1555
specification of the type described in section 2941.1414 of the 1556
Revised Code that charges that the victim of the offense is a 1557
peace officer, as defined in section 2935.01 of the Revised 1558
Code, or an investigator of the bureau of criminal 1559
identification and investigation, as defined in section 2903.11 1560
of the Revised Code, the court shall impose on the offender a 1561
prison term of five years. If a court imposes a prison term on 1562
an offender under division (B) (5) of this section, the prison 1563
term, subject to divisions (C) to (I) of section 2967.19 of the 1564

Revised Code, shall not be reduced pursuant to section 2929.20, 1565
section 2967.19, section 2967.193, or any other provision of 1566
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1567
shall not impose more than one prison term on an offender under 1568
division (B) (5) of this section for felonies committed as part 1569
of the same act. 1570

(6) If an offender is convicted of or pleads guilty to a 1571
violation of division (A) (1) or (2) of section 2903.06 of the 1572
Revised Code and also is convicted of or pleads guilty to a 1573
specification of the type described in section 2941.1415 of the 1574
Revised Code that charges that the offender previously has been 1575
convicted of or pleaded guilty to three or more violations of 1576
division (A) or (B) of section 4511.19 of the Revised Code or an 1577
equivalent offense, as defined in section 2941.1415 of the 1578
Revised Code, or three or more violations of any combination of 1579
those divisions and offenses, the court shall impose on the 1580
offender a prison term of three years. If a court imposes a 1581
prison term on an offender under division (B) (6) of this 1582
section, the prison term, subject to divisions (C) to (I) of 1583
section 2967.19 of the Revised Code, shall not be reduced 1584
pursuant to section 2929.20, section 2967.19, section 2967.193, 1585
or any other provision of Chapter 2967. or Chapter 5120. of the 1586
Revised Code. A court shall not impose more than one prison term 1587
on an offender under division (B) (6) of this section for 1588
felonies committed as part of the same act. 1589

(7) (a) If an offender is convicted of or pleads guilty to 1590
a felony violation of section 2905.01, 2905.02, 2907.21, 1591
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1592
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1593
section 2919.22 of the Revised Code and also is convicted of or 1594
pleads guilty to a specification of the type described in 1595

section 2941.1422 of the Revised Code that charges that the 1596
offender knowingly committed the offense in furtherance of human 1597
trafficking, the court shall impose on the offender a mandatory 1598
prison term that is one of the following: 1599

(i) If the offense is a felony of the first degree, a 1600
definite prison term of not less than five years and not greater 1601
than eleven years, except that if the offense is a felony of the 1602
first degree committed on or after ~~the effective date of this~~ 1603
~~amendment~~March 22, 2019, the court shall impose as the minimum 1604
prison term a mandatory term of not less than five years and not 1605
greater than eleven years; 1606

(ii) If the offense is a felony of the second or third 1607
degree, a definite prison term of not less than three years and 1608
not greater than the maximum prison term allowed for the offense 1609
by division (A) (2) (b) or (3) of this section, except that if the 1610
offense is a felony of the second degree committed on or after 1611
~~the effective date of this amendment~~March 22, 2019, the court 1612
shall impose as the minimum prison term a mandatory term of not 1613
less than three years and not greater than eight years; 1614

(iii) If the offense is a felony of the fourth or fifth 1615
degree, a definite prison term that is the maximum prison term 1616
allowed for the offense by division (A) of section 2929.14 of 1617
the Revised Code. 1618

(b) Subject to divisions (C) to (I) of section 2967.19 of 1619
the Revised Code, the prison term imposed under division (B) (7) 1620
(a) of this section shall not be reduced pursuant to section 1621
2929.20, section 2967.19, section 2967.193, or any other 1622
provision of Chapter 2967. of the Revised Code. A court shall 1623
not impose more than one prison term on an offender under 1624
division (B) (7) (a) of this section for felonies committed as 1625

part of the same act, scheme, or plan. 1626

(8) If an offender is convicted of or pleads guilty to a 1627
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1628
Revised Code and also is convicted of or pleads guilty to a 1629
specification of the type described in section 2941.1423 of the 1630
Revised Code that charges that the victim of the violation was a 1631
woman whom the offender knew was pregnant at the time of the 1632
violation, notwithstanding the range prescribed in division (A) 1633
of this section as the definite prison term or minimum prison 1634
term for felonies of the same degree as the violation, the court 1635
shall impose on the offender a mandatory prison term that is 1636
either a definite prison term of six months or one of the prison 1637
terms prescribed in division (A) of this section for felonies of 1638
the same degree as the violation, except that if the violation 1639
is a felony of the first or second degree committed on or after 1640
~~the effective date of this amendment~~March 22, 2019, the court 1641
shall impose as the minimum prison term under division (A) (1) (a) 1642
or (2) (a) of this section a mandatory term that is one of the 1643
terms prescribed in that division, whichever is applicable, for 1644
the offense. 1645

(9) (a) If an offender is convicted of or pleads guilty to 1646
a violation of division (A) (1) or (2) of section 2903.11 of the 1647
Revised Code and also is convicted of or pleads guilty to a 1648
specification of the type described in section 2941.1425 of the 1649
Revised Code, the court shall impose on the offender a mandatory 1650
prison term of six years if either of the following applies: 1651

(i) The violation is a violation of division (A) (1) of 1652
section 2903.11 of the Revised Code and the specification 1653
charges that the offender used an accelerant in committing the 1654
violation and the serious physical harm to another or to 1655

another's unborn caused by the violation resulted in a 1656
permanent, serious disfigurement or permanent, substantial 1657
incapacity; 1658

(ii) The violation is a violation of division (A) (2) of 1659
section 2903.11 of the Revised Code and the specification 1660
charges that the offender used an accelerant in committing the 1661
violation, that the violation caused physical harm to another or 1662
to another's unborn, and that the physical harm resulted in a 1663
permanent, serious disfigurement or permanent, substantial 1664
incapacity. 1665

(b) If a court imposes a prison term on an offender under 1666
division (B) (9) (a) of this section, the prison term shall not be 1667
reduced pursuant to section 2929.20, section 2967.19, section 1668
2967.193, or any other provision of Chapter 2967. or Chapter 1669
5120. of the Revised Code. A court shall not impose more than 1670
one prison term on an offender under division (B) (9) of this 1671
section for felonies committed as part of the same act. 1672

(c) The provisions of divisions (B) (9) and (C) (6) of this 1673
section and of division (D) (2) of section 2903.11, division (F) 1674
(20) of section 2929.13, and section 2941.1425 of the Revised 1675
Code shall be known as "Judy's Law." 1676

(10) If an offender is convicted of or pleads guilty to a 1677
violation of division (A) of section 2903.11 of the Revised Code 1678
and also is convicted of or pleads guilty to a specification of 1679
the type described in section 2941.1426 of the Revised Code that 1680
charges that the victim of the offense suffered permanent 1681
disabling harm as a result of the offense and that the victim 1682
was under ten years of age at the time of the offense, 1683
regardless of whether the offender knew the age of the victim, 1684
the court shall impose upon the offender an additional definite 1685

prison term of six years. A prison term imposed on an offender 1686
under division (B) (10) of this section shall not be reduced 1687
pursuant to section 2929.20, section 2967.193, or any other 1688
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1689
If a court imposes an additional prison term on an offender 1690
under this division relative to a violation of division (A) of 1691
section 2903.11 of the Revised Code, the court shall not impose 1692
any other additional prison term on the offender relative to the 1693
same offense. 1694

(11) If an offender is convicted of or pleads guilty to a 1695
felony violation of section 2925.03 or 2925.05 of the Revised 1696
Code or a felony violation of section 2925.11 of the Revised 1697
Code for which division (C) (11) of that section applies in 1698
determining the sentence for the violation, if the drug involved 1699
in the violation is a fentanyl-related compound or a compound, 1700
mixture, preparation, or substance containing a fentanyl-related 1701
compound, and if the offender also is convicted of or pleads 1702
guilty to a specification of the type described in division (B) 1703
of section 2941.1410 of the Revised Code that charges that the 1704
offender is a major drug offender, in addition to any other 1705
penalty imposed for the violation, the court shall impose on the 1706
offender a mandatory prison term of three, four, five, six, 1707
seven, or eight years. If a court imposes a prison term on an 1708
offender under division (B) (11) of this section, the prison 1709
term, subject to divisions (C) to (I) of section 2967.19 of the 1710
Revised Code, shall not be reduced pursuant to section 2929.20, 1711
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1712
5120. of the Revised Code. A court shall not impose more than 1713
one prison term on an offender under division (B) (11) of this 1714
section for felonies committed as part of the same act. 1715

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1716

if a mandatory prison term is imposed upon an offender pursuant 1717
to division (B) (1) (a) of this section for having a firearm on or 1718
about the offender's person or under the offender's control 1719
while committing a felony, if a mandatory prison term is imposed 1720
upon an offender pursuant to division (B) (1) (c) of this section 1721
for committing a felony specified in that division by 1722
discharging a firearm from a motor vehicle, or if both types of 1723
mandatory prison terms are imposed, the offender shall serve any 1724
mandatory prison term imposed under either division 1725
consecutively to any other mandatory prison term imposed under 1726
either division or under division (B) (1) (d) of this section, 1727
consecutively to and prior to any prison term imposed for the 1728
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1729
this section or any other section of the Revised Code, and 1730
consecutively to any other prison term or mandatory prison term 1731
previously or subsequently imposed upon the offender. 1732

(b) If a mandatory prison term is imposed upon an offender 1733
pursuant to division (B) (1) (d) of this section for wearing or 1734
carrying body armor while committing an offense of violence that 1735
is a felony, the offender shall serve the mandatory term so 1736
imposed consecutively to any other mandatory prison term imposed 1737
under that division or under division (B) (1) (a) or (c) of this 1738
section, consecutively to and prior to any prison term imposed 1739
for the underlying felony under division (A), (B) (2), or (B) (3) 1740
of this section or any other section of the Revised Code, and 1741
consecutively to any other prison term or mandatory prison term 1742
previously or subsequently imposed upon the offender. 1743

(c) If a mandatory prison term is imposed upon an offender 1744
pursuant to division (B) (1) (f) of this section, the offender 1745
shall serve the mandatory prison term so imposed consecutively 1746
to and prior to any prison term imposed for the underlying 1747

felony under division (A), (B) (2), or (B) (3) of this section or 1748
any other section of the Revised Code, and consecutively to any 1749
other prison term or mandatory prison term previously or 1750
subsequently imposed upon the offender. 1751

(d) If a mandatory prison term is imposed upon an offender 1752
pursuant to division (B) (7) or (8) of this section, the offender 1753
shall serve the mandatory prison term so imposed consecutively 1754
to any other mandatory prison term imposed under that division 1755
or under any other provision of law and consecutively to any 1756
other prison term or mandatory prison term previously or 1757
subsequently imposed upon the offender. 1758

(e) If a mandatory prison term is imposed upon an offender 1759
pursuant to division (B) (11) of this section, the offender shall 1760
serve the mandatory prison term consecutively to any other 1761
mandatory prison term imposed under that division, consecutively 1762
to and prior to any prison term imposed for the underlying 1763
felony, and consecutively to any other prison term or mandatory 1764
prison term previously or subsequently imposed upon the 1765
offender. 1766

(2) If an offender who is an inmate in a jail, prison, or 1767
other residential detention facility violates section 2917.02, 1768
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1769
(2) of section 2921.34 of the Revised Code, if an offender who 1770
is under detention at a detention facility commits a felony 1771
violation of section 2923.131 of the Revised Code, or if an 1772
offender who is an inmate in a jail, prison, or other 1773
residential detention facility or is under detention at a 1774
detention facility commits another felony while the offender is 1775
an escapee in violation of division (A) (1) or (2) of section 1776
2921.34 of the Revised Code, any prison term imposed upon the 1777

offender for one of those violations shall be served by the 1778
offender consecutively to the prison term or term of 1779
imprisonment the offender was serving when the offender 1780
committed that offense and to any other prison term previously 1781
or subsequently imposed upon the offender. 1782

(3) If a prison term is imposed for a violation of 1783
division (B) of section 2911.01 of the Revised Code, a violation 1784
of division (A) of section 2913.02 of the Revised Code in which 1785
the stolen property is a firearm or dangerous ordnance, or a 1786
felony violation of division (B) of section 2921.331 of the 1787
Revised Code, the offender shall serve that prison term 1788
consecutively to any other prison term or mandatory prison term 1789
previously or subsequently imposed upon the offender. 1790

(4) If multiple prison terms are imposed on an offender 1791
for convictions of multiple offenses, the court may require the 1792
offender to serve the prison terms consecutively if the court 1793
finds that the consecutive service is necessary to protect the 1794
public from future crime or to punish the offender and that 1795
consecutive sentences are not disproportionate to the 1796
seriousness of the offender's conduct and to the danger the 1797
offender poses to the public, and if the court also finds any of 1798
the following: 1799

(a) The offender committed one or more of the multiple 1800
offenses while the offender was awaiting trial or sentencing, 1801
was under a sanction imposed pursuant to section 2929.16, 1802
2929.17, or 2929.18 of the Revised Code, or was under post- 1803
release control for a prior offense. 1804

(b) At least two of the multiple offenses were committed 1805
as part of one or more courses of conduct, and the harm caused 1806
by two or more of the multiple offenses so committed was so 1807

great or unusual that no single prison term for any of the 1808
offenses committed as part of any of the courses of conduct 1809
adequately reflects the seriousness of the offender's conduct. 1810

(c) The offender's history of criminal conduct 1811
demonstrates that consecutive sentences are necessary to protect 1812
the public from future crime by the offender. 1813

(5) If a mandatory prison term is imposed upon an offender 1814
pursuant to division (B) (5) or (6) of this section, the offender 1815
shall serve the mandatory prison term consecutively to and prior 1816
to any prison term imposed for the underlying violation of 1817
division (A) (1) or (2) of section 2903.06 of the Revised Code 1818
pursuant to division (A) of this section or section 2929.142 of 1819
the Revised Code. If a mandatory prison term is imposed upon an 1820
offender pursuant to division (B) (5) of this section, and if a 1821
mandatory prison term also is imposed upon the offender pursuant 1822
to division (B) (6) of this section in relation to the same 1823
violation, the offender shall serve the mandatory prison term 1824
imposed pursuant to division (B) (5) of this section 1825
consecutively to and prior to the mandatory prison term imposed 1826
pursuant to division (B) (6) of this section and consecutively to 1827
and prior to any prison term imposed for the underlying 1828
violation of division (A) (1) or (2) of section 2903.06 of the 1829
Revised Code pursuant to division (A) of this section or section 1830
2929.142 of the Revised Code. 1831

(6) If a mandatory prison term is imposed on an offender 1832
pursuant to division (B) (9) of this section, the offender shall 1833
serve the mandatory prison term consecutively to and prior to 1834
any prison term imposed for the underlying violation of division 1835
(A) (1) or (2) of section 2903.11 of the Revised Code and 1836
consecutively to and prior to any other prison term or mandatory 1837

prison term previously or subsequently imposed on the offender. 1838

(7) If a mandatory prison term is imposed on an offender 1839
pursuant to division (B)(10) of this section, the offender shall 1840
serve that mandatory prison term consecutively to and prior to 1841
any prison term imposed for the underlying felonious assault. 1842
Except as otherwise provided in division (C) of this section, 1843
any other prison term or mandatory prison term previously or 1844
subsequently imposed upon the offender may be served 1845
concurrently with, or consecutively to, the prison term imposed 1846
pursuant to division (B)(10) of this section. 1847

(8) Any prison term imposed for a violation of section 1848
2903.04 of the Revised Code that is based on a violation of 1849
section 2925.03 or 2925.11 of the Revised Code or on a violation 1850
of section 2925.05 of the Revised Code that is not funding of 1851
marihuana trafficking shall run consecutively to any prison term 1852
imposed for the violation of section 2925.03 or 2925.11 of the 1853
Revised Code or for the violation of section 2925.05 of the 1854
Revised Code that is not funding of marihuana trafficking. 1855

(9) When consecutive prison terms are imposed pursuant to 1856
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1857
division (H)(1) or (2) of this section, subject to division (C) 1858
(10) of this section, the term to be served is the aggregate of 1859
all of the terms so imposed. 1860

(10) (a) When a court sentences an offender to a non-life 1861
felony indefinite prison term, to be served consecutively with 1862
any definite prison term or mandatory definite prison term 1863
previously ~~or,~~ subsequently, or contemporaneously imposed on the 1864
offender ~~in addition to that indefinite sentence that is~~ 1865
~~required to be served consecutively to that indefinite sentence,~~ 1866
the definite prison term or mandatory definite prison term shall 1867

be served prior to the non-life felony indefinite sentence~~prison~~
term. 1868
1869

(b) When a court sentences an offender to a non-life 1870
felony indefinite prison term for an offense committed on or 1871
after March 22, 2019, to be served consecutively with any other 1872
non-life felony indefinite prison term previously, subsequently, 1873
or contemporaneously imposed on the offender in another case for 1874
an offense committed on or after March 22, 2019, the minimum 1875
prison term portions of each non-life felony indefinite prison 1876
term shall be aggregated and treated as one aggregate minimum 1877
prison term and the maximum prison term portions of each non- 1878
life felony indefinite prison term shall be aggregated and 1879
treated as one aggregate maximum prison term to be served in 1880
accordance with section 2967.271 of the Revised Code. 1881

(c) When a court sentences an offender to a non-life 1882
felony indefinite prison term for an offense committed on or 1883
after March 22, 2019, to be served consecutively to any 1884
indefinite prison term for an offense committed before July 1, 1885
1996, the non-life felony indefinite prison term for the offense 1886
committed on or after March 22, 2019, shall be served prior to 1887
the indefinite prison term for the offense committed prior to 1888
July 1, 1996. 1889

(11) If a court is sentencing an offender for a felony of 1890
the first or second degree, if division (A) (1) (a) or (2) (a) of 1891
this section applies with respect to the sentencing for the 1892
offense, and if the court is required under the Revised Code 1893
section that sets forth the offense or any other Revised Code 1894
provision to impose a mandatory prison term for the offense, the 1895
court shall impose the required mandatory prison term as the 1896
minimum prison term imposed under division (A) (1) (a) or (2) (a) 1897

of this section, whichever is applicable. 1898

(D) (1) If a court imposes a prison term, other than a term 1899
of life imprisonment, for a felony of the first degree, for a 1900
felony of the second degree, for a felony sex offense, or for a 1901
felony of the third degree that is an offense of violence and 1902
that is not a felony sex offense, it shall include in the 1903
sentence a requirement that the offender be subject to a period 1904
of post-release control after the offender's release from 1905
imprisonment, in accordance with section 2967.28 of the Revised 1906
Code. If a court imposes a sentence including a prison term of a 1907
type described in this division on or after July 11, 2006, the 1908
failure of a court to include a post-release control requirement 1909
in the sentence pursuant to this division does not negate, 1910
limit, or otherwise affect the mandatory period of post-release 1911
control that is required for the offender under division (B) of 1912
section 2967.28 of the Revised Code. Section 2929.191 of the 1913
Revised Code applies if, prior to July 11, 2006, a court imposed 1914
a sentence including a prison term of a type described in this 1915
division and failed to include in the sentence pursuant to this 1916
division a statement regarding post-release control. 1917

(2) If a court imposes a prison term for a felony of the 1918
third, fourth, or fifth degree that is not subject to division 1919
(D) (1) of this section, it shall include in the sentence a 1920
requirement that the offender be subject to a period of post- 1921
release control after the offender's release from imprisonment, 1922
in accordance with that division, if the parole board determines 1923
that a period of post-release control is necessary. Section 1924
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1925
a court imposed a sentence including a prison term of a type 1926
described in this division and failed to include in the sentence 1927
pursuant to this division a statement regarding post-release 1928

control. 1929

(E) The court shall impose sentence upon the offender in 1930
accordance with section 2971.03 of the Revised Code, and Chapter 1931
2971. of the Revised Code applies regarding the prison term or 1932
term of life imprisonment without parole imposed upon the 1933
offender and the service of that term of imprisonment if any of 1934
the following apply: 1935

(1) A person is convicted of or pleads guilty to a violent 1936
sex offense or a designated homicide, assault, or kidnapping 1937
offense, and, in relation to that offense, the offender is 1938
adjudicated a sexually violent predator. 1939

(2) A person is convicted of or pleads guilty to a 1940
violation of division (A) (1) (b) of section 2907.02 of the 1941
Revised Code committed on or after January 2, 2007, and either 1942
the court does not impose a sentence of life without parole when 1943
authorized pursuant to division (B) of section 2907.02 of the 1944
Revised Code, or division (B) of section 2907.02 of the Revised 1945
Code provides that the court shall not sentence the offender 1946
pursuant to section 2971.03 of the Revised Code. 1947

(3) A person is convicted of or pleads guilty to attempted 1948
rape committed on or after January 2, 2007, and a specification 1949
of the type described in section 2941.1418, 2941.1419, or 1950
2941.1420 of the Revised Code. 1951

(4) A person is convicted of or pleads guilty to a 1952
violation of section 2905.01 of the Revised Code committed on or 1953
after January 1, 2008, and that section requires the court to 1954
sentence the offender pursuant to section 2971.03 of the Revised 1955
Code. 1956

(5) A person is convicted of or pleads guilty to 1957

aggravated murder committed on or after January 1, 2008, and 1958
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1959
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1960
(d) of section 2929.03, or division (A) or (B) of section 1961
2929.06 of the Revised Code requires the court to sentence the 1962
offender pursuant to division (B) (3) of section 2971.03 of the 1963
Revised Code. 1964

(6) A person is convicted of or pleads guilty to murder 1965
committed on or after January 1, 2008, and division (B) (2) of 1966
section 2929.02 of the Revised Code requires the court to 1967
sentence the offender pursuant to section 2971.03 of the Revised 1968
Code. 1969

(F) If a person who has been convicted of or pleaded 1970
guilty to a felony is sentenced to a prison term or term of 1971
imprisonment under this section, sections 2929.02 to 2929.06 of 1972
the Revised Code, section 2929.142 of the Revised Code, section 1973
2971.03 of the Revised Code, or any other provision of law, 1974
section 5120.163 of the Revised Code applies regarding the 1975
person while the person is confined in a state correctional 1976
institution. 1977

(G) If an offender who is convicted of or pleads guilty to 1978
a felony that is an offense of violence also is convicted of or 1979
pleads guilty to a specification of the type described in 1980
section 2941.142 of the Revised Code that charges the offender 1981
with having committed the felony while participating in a 1982
criminal gang, the court shall impose upon the offender an 1983
additional prison term of one, two, or three years. 1984

(H) (1) If an offender who is convicted of or pleads guilty 1985
to aggravated murder, murder, or a felony of the first, second, 1986
or third degree that is an offense of violence also is convicted 1987

of or pleads guilty to a specification of the type described in 1988
section 2941.143 of the Revised Code that charges the offender 1989
with having committed the offense in a school safety zone or 1990
towards a person in a school safety zone, the court shall impose 1991
upon the offender an additional prison term of two years. The 1992
offender shall serve the additional two years consecutively to 1993
and prior to the prison term imposed for the underlying offense. 1994

(2) (a) If an offender is convicted of or pleads guilty to 1995
a felony violation of section 2907.22, 2907.24, 2907.241, or 1996
2907.25 of the Revised Code and to a specification of the type 1997
described in section 2941.1421 of the Revised Code and if the 1998
court imposes a prison term on the offender for the felony 1999
violation, the court may impose upon the offender an additional 2000
prison term as follows: 2001

(i) Subject to division (H) (2) (a) (ii) of this section, an 2002
additional prison term of one, two, three, four, five, or six 2003
months; 2004

(ii) If the offender previously has been convicted of or 2005
pleaded guilty to one or more felony or misdemeanor violations 2006
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2007
the Revised Code and also was convicted of or pleaded guilty to 2008
a specification of the type described in section 2941.1421 of 2009
the Revised Code regarding one or more of those violations, an 2010
additional prison term of one, two, three, four, five, six, 2011
seven, eight, nine, ten, eleven, or twelve months. 2012

(b) In lieu of imposing an additional prison term under 2013
division (H) (2) (a) of this section, the court may directly 2014
impose on the offender a sanction that requires the offender to 2015
wear a real-time processing, continual tracking electronic 2016
monitoring device during the period of time specified by the 2017

court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H) (2) (a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

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

If the court disapproves placement of the offender in a

program or prison of that nature, the department of 2049
rehabilitation and correction shall not place the offender in 2050
any program of shock incarceration or intensive program prison. 2051

If the court recommends placement of the offender in a 2052
program of shock incarceration or in an intensive program 2053
prison, and if the offender is subsequently placed in the 2054
recommended program or prison, the department shall notify the 2055
court of the placement and shall include with the notice a brief 2056
description of the placement. 2057

If the court recommends placement of the offender in a 2058
program of shock incarceration or in an intensive program prison 2059
and the department does not subsequently place the offender in 2060
the recommended program or prison, the department shall send a 2061
notice to the court indicating why the offender was not placed 2062
in the recommended program or prison. 2063

If the court does not make a recommendation under this 2064
division with respect to an offender and if the department 2065
determines as specified in section 5120.031 or 5120.032 of the 2066
Revised Code, whichever is applicable, that the offender is 2067
eligible for placement in a program or prison of that nature, 2068
the department shall screen the offender and determine if there 2069
is an available program of shock incarceration or an intensive 2070
program prison for which the offender is suited. If there is an 2071
available program of shock incarceration or an intensive program 2072
prison for which the offender is suited, the department shall 2073
notify the court of the proposed placement of the offender as 2074
specified in section 5120.031 or 5120.032 of the Revised Code 2075
and shall include with the notice a brief description of the 2076
placement. The court shall have ten days from receipt of the 2077
notice to disapprove the placement. 2078

(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 section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

Sec. 2929.144. (A) As used in this section, ~~"qualifying:~~

(1) "Most serious qualifying felony being sentenced"
means, with respect to an indictment, information, or complaint

that contains more than one qualifying felony of the first or 2109
second degree, the qualifying felony of the first or second 2110
degree carrying the highest degree of felony of all the 2111
qualifying felonies of the first or second degree contained in 2112
the indictment, information, or complaint and for which sentence 2113
is being imposed. 2114

(2) "Qualifying felony of the first or second degree" 2115
means a felony of the first or second degree committed on or 2116
~~after the effective date of this section~~ March 22, 2019. 2117

(B) The court imposing a prison term on an offender under 2118
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 2119
Code for ~~a one or more qualifying felony felonies~~ of the first 2120
or second degree contained in a single indictment, information, 2121
or complaint shall determine ~~the a single~~ maximum prison term 2122
that is part of the sentence for all of the qualifying felonies 2123
of the first or second degree contained in the indictment, 2124
information, or complaint, in accordance with the following: 2125

(1) If the offender is being sentenced for one felony and 2126
the felony is a qualifying felony of the first or second degree, 2127
the maximum prison term shall be equal to fifty per cent of the 2128
minimum prison term imposed on the offender under division (A) 2129
(1) (a) or (2) (a) of section 2929.14 of the Revised Code ~~plus~~ 2130
~~fifty per cent of that term.~~ 2131

(2) If the offender is being sentenced for more than one 2132
felony, and if one or more of the felonies is a qualifying 2133
felony of the first or second degree, ~~and if the court orders~~ 2134
~~that some or all of the prison terms imposed are to be served~~ 2135
~~consecutively, the court shall add all of the minimum terms~~ 2136
~~imposed on the offender under division (A) (1) (a) or (2) (a) of~~ 2137
~~section 2929.14 of the Revised Code for a qualifying felony of~~ 2138

~~the first or second degree that are to be served consecutively— 2139
and all of the definite terms of the felonies that are not— 2140
qualifying felonies of the first or second degree that are to be— 2141
served consecutively, and the maximum term shall be equal to the— 2142
total of those terms so added by the court plus fifty per cent— 2143
of the longest minimum term or definite term for the most— 2144
serious felony being sentenced. 2145~~

~~(3) If the offender is being sentenced for more than one— 2146
felony, if one or more of the felonies is a qualifying felony of— 2147
the first or second degree, and if the court orders that all of— 2148
the prison terms imposed are to run concurrently, the maximum— 2149
prison term shall be equal to the longest of the minimum terms— 2150
imposed on the offender under division (A)(1)(a) or (2)(a) of— 2151
section 2929.14 of the Revised Code for a qualifying felony of— 2152
the first or second degree for which the sentence is being— 2153
imposed plus fifty per cent of the longest minimum prison term— 2154
for the most serious qualifying felony being sentenced. 2155~~

~~(4) (3) Any mandatory prison term, or portion of a 2156
mandatory prison term, that is imposed or to be imposed on the 2157
offender under division (B), (G), or (H) of section 2929.14 of 2158
the Revised Code or under any other provision of the Revised 2159
Code, with respect to a conviction of or plea of guilty to a 2160
specification, and that is in addition to the sentence imposed 2161
for the underlying offense is: 2162~~

~~(a) Is separate from the non-life felony indefinite 2163
sentence being imposed for the qualifying first or second degree 2164
felony committed on or after ~~the effective date of this section—~~ 2165
and shall March 22, 2019; 2166~~

~~(b) Shall not be considered or included in determining a 2167
maximum prison term for the offender under divisions (B)(1) to 2168~~

(3) of this section; and 2169

(c) Is to be imposed separately from the non-life felony 2170
indefinite sentence being imposed under this section. 2171

(C) The court imposing a prison term on an offender 2172
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2173
the Revised Code for a qualifying felony of the first or second 2174
degree shall sentence the offender, as part of the sentence, to 2175
~~the~~ a maximum prison term determined under division (B) of this 2176
section. The court shall impose this maximum term at sentencing 2177
as part of the sentence it imposes under section 2929.14 of the 2178
Revised Code, and shall state the minimum prison term it imposes 2179
under division (A) (1) (a) or (2) (a) of that section for each 2180
qualifying felony of the first or second degree, and this 2181
maximum term, in the sentencing entry. 2182

(D) If a court imposes a prison term on an offender 2183
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2184
the Revised Code for a qualifying felony of the first or second 2185
degree, section 2967.271 of the Revised Code applies with 2186
respect to the offender's service of the prison term. 2187

Sec. 2929.19. (A) The court shall hold a sentencing 2188
hearing before imposing a sentence under this chapter upon an 2189
offender who was convicted of or pleaded guilty to a felony and 2190
before resentencing an offender who was convicted of or pleaded 2191
guilty to a felony and whose case was remanded pursuant to 2192
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 2193
the offender, the prosecuting attorney, the victim or the 2194
victim's representative in accordance with section 2930.14 of 2195
the Revised Code, and, with the approval of the court, any other 2196
person may present information relevant to the imposition of 2197
sentence in the case. The court shall inform the offender of the 2198

verdict of the jury or finding of the court and ask the offender 2199
whether the offender has anything to say as to why sentence 2200
should not be imposed upon the offender. 2201

(B) (1) At the sentencing hearing, the court, before 2202
imposing sentence, shall consider the record, any information 2203
presented at the hearing by any person pursuant to division (A) 2204
of this section, and, if one was prepared, the presentence 2205
investigation report made pursuant to section 2951.03 of the 2206
Revised Code or Criminal Rule 32.2, and any victim impact 2207
statement made pursuant to section 2947.051 of the Revised Code. 2208

(2) Subject to division (B) (3) of this section, if the 2209
sentencing court determines at the sentencing hearing that a 2210
prison term is necessary or required, the court shall do all of 2211
the following: 2212

(a) Impose a stated prison term and, if the court imposes 2213
a mandatory prison term, notify the offender that the prison 2214
term is a mandatory prison term; 2215

(b) In addition to any other information, include in the 2216
sentencing entry the name and section reference to the offense 2217
or offenses, the sentence or sentences imposed and whether the 2218
sentence or sentences contain mandatory prison terms, if 2219
sentences are imposed for multiple counts whether the sentences 2220
are to be served concurrently or consecutively, and the name and 2221
section reference of any specification or specifications for 2222
which sentence is imposed and the sentence or sentences imposed 2223
for the specification or specifications; 2224

(c) If the prison term is a non-life felony indefinite 2225
prison term, notify the offender of all of the following: 2226

(i) That the non-life felony indefinite prison term to 2227

which the offender is subject consists of a minimum prison term 2228
followed by a maximum prison term. 2229

(ii) That it is rebuttably presumed that the offender will 2230
be released from service of the sentence on the expiration of 2231
the minimum prison term imposed as part of the sentence or on 2232
the offender's presumptive earned early release date, as defined 2233
in section 2967.271 of the Revised Code, whichever is earlier; 2234

~~(ii)~~ (iii) That the department of rehabilitation and 2235
correction may rebut the presumption described in division (B) 2236
(2) (c) ~~(i)~~ (ii) of this section if, at a hearing held under 2237
section 2967.271 of the Revised Code, the department makes 2238
specified determinations regarding the offender's conduct while 2239
confined, the offender's rehabilitation, the offender's threat 2240
to society, the offender's restrictive housing, if any, while 2241
confined, and the offender's security classification; 2242

~~(iii)~~ (iv) That if, as described in division (B) (2) (c) (ii) 2243
of this section, the department at the hearing makes the 2244
specified determinations and rebuts the presumption, the 2245
department may maintain the offender's incarceration after the 2246
expiration of that minimum term or after that presumptive earned 2247
early release date for the length of time the department 2248
determines to be reasonable, subject to the limitation specified 2249
in section 2967.271 of the Revised Code; 2250

~~(iv)~~ (v) That the department may make the specified 2251
determinations and maintain the offender's incarceration under 2252
the provisions described in divisions (B) (2) (c) ~~(i) and~~ (ii) and 2253
(iii) of this section more than one time, subject to the 2254
limitation specified in section 2967.271 of the Revised Code; 2255

~~(v)~~ (vi) That if the offender has not been released prior 2256

to the expiration of the offender's maximum prison term imposed 2257
as part of the sentence, the offender must be released upon the 2258
expiration of that term. 2259

(d) Notify the offender that the offender will be 2260
supervised under section 2967.28 of the Revised Code after the 2261
offender leaves prison if the offender is being sentenced, other 2262
than to a sentence of life imprisonment, for a felony of the 2263
first degree or second degree, for a felony sex offense, or for 2264
a felony of the third degree that is an offense of violence and 2265
is not a felony sex offense. This division applies with respect 2266
to all prison terms imposed for an offense of a type described 2267
in this division, including a non-life felony indefinite prison 2268
term and including a term imposed for any offense of a type 2269
described in this division that is a risk reduction sentence, as 2270
defined in section 2967.28 of the Revised Code. If a court 2271
imposes a sentence including a prison term of a type described 2272
in division (B) (2) (d) of this section on or after July 11, 2006, 2273
the failure of a court to notify the offender pursuant to 2274
division (B) (2) (d) of this section that the offender will be 2275
supervised under section 2967.28 of the Revised Code after the 2276
offender leaves prison or to include in the judgment of 2277
conviction entered on the journal a statement to that effect 2278
does not negate, limit, or otherwise affect the mandatory period 2279
of supervision that is required for the offender under division 2280
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2281
the Revised Code applies if, prior to July 11, 2006, a court 2282
imposed a sentence including a prison term of a type described 2283
in division (B) (2) (d) of this section and failed to notify the 2284
offender pursuant to division (B) (2) (d) of this section 2285
regarding post-release control or to include in the judgment of 2286
conviction entered on the journal or in the sentence a statement 2287

regarding post-release control. 2288

(e) Notify the offender that the offender may be 2289
supervised under section 2967.28 of the Revised Code after the 2290
offender leaves prison if the offender is being sentenced for a 2291
felony of the third, fourth, or fifth degree that is not subject 2292
to division (B) (2) (d) of this section. This division applies 2293
with respect to all prison terms imposed for an offense of a 2294
type described in this division, including a term imposed for 2295
any such offense that is a risk reduction sentence, as defined 2296
in section 2967.28 of the Revised Code. Section 2929.191 of the 2297
Revised Code applies if, prior to July 11, 2006, a court imposed 2298
a sentence including a prison term of a type described in 2299
division (B) (2) (e) of this section and failed to notify the 2300
offender pursuant to division (B) (2) (e) of this section 2301
regarding post-release control or to include in the judgment of 2302
conviction entered on the journal or in the sentence a statement 2303
regarding post-release control. 2304

(f) Notify the offender that, if a period of supervision 2305
is imposed following the offender's release from prison, as 2306
described in division (B) (2) (d) or (e) of this section, and if 2307
the offender violates that supervision or a condition of post- 2308
release control imposed under division (B) of section 2967.131 2309
of the Revised Code, the parole board may impose a prison term, 2310
as part of the sentence, of up to one-half of the definite 2311
prison term originally imposed upon the offender as the 2312
offender's stated prison term or up to one-half of the minimum 2313
prison term originally imposed upon the offender as part of the 2314
offender's stated non-life felony indefinite prison term. If a 2315
court imposes a sentence including a prison term on or after 2316
July 11, 2006, the failure of a court to notify the offender 2317
pursuant to division (B) (2) (f) of this section that the parole 2318

board may impose a prison term as described in division (B) (2) 2319
(f) of this section for a violation of that supervision or a 2320
condition of post-release control imposed under division (B) of 2321
section 2967.131 of the Revised Code or to include in the 2322
judgment of conviction entered on the journal a statement to 2323
that effect does not negate, limit, or otherwise affect the 2324
authority of the parole board to so impose a prison term for a 2325
violation of that nature if, pursuant to division (D) (1) of 2326
section 2967.28 of the Revised Code, the parole board notifies 2327
the offender prior to the offender's release of the board's 2328
authority to so impose a prison term. Section 2929.191 of the 2329
Revised Code applies if, prior to July 11, 2006, a court imposed 2330
a sentence including a prison term and failed to notify the 2331
offender pursuant to division (B) (2) (f) of this section 2332
regarding the possibility of the parole board imposing a prison 2333
term for a violation of supervision or a condition of post- 2334
release control. 2335

(g) (i) Determine, notify the offender of, and include in 2336
the sentencing entry the total number of days, including the 2337
sentencing date but excluding conveyance time, that the offender 2338
has been confined for any reason arising out of the offense for 2339
which the offender is being sentenced and by which the 2340
department of rehabilitation and correction must reduce the 2341
definite prison term imposed on the offender as the offender's 2342
stated prison term or, if the offense is an offense for which a 2343
non-life felony indefinite prison term is imposed under division 2344
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 2345
minimum ~~and maximum~~ ~~prison terms~~ term imposed on the offender as 2346
part of that non-life felony indefinite prison term, under 2347
section 2967.191 of the Revised Code. The court's calculation 2348
shall not include the number of days, if any, that the offender 2349

served in the custody of the department of rehabilitation and 2350
correction arising out of any prior offense for which the 2351
prisoner was convicted and sentenced. 2352

(ii) In making a determination under division (B) (2) (g) (i) 2353
of this section, the court shall consider the arguments of the 2354
parties and conduct a hearing if one is requested. 2355

(iii) The sentencing court retains continuing jurisdiction 2356
to correct any error not previously raised at sentencing in 2357
making a determination under division (B) (2) (g) (i) of this 2358
section. The offender may, at any time after sentencing, file a 2359
motion in the sentencing court to correct any error made in 2360
making a determination under division (B) (2) (g) (i) of this 2361
section, and the court may in its discretion grant or deny that 2362
motion. If the court changes the number of days in its 2363
determination or redetermination, the court shall cause the 2364
entry granting that change to be delivered to the department of 2365
rehabilitation and correction without delay. Sections 2931.15 2366
and 2953.21 of the Revised Code do not apply to a motion made 2367
under this section. 2368

(iv) An inaccurate determination under division (B) (2) (g) 2369
(i) of this section is not grounds for setting aside the 2370
offender's conviction or sentence and does not otherwise render 2371
the sentence void or voidable. 2372

(v) The department of rehabilitation and correction shall 2373
rely upon the latest journal entry of the court in determining 2374
the total days of local confinement for purposes of division (B) 2375
(2) (f) (i) to (iii) of this section and section 2967.191 of the 2376
Revised Code. 2377

(3) (a) The court shall include in the offender's sentence 2378

a statement that the offender is a tier III sex offender/child- 2379
victim offender, and the court shall comply with the 2380
requirements of section 2950.03 of the Revised Code if any of 2381
the following apply: 2382

(i) The offender is being sentenced for a violent sex 2383
offense or designated homicide, assault, or kidnapping offense 2384
that the offender committed on or after January 1, 1997, and the 2385
offender is adjudicated a sexually violent predator in relation 2386
to that offense. 2387

(ii) The offender is being sentenced for a sexually 2388
oriented offense that the offender committed on or after January 2389
1, 1997, and the offender is a tier III sex offender/child- 2390
victim offender relative to that offense. 2391

(iii) The offender is being sentenced on or after July 31, 2392
2003, for a child-victim oriented offense, and the offender is a 2393
tier III sex offender/child-victim offender relative to that 2394
offense. 2395

(iv) The offender is being sentenced under section 2971.03 2396
of the Revised Code for a violation of division (A) (1) (b) of 2397
section 2907.02 of the Revised Code committed on or after 2398
January 2, 2007. 2399

(v) The offender is sentenced to a term of life without 2400
parole under division (B) of section 2907.02 of the Revised 2401
Code. 2402

(vi) The offender is being sentenced for attempted rape 2403
committed on or after January 2, 2007, and a specification of 2404
the type described in section 2941.1418, 2941.1419, or 2941.1420 2405
of the Revised Code. 2406

(vii) The offender is being sentenced under division (B) 2407

(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 2408
for an offense described in those divisions committed on or 2409
after January 1, 2008. 2410

(b) Additionally, if any criterion set forth in divisions 2411
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2412
circumstances described in division (E) of section 2929.14 of 2413
the Revised Code, the court shall impose sentence on the 2414
offender as described in that division. 2415

(4) If the sentencing court determines at the sentencing 2416
hearing that a community control sanction should be imposed and 2417
the court is not prohibited from imposing a community control 2418
sanction, the court shall impose a community control sanction. 2419
The court shall notify the offender that, if the conditions of 2420
the sanction are violated, if the offender commits a violation 2421
of any law, or if the offender leaves this state without the 2422
permission of the court or the offender's probation officer, the 2423
court may impose a longer time under the same sanction, may 2424
impose a more restrictive sanction, or may impose a prison term 2425
on the offender and shall indicate the specific prison term that 2426
may be imposed as a sanction for the violation, as selected by 2427
the court from the range of prison terms for the offense 2428
pursuant to section 2929.14 of the Revised Code and as described 2429
in section 2929.15 of the Revised Code. 2430

(5) Before imposing a financial sanction under section 2431
2929.18 of the Revised Code or a fine under section 2929.32 of 2432
the Revised Code, the court shall consider the offender's 2433
present and future ability to pay the amount of the sanction or 2434
fine. 2435

(6) If the sentencing court sentences the offender to a 2436
sanction of confinement pursuant to section 2929.14 or 2929.16 2437

of the Revised Code that is to be served in a local detention 2438
facility, as defined in section 2929.36 of the Revised Code, and 2439
if the local detention facility is covered by a policy adopted 2440
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2441
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2442
and section 2929.37 of the Revised Code, both of the following 2443
apply: 2444

(a) The court shall specify both of the following as part 2445
of the sentence: 2446

(i) If the offender is presented with an itemized bill 2447
pursuant to section 2929.37 of the Revised Code for payment of 2448
the costs of confinement, the offender is required to pay the 2449
bill in accordance with that section. 2450

(ii) If the offender does not dispute the bill described 2451
in division (B) (6) (a) (i) of this section and does not pay the 2452
bill by the times specified in section 2929.37 of the Revised 2453
Code, the clerk of the court may issue a certificate of judgment 2454
against the offender as described in that section. 2455

(b) The sentence automatically includes any certificate of 2456
judgment issued as described in division (B) (6) (a) (ii) of this 2457
section. 2458

(7) The failure of the court to notify the offender that a 2459
prison term is a mandatory prison term pursuant to division (B) 2460
(2) (a) of this section or to include in the sentencing entry any 2461
information required by division (B) (2) (b) of this section does 2462
not affect the validity of the imposed sentence or sentences. If 2463
the sentencing court notifies the offender at the sentencing 2464
hearing that a prison term is mandatory but the sentencing entry 2465
does not specify that the prison term is mandatory, the court 2466

may complete a corrected journal entry and send copies of the 2467
corrected entry to the offender and the department of 2468
rehabilitation and correction, or, at the request of the state, 2469
the court shall complete a corrected journal entry and send 2470
copies of the corrected entry to the offender and department of 2471
rehabilitation and correction. 2472

(C) (1) If the offender is being sentenced for a fourth 2473
degree felony OVI offense under division (G) (1) of section 2474
2929.13 of the Revised Code, the court shall impose the 2475
mandatory term of local incarceration in accordance with that 2476
division, shall impose a mandatory fine in accordance with 2477
division (B) (3) of section 2929.18 of the Revised Code, and, in 2478
addition, may impose additional sanctions as specified in 2479
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2480
Code. The court shall not impose a prison term on the offender 2481
except that the court may impose a prison term upon the offender 2482
as provided in division (A) (1) of section 2929.13 of the Revised 2483
Code. 2484

(2) If the offender is being sentenced for a third or 2485
fourth degree felony OVI offense under division (G) (2) of 2486
section 2929.13 of the Revised Code, the court shall impose the 2487
mandatory prison term in accordance with that division, shall 2488
impose a mandatory fine in accordance with division (B) (3) of 2489
section 2929.18 of the Revised Code, and, in addition, may 2490
impose an additional prison term as specified in section 2929.14 2491
of the Revised Code. In addition to the mandatory prison term or 2492
mandatory prison term and additional prison term the court 2493
imposes, the court also may impose a community control sanction 2494
on the offender, but the offender shall serve all of the prison 2495
terms so imposed prior to serving the community control 2496
sanction. 2497

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

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

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

(b) "Eligible offender" does not include any person who, on or after the effective date of this amendment, is serving a stated prison term for a non-life felony indefinite prison term or who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, 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;

(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;

(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;

(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;

(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.

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

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

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

(5) "Imminent danger of death," "medically incapacitated," 2556
and "terminal illness" have the same meanings as in section 2557
2967.05 of the Revised Code. 2558

~~(6) "Aggregated nonmandatory prison term or terms" means~~ 2559
~~the aggregate of the following:~~ 2560

~~(a) All nonmandatory definite prison terms;~~ 2561

~~(b) With respect to any non-life felony indefinite prison~~ 2562
~~term, all nonmandatory minimum prison terms imposed as part of~~ 2563
~~the non-life felony indefinite prison term or terms.~~ 2564

(B) On the motion of an eligible offender or upon its own 2565
motion, the sentencing court may reduce the eligible offender's 2566
aggregated nonmandatory prison term or terms through a judicial 2567
release under this section. 2568

(C) An eligible offender may file a motion for judicial 2569
release with the sentencing court within the following 2570
applicable periods: 2571

(1) If the aggregated nonmandatory prison term or terms is 2572
less than two years, the eligible offender may file the motion 2573
at any time after the offender is delivered to a state 2574
correctional institution or, if the prison term includes a 2575
mandatory prison term or terms, at any time after the expiration 2576
of all mandatory prison terms. 2577

(2) If the aggregated nonmandatory prison term or terms is 2578
at least two years but less than five years, the eligible 2579
offender may file the motion not earlier than one hundred eighty 2580
days after the offender is delivered to a state correctional 2581
institution or, if the prison term includes a mandatory prison 2582
term or terms, not earlier than one hundred eighty days after 2583
the expiration of all mandatory prison terms. 2584

(3) If the aggregated nonmandatory prison term or terms is 2585
five years, the eligible offender may file the motion not 2586
earlier than the date on which the eligible offender has served 2587
four years of the offender's stated prison term or, if the 2588
prison term includes a mandatory prison term or terms, not 2589
earlier than four years after the expiration of all mandatory 2590
prison terms. 2591

(4) If the aggregated nonmandatory prison term or terms is 2592
more than five years but not more than ten years, the eligible 2593
offender may file the motion not earlier than the date on which 2594
the eligible offender has served five years of the offender's 2595
stated prison term or, if the prison term includes a mandatory 2596
prison term or terms, not earlier than five years after the 2597
expiration of all mandatory prison terms. 2598

(5) If the aggregated nonmandatory prison term or terms is 2599
more than ten years, the eligible offender may file the motion 2600
not earlier than the later of the date on which the offender has 2601
served one-half of the offender's stated prison term or the date 2602
specified in division (C) (4) of this section. 2603

(D) Upon receipt of a timely motion for judicial release 2604
filed by an eligible offender under division (C) of this section 2605
or upon the sentencing court's own motion made within the 2606
appropriate time specified in that division, the court may deny 2607
the motion without a hearing or schedule a hearing on the 2608
motion. The court shall not grant the motion without a hearing. 2609
If a court denies a motion without a hearing, the court later 2610
may consider judicial release for that eligible offender on a 2611
subsequent motion filed by that eligible offender unless the 2612
court denies the motion with prejudice. If a court denies a 2613
motion with prejudice, the court may later consider judicial 2614

release on its own motion. If a court denies a motion after a 2615
hearing, the court shall not consider a subsequent motion for 2616
that eligible offender. The court shall hold only one hearing 2617
for any eligible offender. 2618

A hearing under this section shall be conducted in open 2619
court not less than thirty or more than sixty days after the 2620
motion is filed, provided that the court may delay the hearing 2621
for one hundred eighty additional days. If the court holds a 2622
hearing, the court shall enter a ruling on the motion within ten 2623
days after the hearing. If the court denies the motion without a 2624
hearing, the court shall enter its ruling on the motion within 2625
sixty days after the motion is filed. 2626

(E) If a court schedules a hearing under division (D) of 2627
this section, the court shall notify the eligible offender and 2628
the head of the state correctional institution in which the 2629
eligible offender is confined prior to the hearing. The head of 2630
the state correctional institution immediately shall notify the 2631
appropriate person at the department of rehabilitation and 2632
correction of the hearing, and the department within twenty-four 2633
hours after receipt of the notice, shall post on the database it 2634
maintains pursuant to section 5120.66 of the Revised Code the 2635
offender's name and all of the information specified in division 2636
(A) (1) (c) (i) of that section. If the court schedules a hearing 2637
for judicial release, the court promptly shall give notice of 2638
the hearing to the prosecuting attorney of the county in which 2639
the eligible offender was indicted. Upon receipt of the notice 2640
from the court, the prosecuting attorney shall do whichever of 2641
the following is applicable: 2642

(1) Subject to division (E) (2) of this section, notify the 2643
victim of the offense or the victim's representative pursuant to 2644

division (B) of section 2930.16 of the Revised Code; 2645

(2) If the offense was an offense of violence that is a 2646
felony of the first, second, or third degree, except as 2647
otherwise provided in this division, notify the victim or the 2648
victim's representative of the hearing regardless of whether the 2649
victim or victim's representative has requested the 2650
notification. The notice of the hearing shall not be given under 2651
this division to a victim or victim's representative if the 2652
victim or victim's representative has requested pursuant to 2653
division (B) (2) of section 2930.03 of the Revised Code that the 2654
victim or the victim's representative not be provided the 2655
notice. If notice is to be provided to a victim or victim's 2656
representative under this division, the prosecuting attorney may 2657
give the notice by any reasonable means, including regular mail, 2658
telephone, and electronic mail, in accordance with division (D) 2659
(1) of section 2930.16 of the Revised Code. If the notice is 2660
based on an offense committed prior to March 22, 2013, the 2661
notice also shall include the opt-out information described in 2662
division (D) (1) of section 2930.16 of the Revised Code. The 2663
prosecuting attorney, in accordance with division (D) (2) of 2664
section 2930.16 of the Revised Code, shall keep a record of all 2665
attempts to provide the notice, and of all notices provided, 2666
under this division. Division (E) (2) of this section, and the 2667
notice-related provisions of division (K) of this section, 2668
division (D) (1) of section 2930.16, division (H) of section 2669
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 2670
(b) of section 2967.26, division (D) (1) of section 2967.28, and 2671
division (A) (2) of section 5149.101 of the Revised Code enacted 2672
in the act in which division (E) (2) of this section was enacted, 2673
shall be known as "Roberta's Law." 2674

(F) Upon an offender's successful completion of 2675

rehabilitative activities, the head of the state correctional 2676
institution may notify the sentencing court of the successful 2677
completion of the activities. 2678

(G) Prior to the date of the hearing on a motion for 2679
judicial release under this section, the head of the state 2680
correctional institution in which the eligible offender is 2681
confined shall send to the court an institutional summary report 2682
on the eligible offender's conduct in the institution and in any 2683
institution from which the eligible offender may have been 2684
transferred. Upon the request of the prosecuting attorney of the 2685
county in which the eligible offender was indicted or of any law 2686
enforcement agency, the head of the state correctional 2687
institution, at the same time the person sends the institutional 2688
summary report to the court, also shall send a copy of the 2689
report to the requesting prosecuting attorney and law 2690
enforcement agencies. The institutional summary report shall 2691
cover the eligible offender's participation in school, 2692
vocational training, work, treatment, and other rehabilitative 2693
activities and any disciplinary action taken against the 2694
eligible offender. The report shall be made part of the record 2695
of the hearing. A presentence investigation report is not 2696
required for judicial release. 2697

(H) If the court grants a hearing on a motion for judicial 2698
release under this section, the eligible offender shall attend 2699
the hearing if ordered to do so by the court. Upon receipt of a 2700
copy of the journal entry containing the order, the head of the 2701
state correctional institution in which the eligible offender is 2702
incarcerated shall deliver the eligible offender to the sheriff 2703
of the county in which the hearing is to be held. The sheriff 2704
shall convey the eligible offender to and from the hearing. 2705

(I) At the hearing on a motion for judicial release under 2706
this section, the court shall afford the eligible offender and 2707
the eligible offender's attorney an opportunity to present 2708
written and, if present, oral information relevant to the 2709
motion. The court shall afford a similar opportunity to the 2710
prosecuting attorney, the victim or the victim's representative, 2711
and any other person the court determines is likely to present 2712
additional relevant information. The court shall consider any 2713
statement of a victim made pursuant to section 2930.14 or 2714
2930.17 of the Revised Code, any victim impact statement 2715
prepared pursuant to section 2947.051 of the Revised Code, and 2716
any report made under division (G) of this section. The court 2717
may consider any written statement of any person submitted to 2718
the court pursuant to division (L) of this section. After ruling 2719
on the motion, the court shall notify the victim of the ruling 2720
in accordance with sections 2930.03 and 2930.16 of the Revised 2721
Code. 2722

(J) (1) A court shall not grant a judicial release under 2723
this section to an eligible offender who is imprisoned for a 2724
felony of the first or second degree, or to an eligible offender 2725
who committed an offense under Chapter 2925. or 3719. of the 2726
Revised Code and for whom there was a presumption under section 2727
2929.13 of the Revised Code in favor of a prison term, unless 2728
the court, with reference to factors under section 2929.12 of 2729
the Revised Code, finds both of the following: 2730

(a) That a sanction other than a prison term would 2731
adequately punish the offender and protect the public from 2732
future criminal violations by the eligible offender because the 2733
applicable factors indicating a lesser likelihood of recidivism 2734
outweigh the applicable factors indicating a greater likelihood 2735
of recidivism; 2736

(b) That a sanction other than a prison term would not 2737
demean the seriousness of the offense because factors indicating 2738
that the eligible offender's conduct in committing the offense 2739
was less serious than conduct normally constituting the offense 2740
outweigh factors indicating that the eligible offender's conduct 2741
was more serious than conduct normally constituting the offense. 2742

(2) A court that grants a judicial release to an eligible 2743
offender under division (J)(1) of this section shall specify on 2744
the record both findings required in that division and also 2745
shall list all the factors described in that division that were 2746
presented at the hearing. 2747

(K) If the court grants a motion for judicial release 2748
under this section, the court shall order the release of the 2749
eligible offender, shall place the eligible offender under an 2750
appropriate community control sanction, under appropriate 2751
conditions, and under the supervision of the department of 2752
probation serving the court and shall reserve the right to 2753
reimpose the sentence that it reduced if the offender violates 2754
the sanction. If the court reimposes the reduced sentence, it 2755
may do so either concurrently with, or consecutive to, any new 2756
sentence imposed upon the eligible offender as a result of the 2757
violation that is a new offense. Except as provided in division 2758
(R)(2) of this section, the period of community control shall be 2759
no longer than five years. The court, in its discretion, may 2760
reduce the period of community control by the amount of time the 2761
eligible offender spent in jail or prison for the offense and in 2762
prison. If the court made any findings pursuant to division (J) 2763
(1) of this section, the court shall serve a copy of the 2764
findings upon counsel for the parties within fifteen days after 2765
the date on which the court grants the motion for judicial 2766
release. 2767

If the court grants a motion for judicial release, the 2768
court shall notify the appropriate person at the department of 2769
rehabilitation and correction, and the department shall post 2770
notice of the release on the database it maintains pursuant to 2771
section 5120.66 of the Revised Code. The court also shall notify 2772
the prosecuting attorney of the county in which the eligible 2773
offender was indicted that the motion has been granted. Unless 2774
the victim or the victim's representative has requested pursuant 2775
to division (B) (2) of section 2930.03 of the Revised Code that 2776
the victim or victim's representative not be provided the 2777
notice, the prosecuting attorney shall notify the victim or the 2778
victim's representative of the judicial release in any manner, 2779
and in accordance with the same procedures, pursuant to which 2780
the prosecuting attorney is authorized to provide notice of the 2781
hearing pursuant to division (E) (2) of this section. If the 2782
notice is based on an offense committed prior to March 22, 2013, 2783
the notice to the victim or victim's representative also shall 2784
include the opt-out information described in division (D) (1) of 2785
section 2930.16 of the Revised Code. 2786

(L) In addition to and independent of the right of a 2787
victim to make a statement pursuant to section 2930.14, 2930.17, 2788
or 2946.051 of the Revised Code and any right of a person to 2789
present written information or make a statement pursuant to 2790
division (I) of this section, any person may submit to the 2791
court, at any time prior to the hearing on the offender's motion 2792
for judicial release, a written statement concerning the effects 2793
of the offender's crime or crimes, the circumstances surrounding 2794
the crime or crimes, the manner in which the crime or crimes 2795
were perpetrated, and the person's opinion as to whether the 2796
offender should be released. 2797

(M) The changes to this section that are made on September 2798

30, 2011, apply to any judicial release decision made on or 2799
after September 30, 2011, for any eligible offender. 2800

(N) Notwithstanding the eligibility requirements specified 2801
in division (A) of this section and the filing time frames 2802
specified in division (C) of this section and notwithstanding 2803
the findings required under division (J) of this section, the 2804
sentencing court, upon the court's own motion and after 2805
considering whether the release of the offender into society 2806
would create undue risk to public safety, may grant a judicial 2807
release to an offender who is not serving a life sentence at any 2808
time during the offender's imposed sentence when the director of 2809
rehabilitation and correction certifies to the sentencing court 2810
through the chief medical officer for the department of 2811
rehabilitation and correction that the offender is in imminent 2812
danger of death, is medically incapacitated, or is suffering 2813
from a terminal illness. 2814

(O) The director of rehabilitation and correction shall 2815
not certify any offender under division (N) of this section who 2816
is serving a death sentence. 2817

(P) A motion made by the court under division (N) of this 2818
section is subject to the notice, hearing, and other procedural 2819
requirements specified in divisions (D), (E), (G), (H), (I), 2820
(K), and (L) of this section, except for the following: 2821

(1) The court may waive the offender's appearance at any 2822
hearing scheduled by the court if the offender's condition makes 2823
it impossible for the offender to participate meaningfully in 2824
the proceeding. 2825

(2) The court may grant the motion without a hearing, 2826
provided that the prosecuting attorney and victim or victim's 2827

representative to whom notice of the hearing was provided under 2828
division (E) of this section indicate that they do not wish to 2829
participate in the hearing or present information relevant to 2830
the motion. 2831

(Q) The court may request health care records from the 2832
department of rehabilitation and correction to verify the 2833
certification made under division (N) of this section. 2834

(R) (1) If the court grants judicial release under division 2835
(N) of this section, the court shall do all of the following: 2836

(a) Order the release of the offender; 2837

(b) Place the offender under an appropriate community 2838
control sanction, under appropriate conditions; 2839

(c) Place the offender under the supervision of the 2840
department of probation serving the court or under the 2841
supervision of the adult parole authority. 2842

(2) The court, in its discretion, may revoke the judicial 2843
release if the offender violates the community control sanction 2844
described in division (R) (1) of this section. The period of that 2845
community control is not subject to the five-year limitation 2846
described in division (K) of this section and shall not expire 2847
earlier than the date on which all of the offender's mandatory 2848
prison terms expire. 2849

(S) If the health of an offender who is released under 2850
division (N) of this section improves so that the offender is no 2851
longer terminally ill, medically incapacitated, or in imminent 2852
danger of death, the court shall, upon the court's own motion, 2853
revoke the judicial release. The court shall not grant the 2854
motion without a hearing unless the offender waives a hearing. 2855
If a hearing is held, the court shall afford the offender and 2856

the offender's attorney an opportunity to present written and, 2857
if the offender or the offender's attorney is present, oral 2858
information relevant to the motion. The court shall afford a 2859
similar opportunity to the prosecuting attorney, the victim or 2860
the victim's representative, and any other person the court 2861
determines is likely to present additional relevant information. 2862
A court that grants a motion under this division shall specify 2863
its findings on the record. 2864

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 2865
in a case who has requested to receive notice under this section 2866
shall be given notice of the incarceration of the defendant. If 2867
an alleged juvenile offender is committed to the temporary 2868
custody of a school, camp, institution, or other facility 2869
operated for the care of delinquent children or to the legal 2870
custody of the department of youth services, a victim in a case 2871
who has requested to receive notice under this section shall be 2872
given notice of the commitment. Promptly after sentence is 2873
imposed upon the defendant or the commitment of the alleged 2874
juvenile offender is ordered, the prosecutor in the case shall 2875
notify the victim of the date on which the defendant will be 2876
released, or initially will be eligible for release, from 2877
confinement or the prosecutor's reasonable estimate of that date 2878
or the date on which the alleged juvenile offender will have 2879
served the minimum period of commitment or the prosecutor's 2880
reasonable estimate of that date. The prosecutor also shall 2881
notify the victim of the name of the custodial agency of the 2882
defendant or alleged juvenile offender and tell the victim how 2883
to contact that custodial agency. If the custodial agency is the 2884
department of rehabilitation and correction, the prosecutor 2885
shall notify the victim of the services offered by the office of 2886
victims' services pursuant to section 5120.60 of the Revised 2887

Code. If the custodial agency is the department of youth 2888
services, the prosecutor shall notify the victim of the services 2889
provided by the office of victims' services within the release 2890
authority of the department pursuant to section 5139.55 of the 2891
Revised Code and the victim's right pursuant to section 5139.56 2892
of the Revised Code to submit a written request to the release 2893
authority to be notified of actions the release authority takes 2894
with respect to the alleged juvenile offender. The victim shall 2895
keep the custodial agency informed of the victim's current 2896
address and telephone number. 2897

(B) (1) Upon the victim's request or in accordance with 2898
division (D) of this section, the prosecutor promptly shall 2899
notify the victim of any hearing for judicial release of the 2900
defendant pursuant to section 2929.20 of the Revised Code, of 2901
any hearing for release of the defendant pursuant to section 2902
2967.19 of the Revised Code, or of any hearing for judicial 2903
release or early release of the alleged juvenile offender 2904
pursuant to section 2151.38 of the Revised Code and of the 2905
victim's right to make a statement under those sections. The 2906
court shall notify the victim of its ruling in each of those 2907
hearings and on each of those applications. 2908

(2) If an offender is sentenced to a prison term pursuant 2909
to division (A) (3) or (B) of section 2971.03 of the Revised 2910
Code, upon the request of the victim of the crime or in 2911
accordance with division (D) of this section, the prosecutor 2912
promptly shall notify the victim of any hearing to be conducted 2913
pursuant to section 2971.05 of the Revised Code to determine 2914
whether to modify the requirement that the offender serve the 2915
entire prison term in a state correctional facility in 2916
accordance with division (C) of that section, whether to 2917
continue, revise, or revoke any existing modification of that 2918

requirement, or whether to terminate the prison term in 2919
accordance with division (D) of that section. The court shall 2920
notify the victim of any order issued at the conclusion of the 2921
hearing. 2922

(C) Upon the victim's request made at any time before the 2923
particular notice would be due or in accordance with division 2924
(D) of this section, the custodial agency of a defendant or 2925
alleged juvenile offender shall give the victim any of the 2926
following notices that is applicable: 2927

(1) At least sixty days before the adult parole authority 2928
recommends a pardon or commutation of sentence for the defendant 2929
or at least sixty days prior to a hearing before the adult 2930
parole authority regarding a grant of parole to the defendant, 2931
notice of the victim's right to submit a statement regarding the 2932
impact of the defendant's release in accordance with section 2933
2967.12 of the Revised Code and, if applicable, of the victim's 2934
right to appear at a full board hearing of the parole board to 2935
give testimony as authorized by section 5149.101 of the Revised 2936
Code; and at least sixty days prior to a hearing before the 2937
department regarding a determination of whether the inmate must 2938
be released under division (C) or (D) ~~(2)~~ of section 2967.271 of 2939
the Revised Code if the inmate is serving a non-life felony 2940
indefinite prison term, notice of the fact that the inmate will 2941
be having a hearing regarding a possible grant of release, the 2942
date of any hearing regarding a possible grant of release, and 2943
the right of any person to submit a written statement regarding 2944
the pending action; 2945

(2) At least sixty days before the defendant is 2946
transferred to transitional control under section 2967.26 of the 2947
Revised Code, notice of the pendency of the transfer and of the 2948

victim's right under that section to submit a statement 2949
regarding the impact of the transfer; 2950

(3) At least sixty days before the release authority of 2951
the department of youth services holds a release review, release 2952
hearing, or discharge review for the alleged juvenile offender, 2953
notice of the pendency of the review or hearing, of the victim's 2954
right to make an oral or written statement regarding the impact 2955
of the crime upon the victim or regarding the possible release 2956
or discharge, and, if the notice pertains to a hearing, of the 2957
victim's right to attend and make statements or comments at the 2958
hearing as authorized by section 5139.56 of the Revised Code; 2959

(4) Prompt notice of the defendant's or alleged juvenile 2960
offender's escape from a facility of the custodial agency in 2961
which the defendant was incarcerated or in which the alleged 2962
juvenile offender was placed after commitment, of the 2963
defendant's or alleged juvenile offender's absence without leave 2964
from a mental health or developmental disabilities facility or 2965
from other custody, and of the capture of the defendant or 2966
alleged juvenile offender after an escape or absence; 2967

(5) Notice of the defendant's or alleged juvenile 2968
offender's death while in confinement or custody; 2969

(6) Notice of the filing of a petition by the director of 2970
rehabilitation and correction pursuant to section 2967.19 of the 2971
Revised Code requesting the early release under that section of 2972
the defendant; 2973

(7) Notice of the defendant's or alleged juvenile 2974
offender's release from confinement or custody and the terms and 2975
conditions of the release. 2976

(D) (1) If a defendant is incarcerated for the commission 2977

of aggravated murder, murder, or an offense of violence that is 2978
a felony of the first, second, or third degree or is under a 2979
sentence of life imprisonment or if an alleged juvenile offender 2980
has been charged with the commission of an act that would be 2981
aggravated murder, murder, or an offense of violence that is a 2982
felony of the first, second, or third degree or be subject to a 2983
sentence of life imprisonment if committed by an adult, except 2984
as otherwise provided in this division, the notices described in 2985
divisions (B) and (C) of this section shall be given regardless 2986
of whether the victim has requested the notification. The 2987
notices described in divisions (B) and (C) of this section shall 2988
not be given under this division to a victim if the victim has 2989
requested pursuant to division (B) (2) of section 2930.03 of the 2990
Revised Code that the victim not be provided the notice. 2991
Regardless of whether the victim has requested that the notices 2992
described in division (C) of this section be provided or not be 2993
provided, the custodial agency shall give notice similar to 2994
those notices to the prosecutor in the case, to the sentencing 2995
court, to the law enforcement agency that arrested the defendant 2996
or alleged juvenile offender if any officer of that agency was a 2997
victim of the offense, and to any member of the victim's 2998
immediate family who requests notification. If the notice given 2999
under this division to the victim is based on an offense 3000
committed prior to March 22, 2013, and if the prosecutor or 3001
custodial agency has not previously successfully provided any 3002
notice to the victim under this division or division (B) or (C) 3003
of this section with respect to that offense and the offender 3004
who committed it, the notice also shall inform the victim that 3005
the victim may request that the victim not be provided any 3006
further notices with respect to that offense and the offender 3007
who committed it and shall describe the procedure for making 3008
that request. If the notice given under this division to the 3009

victim pertains to a hearing regarding a grant of a parole to 3010
the defendant, the notice also shall inform the victim that the 3011
victim, a member of the victim's immediate family, or the 3012
victim's representative may request a victim conference, as 3013
described in division (E) of this section, and shall provide an 3014
explanation of a victim conference. 3015

The prosecutor or custodial agency may give the notices to 3016
which this division applies by any reasonable means, including 3017
regular mail, telephone, and electronic mail. If the prosecutor 3018
or custodial agency attempts to provide notice to a victim under 3019
this division but the attempt is unsuccessful because the 3020
prosecutor or custodial agency is unable to locate the victim, 3021
is unable to provide the notice by its chosen method because it 3022
cannot determine the mailing address, telephone number, or 3023
electronic mail address at which to provide the notice, or, if 3024
the notice is sent by mail, the notice is returned, the 3025
prosecutor or custodial agency shall make another attempt to 3026
provide the notice to the victim. If the second attempt is 3027
unsuccessful, the prosecutor or custodial agency shall make at 3028
least one more attempt to provide the notice. If the notice is 3029
based on an offense committed prior to March 22, 2013, in each 3030
attempt to provide the notice to the victim, the notice shall 3031
include the opt-out information described in the preceding 3032
paragraph. The prosecutor or custodial agency, in accordance 3033
with division (D)(2) of this section, shall keep a record of all 3034
attempts to provide the notice, and of all notices provided, 3035
under this division. 3036

Division (D)(1) of this section, and the notice-related 3037
provisions of divisions (E)(2) and (K) of section 2929.20, 3038
division (H) of section 2967.12, division (E)(1)(b) of section 3039
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) 3040

of section 2967.28, and division (A)(2) of section 5149.101 of 3041
the Revised Code enacted in the act in which division (D)(1) of 3042
this section was enacted, shall be known as "Roberta's Law." 3043

(2) Each prosecutor and custodial agency that attempts to 3044
give any notice to which division (D)(1) of this section applies 3045
shall keep a record of all attempts to give the notice. The 3046
record shall indicate the person who was to be the recipient of 3047
the notice, the date on which the attempt was made, the manner 3048
in which the attempt was made, and the person who made the 3049
attempt. If the attempt is successful and the notice is given, 3050
the record shall indicate that fact. The record shall be kept in 3051
a manner that allows public inspection of attempts and notices 3052
given to persons other than victims without revealing the names, 3053
addresses, or other identifying information relating to victims. 3054
The record of attempts and notices given to victims is not a 3055
public record, but the prosecutor or custodial agency shall 3056
provide upon request a copy of that record to a prosecuting 3057
attorney, judge, law enforcement agency, or member of the 3058
general assembly. The record of attempts and notices given to 3059
persons other than victims is a public record. A record kept 3060
under this division may be indexed by offender name, or in any 3061
other manner determined by the prosecutor or the custodial 3062
agency. Each prosecutor or custodial agency that is required to 3063
keep a record under this division shall determine the procedures 3064
for keeping the record and the manner in which it is to be kept, 3065
subject to the requirements of this division. 3066

(E) The adult parole authority shall adopt rules under 3067
Chapter 119. of the Revised Code providing for a victim 3068
conference, upon request of the victim, a member of the victim's 3069
immediate family, or the victim's representative, prior to a 3070
parole hearing in the case of a prisoner who is incarcerated for 3071

the commission of aggravated murder, murder, or an offense of 3072
violence that is a felony of the first, second, or third degree 3073
or is under a sentence of life imprisonment. The rules shall 3074
provide for, but not be limited to, all of the following: 3075

(1) Subject to division (E)(3) of this section, attendance 3076
by the victim, members of the victim's immediate family, the 3077
victim's representative, and, if practicable, other individuals; 3078

(2) Allotment of up to one hour for the conference; 3079

(3) A specification of the number of persons specified in 3080
division (E)(1) of this section who may be present at any single 3081
victim conference, if limited by the department pursuant to 3082
division (F) of this section. 3083

(F) The department may limit the number of persons 3084
specified in division (E)(1) of this section who may be present 3085
at any single victim conference, provided that the department 3086
shall not limit the number of persons who may be present at any 3087
single conference to fewer than three. If the department limits 3088
the number of persons who may be present at any single victim 3089
conference, the department shall permit and schedule, upon 3090
request of the victim, a member of the victim's immediate 3091
family, or the victim's representative, multiple victim 3092
conferences for the persons specified in division (E)(1) of this 3093
section. 3094

(G) As used in this section, "victim's immediate family" 3095
has the same meaning as in section 2967.12 of the Revised Code. 3096

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 3097
of the Revised Code: 3098

(1) "Prosecutor" means a prosecuting attorney or a city 3099
director of law, village solicitor, or similar chief legal 3100

officer of a municipal corporation who has authority to 3101
prosecute a criminal case that is before the court or the 3102
criminal case in which a defendant in a criminal case has been 3103
found incompetent to stand trial or not guilty by reason of 3104
insanity. 3105

(2) "Examiner" means either of the following: 3106

(a) A psychiatrist or a licensed clinical psychologist who 3107
satisfies the criteria of division (I) of section 5122.01 of the 3108
Revised Code or is employed by a certified forensic center 3109
designated by the department of mental health and addiction 3110
services to conduct examinations or evaluations. 3111

(b) For purposes of a separate intellectual disability 3112
evaluation that is ordered by a court pursuant to division (H) 3113
of section 2945.371 of the Revised Code, a psychologist 3114
designated by the director of developmental disabilities 3115
pursuant to that section to conduct that separate intellectual 3116
disability evaluation. 3117

(3) "Nonsecured status" means any unsupervised, off- 3118
grounds movement or trial visit from a hospital or institution, 3119
or any conditional release, that is granted to a person who is 3120
found incompetent to stand trial and is committed pursuant to 3121
section 2945.39 of the Revised Code or to a person who is found 3122
not guilty by reason of insanity and is committed pursuant to 3123
section 2945.40 of the Revised Code. 3124

(4) "Unsupervised, off-grounds movement" includes only 3125
off-grounds privileges that are unsupervised and that have an 3126
expectation of return to the hospital or institution on a daily 3127
basis. 3128

(5) "Trial visit" means a patient privilege of a longer 3129

stated duration of unsupervised community contact with an 3130
expectation of return to the hospital or institution at 3131
designated times. 3132

(6) "Conditional release" means a commitment status ~~under~~ 3133
to which both of the following apply: 3134

(a) Under the status, the trial court at any time may 3135
revoke a person's conditional release and order the 3136
rehospitalization or reinstitutionalization of the person as 3137
described in division (A) of section 2945.402 of the Revised 3138
Code ~~and pursuant to which.~~ 3139

(b) Pursuant to the status, a person who is found 3140
incompetent to stand trial or a person who is found not guilty 3141
by reason of insanity lives and receives treatment in the 3142
community for a period of time that does not exceed the ~~maximum~~ 3143
longest prison term or term of imprisonment that the person 3144
could have received for the offense in question had the person 3145
been convicted of the offense instead of being found incompetent 3146
to stand trial on the charge of the offense or being found not 3147
guilty by reason of insanity relative to the offense. The 3148
longest prison term includes, for an offense that would be a 3149
felony of the first or second degree that occurred on or after 3150
March 22, 2019, both the longest minimum prison term that the 3151
defendant or person could have received if convicted plus the 3152
corresponding maximum prison term that would be required. 3153

(7) "Licensed clinical psychologist," "mentally ill person 3154
subject to court order," and "psychiatrist" have the same 3155
meanings as in section 5122.01 of the Revised Code. 3156

(8) "Person with an intellectual disability subject to 3157
institutionalization by court order" has the same meaning as in 3158

section 5123.01 of the Revised Code. 3159

(9) "Minimum prison term" and "maximum prison term" have 3160
the same meanings as in section 2929.01 of the Revised Code. 3161

(B) In a criminal action in a court of common pleas, a 3162
county court, or a municipal court, the court, prosecutor, or 3163
defense may raise the issue of the defendant's competence to 3164
stand trial. If the issue is raised before the trial has 3165
commenced, the court shall hold a hearing on the issue as 3166
provided in this section. If the issue is raised after the trial 3167
has commenced, the court shall hold a hearing on the issue only 3168
for good cause shown or on the court's own motion. 3169

(C) The court shall conduct the hearing required or 3170
authorized under division (B) of this section within thirty days 3171
after the issue is raised, unless the defendant has been 3172
referred for evaluation in which case the court shall conduct 3173
the hearing within ten days after the filing of the report of 3174
the evaluation or, in the case of a defendant who is ordered by 3175
the court pursuant to division (H) of section 2945.371 of the 3176
Revised Code to undergo a separate intellectual disability 3177
evaluation conducted by a psychologist designated by the 3178
director of developmental disabilities, within ten days after 3179
the filing of the report of the separate intellectual disability 3180
evaluation under that division. A hearing may be continued for 3181
good cause. 3182

(D) The defendant shall be represented by counsel at the 3183
hearing conducted under division (C) of this section. If the 3184
defendant is unable to obtain counsel, the court shall appoint 3185
counsel under Chapter 120. of the Revised Code or under the 3186
authority recognized in division (C) of section 120.06, division 3187
(E) of section 120.16, division (E) of section 120.26, or 3188

section 2941.51 of the Revised Code before proceeding with the hearing. 3189
3190

(E) The prosecutor and defense counsel may submit evidence 3191
on the issue of the defendant's competence to stand trial. A 3192
written report of the evaluation of the defendant may be 3193
admitted into evidence at the hearing by stipulation, but, if 3194
either the prosecution or defense objects to its admission, the 3195
report may be admitted under sections 2317.36 to 2317.38 of the 3196
Revised Code or any other applicable statute or rule. 3197

(F) The court shall not find a defendant incompetent to 3198
stand trial solely because the defendant is receiving or has 3199
received treatment as a voluntary or involuntary mentally ill 3200
patient under Chapter 5122. or a voluntary or involuntary 3201
resident with an intellectual disability under Chapter 5123. of 3202
the Revised Code or because the defendant is receiving or has 3203
received psychotropic drugs or other medication, even if the 3204
defendant might become incompetent to stand trial without the 3205
drugs or medication. 3206

(G) A defendant is presumed to be competent to stand 3207
trial. If, after a hearing, the court finds by a preponderance 3208
of the evidence that, because of the defendant's present mental 3209
condition, the defendant is incapable of understanding the 3210
nature and objective of the proceedings against the defendant or 3211
of assisting in the defendant's defense, the court shall find 3212
the defendant incompetent to stand trial and shall enter an 3213
order authorized by section 2945.38 of the Revised Code. 3214

(H) Municipal courts shall follow the procedures set forth 3215
in sections 2945.37 to 2945.402 of the Revised Code. Except as 3216
provided in section 2945.371 of the Revised Code, a municipal 3217
court shall not order an evaluation of the defendant's 3218

competence to stand trial or the defendant's mental condition at 3219
the time of the commission of the offense to be conducted at any 3220
hospital operated by the department of mental health and 3221
addiction services. Those evaluations shall be performed through 3222
community resources including, but not limited to, certified 3223
forensic centers, court probation departments, and community 3224
mental health services providers. All expenses of the 3225
evaluations shall be borne by the legislative authority of the 3226
municipal court, as defined in section 1901.03 of the Revised 3227
Code, and shall be taxed as costs in the case. If a defendant is 3228
found incompetent to stand trial or not guilty by reason of 3229
insanity, a municipal court may commit the defendant as provided 3230
in sections 2945.38 to 2945.402 of the Revised Code. 3231

Sec. 2945.401. (A) A defendant found incompetent to stand 3232
trial and committed pursuant to section 2945.39 of the Revised 3233
Code or a person found not guilty by reason of insanity and 3234
committed pursuant to section 2945.40 of the Revised Code shall 3235
remain subject to the jurisdiction of the trial court pursuant 3236
to that commitment, and to the provisions of this section, until 3237
the final termination of the commitment as described in division 3238
(J)(1) of this section. If the jurisdiction is terminated under 3239
this division because of the final termination of the commitment 3240
resulting from the expiration of the maximum prison term or term 3241
of imprisonment described in division (J)(1)(b) of this section, 3242
the court or prosecutor may file an affidavit for the civil 3243
commitment of the defendant or person pursuant to Chapter 5122. 3244
or 5123. of the Revised Code. 3245

(B) A hearing conducted under any provision of sections 3246
2945.37 to 2945.402 of the Revised Code shall not be conducted 3247
in accordance with Chapters 5122. and 5123. of the Revised Code. 3248
Any person who is committed pursuant to section 2945.39 or 3249

2945.40 of the Revised Code shall not voluntarily admit the 3250
person or be voluntarily admitted to a hospital or institution 3251
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 3252
Revised Code. All other provisions of Chapters 5122. and 5123. 3253
of the Revised Code regarding hospitalization or 3254
institutionalization shall apply to the extent they are not in 3255
conflict with this chapter. A commitment under section 2945.39 3256
or 2945.40 of the Revised Code shall not be terminated and the 3257
conditions of the commitment shall not be changed except as 3258
otherwise provided in division (D)(2) of this section with 3259
respect to a person with an intellectual disability subject to 3260
institutionalization by court order or except by order of the 3261
trial court. 3262

(C) The department of mental health and addiction services 3263
or the institution, facility, or program to which a defendant or 3264
person has been committed under section 2945.39 or 2945.40 of 3265
the Revised Code shall report in writing to the trial court, at 3266
the times specified in this division, as to whether the 3267
defendant or person remains a mentally ill person subject to 3268
court order or a person with an intellectual disability subject 3269
to institutionalization by court order and, in the case of a 3270
defendant committed under section 2945.39 of the Revised Code, 3271
as to whether the defendant remains incompetent to stand trial. 3272
The department, institution, facility, or program shall make the 3273
reports after the initial six months of treatment and every two 3274
years after the initial report is made. The trial court shall 3275
provide copies of the reports to the prosecutor and to the 3276
counsel for the defendant or person. Within thirty days after 3277
its receipt pursuant to this division of a report from the 3278
department, institution, facility, or program, the trial court 3279
shall hold a hearing on the continued commitment of the 3280

defendant or person or on any changes in the conditions of the 3281
commitment of the defendant or person. The defendant or person 3282
may request a change in the conditions of confinement, and the 3283
trial court shall conduct a hearing on that request if six 3284
months or more have elapsed since the most recent hearing was 3285
conducted under this section. 3286

(D) (1) Except as otherwise provided in division (D) (2) of 3287
this section, when a defendant or person has been committed 3288
under section 2945.39 or 2945.40 of the Revised Code, at any 3289
time after evaluating the risks to public safety and the welfare 3290
of the defendant or person, the designee of the department of 3291
mental health and addiction services or the managing officer of 3292
the institution or director of the facility or program to which 3293
the defendant or person is committed may recommend a termination 3294
of the defendant's or person's commitment or a change in the 3295
conditions of the defendant's or person's commitment. 3296

Except as otherwise provided in division (D) (2) of this 3297
section, if the designee of the department of mental health and 3298
addiction services recommends on-grounds unsupervised movement, 3299
off-grounds supervised movement, or nonsecured status for the 3300
defendant or person or termination of the defendant's or 3301
person's commitment, the following provisions apply: 3302

(a) If the department's designee recommends on-grounds 3303
unsupervised movement or off-grounds supervised movement, the 3304
department's designee shall file with the trial court an 3305
application for approval of the movement and shall send a copy 3306
of the application to the prosecutor. Within fifteen days after 3307
receiving the application, the prosecutor may request a hearing 3308
on the application and, if a hearing is requested, shall so 3309
inform the department's designee. If the prosecutor does not 3310

request a hearing within the fifteen-day period, the trial court 3311
shall approve the application by entering its order approving 3312
the requested movement or, within five days after the expiration 3313
of the fifteen-day period, shall set a date for a hearing on the 3314
application. If the prosecutor requests a hearing on the 3315
application within the fifteen-day period, the trial court shall 3316
hold a hearing on the application within thirty days after the 3317
hearing is requested. If the trial court, within five days after 3318
the expiration of the fifteen-day period, sets a date for a 3319
hearing on the application, the trial court shall hold the 3320
hearing within thirty days after setting the hearing date. At 3321
least fifteen days before any hearing is held under this 3322
division, the trial court shall give the prosecutor written 3323
notice of the date, time, and place of the hearing. At the 3324
conclusion of each hearing conducted under this division, the 3325
trial court either shall approve or disapprove the application 3326
and shall enter its order accordingly. 3327

(b) If the department's designee recommends termination of 3328
the defendant's or person's commitment at any time or if the 3329
department's designee recommends the first of any nonsecured 3330
status for the defendant or person, the department's designee 3331
shall send written notice of this recommendation to the trial 3332
court and to the local forensic center. The local forensic 3333
center shall evaluate the committed defendant or person and, 3334
within thirty days after its receipt of the written notice, 3335
shall submit to the trial court and the department's designee a 3336
written report of the evaluation. The trial court shall provide 3337
a copy of the department's designee's written notice and of the 3338
local forensic center's written report to the prosecutor and to 3339
the counsel for the defendant or person. Upon the local forensic 3340
center's submission of the report to the trial court and the 3341

department's designee, all of the following apply: 3342

(i) If the forensic center disagrees with the 3343
recommendation of the department's designee, it shall inform the 3344
department's designee and the trial court of its decision and 3345
the reasons for the decision. The department's designee, after 3346
consideration of the forensic center's decision, shall either 3347
withdraw, proceed with, or modify and proceed with the 3348
recommendation. If the department's designee proceeds with, or 3349
modifies and proceeds with, the recommendation, the department's 3350
designee shall proceed in accordance with division (D) (1) (b) 3351
(iii) of this section. 3352

(ii) If the forensic center agrees with the recommendation 3353
of the department's designee, it shall inform the department's 3354
designee and the trial court of its decision and the reasons for 3355
the decision, and the department's designee shall proceed in 3356
accordance with division (D) (1) (b) (iii) of this section. 3357

(iii) If the forensic center disagrees with the 3358
recommendation of the department's designee and the department's 3359
designee proceeds with, or modifies and proceeds with, the 3360
recommendation or if the forensic center agrees with the 3361
recommendation of the department's designee, the department's 3362
designee shall work with community mental health services 3363
providers, programs, facilities, or boards of alcohol, drug 3364
addiction, and mental health services or community mental health 3365
boards to develop a plan to implement the recommendation. If the 3366
defendant or person is on medication, the plan shall include, 3367
but shall not be limited to, a system to monitor the defendant's 3368
or person's compliance with the prescribed medication treatment 3369
plan. The system shall include a schedule that clearly states 3370
when the defendant or person shall report for a medication 3371

compliance check. The medication compliance checks shall be 3372
based upon the effective duration of the prescribed medication, 3373
taking into account the route by which it is taken, and shall be 3374
scheduled at intervals sufficiently close together to detect a 3375
potential increase in mental illness symptoms that the 3376
medication is intended to prevent. 3377

The department's designee, after consultation with the 3378
board of alcohol, drug addiction, and mental health services or 3379
the community mental health board serving the area, shall send 3380
the recommendation and plan developed under division (D) (1) (b) 3381
(iii) of this section, in writing, to the trial court, the 3382
prosecutor, and the counsel for the committed defendant or 3383
person. The trial court shall conduct a hearing on the 3384
recommendation and plan developed under division (D) (1) (b) (iii) 3385
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 3386
this section apply regarding the hearing. 3387

(c) If the department's designee's recommendation is for 3388
nonsecured status or termination of commitment, the prosecutor 3389
may obtain an independent expert evaluation of the defendant's 3390
or person's mental condition, and the trial court may continue 3391
the hearing on the recommendation for a period of not more than 3392
thirty days to permit time for the evaluation. 3393

The prosecutor may introduce the evaluation report or 3394
present other evidence at the hearing in accordance with the 3395
Rules of Evidence. 3396

(d) The trial court shall schedule the hearing on a 3397
department's designee's recommendation for nonsecured status or 3398
termination of commitment and shall give reasonable notice to 3399
the prosecutor and the counsel for the defendant or person. 3400
Unless continued for independent evaluation at the prosecutor's 3401

request or for other good cause, the hearing shall be held 3402
within thirty days after the trial court's receipt of the 3403
recommendation and plan. 3404

(2) (a) Division (D) (1) of this section does not apply to 3405
on-grounds unsupervised movement of a defendant or person who 3406
has been committed under section 2945.39 or 2945.40 of the 3407
Revised Code, who is a person with an intellectual disability 3408
subject to institutionalization by court order, and who is being 3409
provided residential habilitation, care, and treatment in a 3410
facility operated by the department of developmental 3411
disabilities. 3412

(b) If, pursuant to section 2945.39 of the Revised Code, 3413
the trial court commits a defendant who is found incompetent to 3414
stand trial and who is a person with an intellectual disability 3415
subject to institutionalization by court order, if the defendant 3416
is being provided residential habilitation, care, and treatment 3417
in a facility operated by the department of developmental 3418
disabilities, if an individual who is conducting a survey for 3419
the department of health to determine the facility's compliance 3420
with the certification requirements of the medicaid program 3421
cites the defendant's receipt of the residential habilitation, 3422
care, and treatment in the facility as being inappropriate under 3423
the certification requirements, if the defendant's receipt of 3424
the residential habilitation, care, and treatment in the 3425
facility potentially jeopardizes the facility's continued 3426
receipt of federal medicaid moneys, and if as a result of the 3427
citation the chief clinical officer of the facility determines 3428
that the conditions of the defendant's commitment should be 3429
changed, the department of developmental disabilities may cause 3430
the defendant to be removed from the particular facility and, 3431
after evaluating the risks to public safety and the welfare of 3432

the defendant and after determining whether another type of 3433
placement is consistent with the certification requirements, may 3434
place the defendant in another facility that the department 3435
selects as an appropriate facility for the defendant's continued 3436
receipt of residential habilitation, care, and treatment and 3437
that is a no less secure setting than the facility in which the 3438
defendant had been placed at the time of the citation. Within 3439
three days after the defendant's removal and alternative 3440
placement under the circumstances described in division (D) (2) 3441
(b) of this section, the department of developmental 3442
disabilities shall notify the trial court and the prosecutor in 3443
writing of the removal and alternative placement. 3444

The trial court shall set a date for a hearing on the 3445
removal and alternative placement, and the hearing shall be held 3446
within twenty-one days after the trial court's receipt of the 3447
notice from the department of developmental disabilities. At 3448
least ten days before the hearing is held, the trial court shall 3449
give the prosecutor, the department of developmental 3450
disabilities, and the counsel for the defendant written notice 3451
of the date, time, and place of the hearing. At the hearing, the 3452
trial court shall consider the citation issued by the individual 3453
who conducted the survey for the department of health to be 3454
prima-facie evidence of the fact that the defendant's commitment 3455
to the particular facility was inappropriate under the 3456
certification requirements of the medicaid program and 3457
potentially jeopardizes the particular facility's continued 3458
receipt of federal medicaid moneys. At the conclusion of the 3459
hearing, the trial court may approve or disapprove the 3460
defendant's removal and alternative placement. If the trial 3461
court approves the defendant's removal and alternative 3462
placement, the department of developmental disabilities may 3463

continue the defendant's alternative placement. If the trial 3464
court disapproves the defendant's removal and alternative 3465
placement, it shall enter an order modifying the defendant's 3466
removal and alternative placement, but that order shall not 3467
require the department of developmental disabilities to replace 3468
the defendant for purposes of continued residential 3469
habilitation, care, and treatment in the facility associated 3470
with the citation issued by the individual who conducted the 3471
survey for the department of health. 3472

(E) In making a determination under this section regarding 3473
nonsecured status or termination of commitment, the trial court 3474
shall consider all relevant factors, including, but not limited 3475
to, all of the following: 3476

(1) Whether, in the trial court's view, the defendant or 3477
person currently represents a substantial risk of physical harm 3478
to the defendant or person or others; 3479

(2) Psychiatric and medical testimony as to the current 3480
mental and physical condition of the defendant or person; 3481

(3) Whether the defendant or person has insight into the 3482
defendant's or person's condition so that the defendant or 3483
person will continue treatment as prescribed or seek 3484
professional assistance as needed; 3485

(4) The grounds upon which the state relies for the 3486
proposed commitment; 3487

(5) Any past history that is relevant to establish the 3488
defendant's or person's degree of conformity to the laws, rules, 3489
regulations, and values of society; 3490

(6) If there is evidence that the defendant's or person's 3491
mental illness is in a state of remission, the medically 3492

suggested cause and degree of the remission and the probability 3493
that the defendant or person will continue treatment to maintain 3494
the remissive state of the defendant's or person's illness 3495
should the defendant's or person's commitment conditions be 3496
altered. 3497

(F) At any hearing held pursuant to division (C) or (D) (1) 3498
or (2) of this section, the defendant or the person shall have 3499
all the rights of a defendant or person at a commitment hearing 3500
as described in section 2945.40 of the Revised Code. 3501

(G) In a hearing held pursuant to division (C) or (D) (1) 3502
of this section, the prosecutor has the burden of proof as 3503
follows: 3504

(1) For a recommendation of termination of commitment, to 3505
show by clear and convincing evidence that the defendant or 3506
person remains a mentally ill person subject to court order or a 3507
person with an intellectual disability subject to 3508
institutionalization by court order; 3509

(2) For a recommendation for a change in the conditions of 3510
the commitment to a less restrictive status, to show by clear 3511
and convincing evidence that the proposed change represents a 3512
threat to public safety or a threat to the safety of any person. 3513

(H) In a hearing held pursuant to division (C) or (D) (1) 3514
or (2) of this section, the prosecutor shall represent the state 3515
or the public interest. 3516

(I) At the conclusion of a hearing conducted under 3517
division (D) (1) of this section regarding a recommendation from 3518
the designee of the department of mental health and addiction 3519
services, managing officer of the institution, or director of a 3520
facility or program, the trial court may approve, disapprove, or 3521

modify the recommendation and shall enter an order accordingly. 3522

(J) (1) A defendant or person who has been committed 3523
pursuant to section 2945.39 or 2945.40 of the Revised Code 3524
continues to be under the jurisdiction of the trial court until 3525
the final termination of the commitment. For purposes of 3526
division (J) of this section, the final termination of a 3527
commitment occurs upon the earlier of one of the following: 3528

(a) The defendant or person no longer is a mentally ill 3529
person subject to court order or a person with an intellectual 3530
disability subject to institutionalization by court order, as 3531
determined by the trial court; 3532

(b) The expiration of the ~~maximum~~ longest prison term or 3533
term of imprisonment that the defendant or person could have 3534
received if the defendant or person had been convicted of the 3535
most serious offense with which the defendant or person is 3536
charged or in relation to which the defendant or person was 3537
found not guilty by reason of insanity, including, for an 3538
offense that would be a felony of the first or second degree 3539
that occurred on or after March 22, 2019, both the longest 3540
minimum prison term that the defendant or person could have 3541
received if convicted plus the corresponding maximum prison term 3542
that would be required; 3543

(c) The trial court enters an order terminating the 3544
commitment under the circumstances described in division (J) (2) 3545
(a) (ii) of this section. 3546

(2) (a) If a defendant is found incompetent to stand trial 3547
and committed pursuant to section 2945.39 of the Revised Code, 3548
if neither of the circumstances described in divisions (J) (1) (a) 3549
and (b) of this section applies to that defendant, and if a 3550

report filed with the trial court pursuant to division (C) of 3551
this section indicates that the defendant presently is competent 3552
to stand trial or if, at any other time during the period of the 3553
defendant's commitment, the prosecutor, the counsel for the 3554
defendant, or the designee of the department of mental health 3555
and addiction services or the managing officer of the 3556
institution or director of the facility or program to which the 3557
defendant is committed files an application with the trial court 3558
alleging that the defendant presently is competent to stand 3559
trial and requesting a hearing on the competency issue or the 3560
trial court otherwise has reasonable cause to believe that the 3561
defendant presently is competent to stand trial and determines 3562
on its own motion to hold a hearing on the competency issue, the 3563
trial court shall schedule a hearing on the competency of the 3564
defendant to stand trial, shall give the prosecutor, the counsel 3565
for the defendant, and the department's designee or the managing 3566
officer of the institution or the director of the facility to 3567
which the defendant is committed notice of the date, time, and 3568
place of the hearing at least fifteen days before the hearing, 3569
and shall conduct the hearing within thirty days of the filing 3570
of the application or of its own motion. If, at the conclusion 3571
of the hearing, the trial court determines that the defendant 3572
presently is capable of understanding the nature and objective 3573
of the proceedings against the defendant and of assisting in the 3574
defendant's defense, the trial court shall order that the 3575
defendant is competent to stand trial and shall be proceeded 3576
against as provided by law with respect to the applicable 3577
offenses described in division (C) (1) of section 2945.38 of the 3578
Revised Code and shall enter whichever of the following 3579
additional orders is appropriate: 3580

(i) If the trial court determines that the defendant 3581

remains a mentally ill person subject to court order or a person 3582
with an intellectual disability subject to institutionalization 3583
by court order, the trial court shall order that the defendant's 3584
commitment to the department of mental health and addiction 3585
services or to an institution, facility, or program for the 3586
treatment of intellectual disabilities be continued during the 3587
pendency of the trial on the applicable offenses described in 3588
division (C) (1) of section 2945.38 of the Revised Code. 3589

(ii) If the trial court determines that the defendant no 3590
longer is a mentally ill person subject to court order or a 3591
person with an intellectual disability subject to 3592
institutionalization by court order, the trial court shall order 3593
that the defendant's commitment to the department of mental 3594
health and addiction services or to an institution, facility, or 3595
program for the treatment of intellectual disabilities shall not 3596
be continued during the pendency of the trial on the applicable 3597
offenses described in division (C) (1) of section 2945.38 of the 3598
Revised Code. This order shall be a final termination of the 3599
commitment for purposes of division (J) (1) (c) of this section. 3600

(b) If, at the conclusion of the hearing described in 3601
division (J) (2) (a) of this section, the trial court determines 3602
that the defendant remains incapable of understanding the nature 3603
and objective of the proceedings against the defendant or of 3604
assisting in the defendant's defense, the trial court shall 3605
order that the defendant continues to be incompetent to stand 3606
trial, that the defendant's commitment to the department of 3607
mental health and addiction services or to an institution, 3608
facility, or program for the treatment of intellectual 3609
disabilities shall be continued, and that the defendant remains 3610
subject to the jurisdiction of the trial court pursuant to that 3611
commitment, and to the provisions of this section, until the 3612

final termination of the commitment as described in division (J) 3613
(1) of this section. 3614

Sec. 2949.08. (A) When a person who is convicted of or 3615
pleads guilty to a felony is sentenced to a community 3616
residential sanction in a community-based correctional facility 3617
pursuant to section 2929.16 of the Revised Code or when a person 3618
who is convicted of or pleads guilty to a felony or a 3619
misdemeanor is sentenced to a term of imprisonment in a jail, 3620
the judge or magistrate shall order the person into the custody 3621
of the sheriff or constable, and the sheriff or constable shall 3622
deliver the person with the record of the person's conviction to 3623
the jailer, administrator, or keeper, in whose custody the 3624
person shall remain until the term of imprisonment expires or 3625
the person is otherwise legally discharged. 3626

(B) The record of the person's conviction shall specify 3627
the total number of days, if any, that the person was confined 3628
for any reason arising out of the offense for which the person 3629
was convicted and sentenced prior to delivery to the jailer, 3630
administrator, or keeper under this section. The record shall be 3631
used to determine any reduction of sentence under division (C) 3632
of this section. 3633

(C) (1) If the person is sentenced to a jail for a felony 3634
or a misdemeanor, the jailer in charge of a jail shall reduce 3635
the sentence of a person delivered into the jailer's custody 3636
pursuant to division (A) of this section by the total number of 3637
days the person was confined for any reason arising out of the 3638
offense for which the person was convicted and sentenced, 3639
including confinement in lieu of bail while awaiting trial, 3640
confinement for examination to determine the person's competence 3641
to stand trial or to determine sanity, confinement while 3642

awaiting transportation to the place where the person is to 3643
serve the sentence, and confinement in a juvenile facility. 3644

(2) If the person is sentenced to a community-based 3645
correctional facility for a felony, the total amount of time 3646
that a person shall be confined in a community-based 3647
correctional facility, in a jail, and for any reason arising out 3648
of the offense for which the person was convicted and sentenced 3649
prior to delivery to the jailer, administrator, or keeper shall 3650
not exceed the ~~maximum-longest~~ prison term available for that 3651
offense including, for an offense that would be a felony of the 3652
first or second degree that occurred on or after March 22, 2019, 3653
both the longest minimum prison term that the defendant or 3654
person could have received if convicted, plus the corresponding 3655
maximum prison term that would be required. Any term in a jail 3656
shall be reduced first pursuant to division (C)(1) of this 3657
section by the total number of days the person was confined 3658
prior to delivery to the jailer, administrator, or keeper. Only 3659
after the term in a jail has been entirely reduced may the term 3660
in a community-based correctional facility be reduced pursuant 3661
to this division. This division does not affect the limitations 3662
placed on the duration of a term in a jail or a community-based 3663
correctional facility under divisions (A)(1), (2), and (3) of 3664
section 2929.16 of the Revised Code. 3665

(D) For purposes of divisions (B) and (C) of this section, 3666
a person shall be considered to have been confined for a day if 3667
the person was confined for any period or periods of time 3668
totaling more than eight hours during that day. 3669

(E) As used in this section, "community-based correctional 3670
facility" ~~and,~~ "minimum prison term," "maximum prison term," 3671
and "jail" have the same meanings as in section 2929.01 of the 3672

Revised Code. 3673

Sec. 2951.03. (A) (1) Unless the defendant and the 3674
prosecutor who is handling the case against the defendant agree 3675
to waive the presentence investigation report, no person who has 3676
been convicted of or pleaded guilty to a felony shall be placed 3677
under a community control sanction until a written presentence 3678
investigation report has been considered by the court. The court 3679
may order a presentence investigation report notwithstanding an 3680
agreement to waive the report. If a court orders the preparation 3681
of a presentence investigation report pursuant to this section, 3682
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 3683
officer making the report shall inquire into the circumstances 3684
of the offense and the criminal record, social history, and 3685
present condition of the defendant, all information available 3686
regarding any prior adjudications of the defendant as a 3687
delinquent child and regarding the dispositions made relative to 3688
those adjudications, and any other matters specified in Criminal 3689
Rule 32.2. Whenever the officer considers it advisable, the 3690
officer's investigation may include a physical and mental 3691
examination of the defendant. A physical examination of the 3692
defendant may include a drug test consisting of a chemical 3693
analysis of a blood or urine specimen of the defendant to 3694
determine whether the defendant ingested or was injected with a 3695
drug of abuse. If, pursuant to section 2930.13 of the Revised 3696
Code, the victim of the offense of which the defendant has been 3697
convicted wishes to make a statement regarding the impact of the 3698
offense for the officer's use in preparing the presentence 3699
investigation report, the officer shall comply with the 3700
requirements of that section. 3701

(2) If a defendant is committed to any institution, the 3702
presentence investigation report shall be sent to the 3703

institution with the entry of commitment. If a defendant is 3704
committed to any institution and a presentence investigation 3705
report is not prepared regarding that defendant pursuant to this 3706
section, section 2947.06 of the Revised Code, or Criminal Rule 3707
32.2, the director of the department of rehabilitation and 3708
correction or the director's designee may order that an offender 3709
background investigation and report be conducted and prepared 3710
regarding the defendant pursuant to section 5120.16 of the 3711
Revised Code. An offender background investigation report 3712
prepared pursuant to this section shall be considered 3713
confidential information and is not a public record under 3714
section 149.43 of the Revised Code. 3715

(3) The department of rehabilitation and correction may 3716
use any presentence investigation report and any offender 3717
background investigation report prepared pursuant to this 3718
section for penological and rehabilitative purposes. The 3719
department may disclose any presentence investigation report and 3720
any offender background investigation report to courts, law 3721
enforcement agencies, community-based correctional facilities, 3722
halfway houses, and medical, mental health, and substance abuse 3723
treatment providers. The department shall make the disclosure in 3724
a manner calculated to maintain the report's confidentiality. 3725
Any presentence investigation report or offender background 3726
investigation report that the department discloses to a 3727
community-based correctional facility, a halfway house, or a 3728
medical, mental health, or substance abuse treatment provider 3729
shall not include a victim impact section or information 3730
identifying a witness. 3731

(B) (1) If a presentence investigation report is prepared 3732
pursuant to this section, section 2947.06 of the Revised Code, 3733
or Criminal Rule 32.2, the court, at a reasonable time before 3734

imposing sentence, shall permit the defendant or the defendant's 3735
counsel to read the report, except that the court shall not 3736
permit the defendant or the defendant's counsel to read any of 3737
the following: 3738

(a) Any recommendation as to sentence; 3739

(b) Any diagnostic opinions that, if disclosed, the court 3740
believes might seriously disrupt a program of rehabilitation for 3741
the defendant; 3742

(c) Any sources of information obtained upon a promise of 3743
confidentiality; 3744

(d) Any other information that, if disclosed, the court 3745
believes might result in physical harm or some other type of 3746
harm to the defendant or to any other person. 3747

(2) Prior to sentencing, the court shall permit the 3748
defendant and the defendant's counsel to comment on the 3749
presentence investigation report and, in its discretion, may 3750
permit the defendant and the defendant's counsel to introduce 3751
testimony or other information that relates to any alleged 3752
factual inaccuracy contained in the report. 3753

(3) If the court believes that any information in the 3754
presentence investigation report should not be disclosed 3755
pursuant to division (B)(1) of this section, the court, in lieu 3756
of making the report or any part of the report available, shall 3757
state orally or in writing a summary of the factual information 3758
contained in the report that will be relied upon in determining 3759
the defendant's sentence. The court shall permit the defendant 3760
and the defendant's counsel to comment upon the oral or written 3761
summary of the report. 3762

(4) Any material that is disclosed to the defendant or the 3763

defendant's counsel pursuant to this section shall be disclosed 3764
to the prosecutor who is handling the prosecution of the case 3765
against the defendant. 3766

(5) If the comments of the defendant or the defendant's 3767
counsel, the testimony they introduce, or any of the other 3768
information they introduce alleges any factual inaccuracy in the 3769
presentence investigation report or the summary of the report, 3770
the court shall do either of the following with respect to each 3771
alleged factual inaccuracy: 3772

(a) Make a finding as to the allegation; 3773

(b) Make a determination that no finding is necessary with 3774
respect to the allegation, because the factual matter will not 3775
be taken into account in the sentencing of the defendant. 3776

(C) A court's decision as to the content of a summary 3777
under division (B) (3) of this section or as to the withholding 3778
of information under division (B) (1) (a), (b), (c), or (d) of 3779
this section shall be considered to be within the discretion of 3780
the court. No appeal can be taken from either of those 3781
decisions, and neither of those decisions shall be the basis for 3782
a reversal of the sentence imposed. 3783

(D) (1) The contents of a presentence investigation report 3784
prepared pursuant to this section, section 2947.06 of the 3785
Revised Code, or Criminal Rule 32.2 and the contents of any 3786
written or oral summary of a presentence investigation report or 3787
of a part of a presentence investigation report described in 3788
division (B) (3) of this section are confidential information and 3789
are not a public record. The court, an appellate court, 3790
authorized probation officers, investigators, and court 3791
personnel, the defendant, the defendant's counsel, the 3792

prosecutor who is handling the prosecution of the case against 3793
the defendant, and authorized personnel of an institution to 3794
which the defendant is committed may inspect, receive copies of, 3795
retain copies of, and use a presentence investigation report or 3796
a written or oral summary of a presentence investigation only 3797
for the purposes of or only as authorized by Criminal Rule 32.2 3798
or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, 3799
section 2947.06, or another section of the Revised Code. 3800

(2) Immediately following the imposition of sentence upon 3801
the defendant, the defendant or the defendant's counsel and the 3802
prosecutor shall return to the court all copies of a presentence 3803
investigation report and of any written summary of a presentence 3804
investigation report or part of a presentence investigation 3805
report that the court made available to the defendant or the 3806
defendant's counsel and to the prosecutor pursuant to this 3807
section. The defendant or the defendant's counsel and the 3808
prosecutor shall not make any copies of the presentence 3809
investigation report or of any written summary of a presentence 3810
investigation report or part of a presentence investigation 3811
report that the court made available to them pursuant to this 3812
section. 3813

(3) Except when a presentence investigation report or a 3814
written or oral summary of a presentence investigation report is 3815
being used for the purposes of or as authorized by Criminal Rule 3816
32.2 or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, 3817
section 2947.06, or another section of the Revised Code, the 3818
court or other authorized holder of the report or summary shall 3819
retain the report or summary under seal. 3820

(E) In inquiring into the information available regarding 3821
any prior adjudications of the defendant as a delinquent child 3822

and regarding the dispositions made relative to those 3823
adjudications, the officer making the report shall consider all 3824
information that is relevant, including, but not limited to, the 3825
materials described in division (B) of section 2151.14, division 3826
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 3827
and division (E) of section 2152.71 of the Revised Code. 3828

(F) As used in this section: 3829

(1) "Prosecutor" has the same meaning as in section 3830
2935.01 of the Revised Code. 3831

(2) "Community control sanction" has the same meaning as 3832
in section 2929.01 of the Revised Code. 3833

(3) "Public record" has the same meaning as in section 3834
149.43 of the Revised Code. 3835

Sec. 2953.07. (A) Upon the hearing of an appeal other than 3836
an appeal from a mayor's court, the appellate court may affirm 3837
the judgment or reverse it, in whole or in part, or modify it, 3838
and order the accused to be discharged or grant a new trial. The 3839
appellate court may remand the accused for the sole purpose of 3840
correcting a sentence imposed contrary to law, provided that, on 3841
an appeal of a sentence imposed upon a person who is convicted 3842
of or pleads guilty to a felony that is brought under section 3843
2953.08 of the Revised Code, division ~~(G)~~ (H) of that section 3844
applies to the court. If the judgment is reversed, the appellant 3845
shall recover from the appellee all court costs incurred to 3846
secure the reversal, including the cost of transcripts. In 3847
capital cases, when the judgment is affirmed and the day fixed 3848
for the execution is passed, the appellate court shall appoint a 3849
day for it, and the clerk of the appellate court shall issue a 3850
warrant under the seal of the appellate court, to the sheriff of 3851

the proper county, or the warden of the appropriate state 3852
correctional institution, commanding the sheriff or warden to 3853
carry the sentence into execution on the day so appointed. The 3854
sheriff or warden shall execute and return the warrant as in 3855
other cases, and the clerk shall record the warrant and return. 3856

(B) As used in this section, "appellate court" means, for 3857
a case in which a sentence of death is imposed for an offense 3858
committed before January 1, 1995, both the court of appeals and 3859
the supreme court, and for a case in which a sentence of death 3860
is imposed for an offense committed on or after January 1, 1995, 3861
the supreme court. 3862

Sec. 2953.08. (A) As used in this section: 3863

(1) "Non-life felony indefinite prison term" and "maximum 3864
prison term" have the same meanings as in section 2929.01 of the 3865
Revised Code. 3866

(2) A sentence is "contrary to law" if it fails to comport 3867
with all mandatory, definite, or indefinite sentencing 3868
provisions or is not otherwise within the statutory range of 3869
prison terms for the applicable degree of felony, as provided in 3870
division (A) of section 2929.14 of the Revised Code. 3871

(3) "Qualifying felony of the first or second degree" has 3872
the same meaning as in section 2929.144 of the Revised Code. 3873

(B) In addition to any other right to appeal and except as 3874
provided in division ~~(D)~~ (E) of this section, a defendant who is 3875
convicted of or pleads guilty to a felony may appeal as a matter 3876
of right the sentence imposed upon the defendant on one of the 3877
following grounds: 3878

(1) The sentence consisted of or included the maximum 3879
definite prison term allowed for the offense by division (A) of 3880

section 2929.14 or section 2929.142 of the Revised Code or, with 3881
respect to a non-life felony indefinite prison term, the longest 3882
minimum prison term allowed for the offense by division (A) (1) 3883
(a) or (2) (a) of section 2929.14 of the Revised Code, the 3884
maximum definite prison term or longest minimum prison term was 3885
not required for the offense pursuant to Chapter 2925. or any 3886
other provision of the Revised Code, and the court imposed the 3887
sentence under one of the following circumstances: 3888

(a) The sentence was imposed for only one offense. 3889

(b) The sentence was imposed for two or more offenses 3890
arising out of a single incident, and the court imposed the 3891
maximum definite prison term or longest minimum prison term for 3892
the offense of the highest degree. 3893

(2) The sentence consisted of or included a prison term 3894
and the offense for which it was imposed is a felony of the 3895
fourth or fifth degree or is a felony drug offense that is a 3896
violation of a provision of Chapter 2925. of the Revised Code 3897
and that is specified as being subject to division (B) of 3898
section 2929.13 of the Revised Code for purposes of sentencing. 3899
If the court specifies that it found one or more of the factors 3900
in division (B) (1) (b) of section 2929.13 of the Revised Code to 3901
apply relative to the defendant, the defendant is not entitled 3902
under this division to appeal as a matter of right the sentence 3903
imposed upon the offender. 3904

(3) The person was convicted of or pleaded guilty to a 3905
violent sex offense or a designated homicide, assault, or 3906
kidnapping offense, was adjudicated a sexually violent predator 3907
in relation to that offense, and was sentenced pursuant to 3908
division (A) (3) of section 2971.03 of the Revised Code, if the 3909
minimum term of the indefinite term imposed pursuant to division 3910

(A) (3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of definite terms listed in section 2929.14 of the Revised Code or, with respect to a non-life felony indefinite prison term, the longest minimum prison term allowed for the offense by division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

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

~~(B)~~ (C) In addition to any other right to appeal and except as provided in division ~~(D)~~ (E) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division ~~(B) (3)~~ (C) (3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

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

the Revised Code. 3941

(2) The sentence is contrary to law. 3942

(3) The sentence is a modification under section 2929.20 3943
of the Revised Code of a sentence that was imposed for a felony 3944
of the first or second degree. 3945

~~(C)(1)~~ (D)(1) In addition to the right to appeal a 3946
sentence granted under division ~~(A) or (B)~~ or (C) of this 3947
section, a defendant who is convicted of or pleads guilty to a 3948
felony may ~~seek leave to~~ appeal a sentence imposed upon the 3949
defendant on the basis that the sentencing judge has imposed 3950
consecutive sentences under division (C)(3) of section 2929.14 3951
of the Revised Code and that the consecutive sentences exceed 3952
the maximum definite prison term allowed by division (A) of that 3953
section for the most serious offense of which the defendant was 3954
convicted or, with respect to a non-life felony indefinite 3955
prison term, exceed the longest minimum prison term allowed by 3956
division (A)(1)(a) or (2)(a) of that section for the most 3957
serious such offense. Upon the filing of a motion under this 3958
division, the court of appeals may grant leave to appeal the 3959
sentence if the court determines that the allegation included as 3960
the basis of the motion is true. 3961

(2) A defendant may ~~seek leave to~~ appeal an additional 3962
sentence imposed upon the defendant pursuant to division (B)(2) 3963
(a) or (b) of section 2929.14 of the Revised Code if the 3964
additional sentence is for a definite prison term that is longer 3965
than five years. 3966

~~(D)(1)~~ (E)(1) A sentence imposed upon a defendant is not 3967
subject to review under this section if ~~the~~ all of the following 3968
apply: 3969

(a) The sentence is authorized by law~~7~~. 3970

(b) The sentence, a sentencing range, a minimum aggregate term of imprisonment, or a maximum aggregate term of imprisonment 3971
has been recommended jointly by the defendant and 3972
the prosecution in the case, and is imposed by a sentencing 3974
judge. 3975

(c) The sentence imposed upon the defendant is consistent with that recommendation. 3976
3977

(2) Except as provided in division ~~(C) (2)~~ (D) (2) of this 3978
section, a sentence imposed upon a defendant is not subject to 3979
review under this section if the sentence is imposed pursuant to 3980
division (B) (2) (b) of section 2929.14 of the Revised Code. 3981
Except as otherwise provided in this division, a defendant 3982
retains all rights to appeal as provided under this chapter or 3983
any other provision of the Revised Code. A defendant has the 3984
right to appeal under this chapter or any other provision of the 3985
Revised Code the court's application of division (B) (2) (c) of 3986
section 2929.14 of the Revised Code. 3987

(3) A sentence imposed for aggravated murder or murder 3988
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 3989
not subject to review under this section. 3990

~~(E)~~ (F) A defendant, prosecuting attorney, city director 3991
of law, village solicitor, or chief municipal legal officer 3992
shall file an appeal of a sentence under this section to a court 3993
of appeals within the time limits specified in Rule 4(B) of the 3994
Rules of Appellate Procedure, provided that if the appeal is 3995
pursuant to division ~~(B) (3)~~ (C) (3) of this section, the time 3996
limits specified in that rule shall not commence running until 3997
the court grants the motion that makes the sentence modification 3998

in question. A sentence appeal under this section shall be 3999
consolidated with any other appeal in the case. If no other 4000
appeal is filed, the court of appeals may review only the 4001
portions of the trial record that pertain to sentencing. 4002

~~(F)~~(G) On the appeal of a sentence under this section, 4003
the record to be reviewed shall include all of the following, as 4004
applicable: 4005

(1) Any presentence, psychiatric, or other investigative 4006
report that was submitted to the court in writing before the 4007
sentence was imposed. An appellate court that reviews a 4008
presentence investigation report prepared pursuant to section 4009
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 4010
connection with the appeal of a sentence under this section 4011
shall comply with division (D) (3) of section 2951.03 of the 4012
Revised Code when the appellate court is not using the 4013
presentence investigation report, and the appellate court's use 4014
of a presentence investigation report of that nature in 4015
connection with the appeal of a sentence under this section does 4016
not affect the otherwise confidential character of the contents 4017
of that report as described in division (D) (1) of section 4018
2951.03 of the Revised Code and does not cause that report to 4019
become a public record, as defined in section 149.43 of the 4020
Revised Code, following the appellate court's use of the report. 4021

(2) The trial record in the case in which the sentence was 4022
imposed; 4023

(3) Any oral or written statements made to or by the court 4024
at the sentencing hearing at which the sentence was imposed; 4025

(4) Any written findings that the court was required to 4026
make in connection with the modification of the sentence 4027

pursuant to a judicial release under division (I) of section 4028
2929.20 of the Revised Code. 4029

~~(G)(1)~~ (H)(1) If the sentencing court was required to make 4030
the findings required by division (B) or (D) of section 2929.13 4031
or division (I) of section 2929.20 of the Revised Code, or to 4032
state the findings of the trier of fact required by division (B) 4033
(2) (e) of section 2929.14 of the Revised Code, relative to the 4034
imposition or modification of the sentence, and if the 4035
sentencing court failed to state the required findings on the 4036
record, the court hearing an appeal under division ~~(A)~~, (B), ~~or~~ 4037
(C), or (D) of this section shall remand the case to the 4038
sentencing court and instruct the sentencing court to state, on 4039
the record, the required findings. 4040

(2) The court hearing an appeal under division ~~(A)~~, (B), 4041
~~or (C)~~, or (D) of this section shall review the record, 4042
including the findings underlying the sentence or modification 4043
given by the sentencing court. 4044

The appellate court may ~~increase, reduce, or otherwise~~ 4045
~~modify~~ vacate a sentence that is appealed under this section ~~or~~ 4046
~~may vacate the sentence~~ and remand the matter to the sentencing 4047
court for resentencing. The appellate court's standard for 4048
review is not whether the sentencing court abused its 4049
discretion. The appellate court may take any action authorized 4050
by this division if it clearly and convincingly finds either of 4051
the following: 4052

(a) That the record does not support the sentencing 4053
court's findings under division (B) or (D) of section 2929.13, 4054
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 4055
of section 2929.20 of the Revised Code, whichever, if any, is 4056
relevant; 4057

(b) That the sentence is otherwise contrary to law. 4058

~~(H)~~ (I) If a conviction for a qualifying felony of the 4059
first or second degree is reversed under division (H) of this 4060
section and the reversal would affect the maximum prison term 4061
imposed under section 2929.144 of the Revised Code, the 4062
appellate court shall remand the case for resentencing. 4063

(J) A judgment or final order of a court of appeals under 4064
this section may be appealed, by leave of court, to the supreme 4065
court. 4066

~~(I) As used in this section, "non life felony indefinite~~ 4067
~~prison term" has the same meaning as in section 2929.01 of the~~ 4068
~~Revised Code.~~ 4069

Sec. 2967.14. (A) The department of rehabilitation and 4070
correction or the adult parole authority may require or allow a 4071
parolee, a releasee, or a prisoner otherwise released from a 4072
state correctional institution to reside in a halfway house or 4073
other suitable community residential center that has been 4074
licensed by the division of parole and community services 4075
pursuant to division (C) of this section or, in the 4076
circumstances described in division (E) of section 5120.113 of 4077
the Revised Code, in the reentry program and facility 4078
established under that division, during a part or for the entire 4079
period of the offender's or parolee's conditional release or of 4080
the releasee's term of post-release control. The court of common 4081
pleas that placed an offender under a sanction consisting of a 4082
term in a halfway house or in an alternative residential 4083
sanction may require the offender to reside in a halfway house 4084
or other suitable community residential center that is 4085
designated by the court and that has been licensed by the 4086
division pursuant to division (C) of this section during a part 4087

or for the entire period of the offender's residential sanction. 4088

(B) The division of parole and community services may 4089
negotiate and enter into agreements with any public or private 4090
agency or a department or political subdivision of the state 4091
that operates a halfway house, reentry center, or community 4092
residential center that has been licensed by the division 4093
pursuant to division (C) of this section. An agreement under 4094
this division shall provide for the purchase of beds, shall set 4095
limits of supervision and levels of occupancy, and shall 4096
determine the scope of services for all eligible offenders, 4097
including those subject to a residential sanction, as defined in 4098
rules adopted by the director of rehabilitation and correction 4099
in accordance with Chapter 119. of the Revised Code, or those 4100
released from prison without supervision. The payments for beds 4101
and services shall not exceed the total operating costs of the 4102
halfway house, reentry center, or community residential center 4103
during the term of an agreement. The director of rehabilitation 4104
and correction shall adopt rules in accordance with Chapter 119. 4105
of the Revised Code for determining includable and excludable 4106
costs and income to be used in computing the agency's average 4107
daily per capita costs with its facility at full occupancy. 4108

The director of rehabilitation and correction shall adopt 4109
rules providing for the use of no more than fifteen per cent of 4110
the amount appropriated to the department each fiscal year for 4111
the halfway house, reentry center, and community residential 4112
center program to pay for contracts with licensed halfway houses 4113
for nonresidential services for offenders under the supervision 4114
of the adult parole authority, including but not limited to, 4115
offenders supervised pursuant to an agreement entered into by 4116
the adult parole authority and a court of common pleas under 4117
section 2301.32 of the Revised Code. The nonresidential services 4118

may include, but are not limited to, treatment for substance 4119
abuse, mental health counseling, counseling for sex offenders, 4120
electronic monitoring services, aftercare, and other 4121
nonresidential services that the director identifies by rule. 4122

(C) The division of parole and community services may 4123
license a halfway house, reentry center, or community 4124
residential center as a suitable facility for the care and 4125
treatment of adult offenders, including offenders sentenced 4126
under section 2929.16 or 2929.26 of the Revised Code, only if 4127
the halfway house, reentry center, or community residential 4128
center complies with the standards that the division adopts in 4129
accordance with Chapter 119. of the Revised Code for the 4130
licensure of halfway houses, reentry centers, and community 4131
residential centers. The division shall annually inspect each 4132
licensed halfway house, licensed reentry center, and licensed 4133
community residential center to determine if it is in compliance 4134
with the licensure standards. 4135

(D) The division of parole and community services may 4136
expend up to one-half per cent of the annual appropriation made 4137
for halfway house programs, for goods or services that benefit 4138
those programs. 4139

Sec. 2967.191. (A) The department of rehabilitation and 4140
correction shall reduce the prison term of a prisoner, as 4141
described in division (B) of this section, by the total number 4142
of days that the prisoner was confined for any reason arising 4143
out of the offense for which the prisoner was convicted and 4144
sentenced, including confinement in lieu of bail while awaiting 4145
trial, confinement for examination to determine the prisoner's 4146
competence to stand trial or sanity, confinement while awaiting 4147
transportation to the place where the prisoner is to serve the 4148

prisoner's prison term, as determined by the sentencing court 4149
under division (B) (2) (g) (i) of section 2929.19 of the Revised 4150
Code, and confinement in a juvenile facility. The department of 4151
rehabilitation and correction also shall reduce the stated 4152
prison term of a prisoner or, if the prisoner is serving a term 4153
for which there is parole eligibility, the minimum and maximum 4154
term or the parole eligibility date of the prisoner by the total 4155
number of days, if any, that the prisoner previously served in 4156
the custody of the department of rehabilitation and correction 4157
arising out of the offense for which the prisoner was convicted 4158
and sentenced. 4159

(B) The reductions described in division (A) of this 4160
section shall be made to the following prison terms, as 4161
applicable: 4162

(1) The definite prison term of a prisoner serving a 4163
definite prison term as a stated prison term; 4164

(2) The minimum ~~and maximum~~ term of a prisoner serving a 4165
non-life felony indefinite prison term as a stated prison term; 4166

(3) The minimum and maximum term or the parole eligibility 4167
date of a prisoner serving a term for which there is parole 4168
eligibility. 4169

Sec. 2967.193. (A) (1) Except as provided in division (C) 4170
of this section and subject to the maximum aggregate total 4171
specified in division (A) (3) of this section, a person confined 4172
in a state correctional institution or placed in the substance 4173
use disorder treatment program may provisionally earn one day or 4174
five days of credit, based on the category set forth in division 4175
(D) (1), (2), (3), (4), or (5) of this section in which the 4176
person is included, toward satisfaction of the person's stated 4177

prison term, as described in division (F) of this section, for 4178
each completed month during which the person, if confined in a 4179
state correctional institution, productively participates in an 4180
education program, vocational training, employment in prison 4181
industries, treatment for substance abuse, or any other 4182
constructive program developed by the department with specific 4183
standards for performance by prisoners or during which the 4184
person, if placed in the substance use disorder treatment 4185
program, productively participates in the program. Except as 4186
provided in division (C) of this section and subject to the 4187
maximum aggregate total specified in division (A) (3) of this 4188
section, a person so confined in a state correctional 4189
institution who successfully completes two programs or 4190
activities of that type may, in addition, provisionally earn up 4191
to five days of credit toward satisfaction of the person's 4192
stated prison term, as described in division (F) of this 4193
section, for the successful completion of the second program or 4194
activity. The person shall not be awarded any provisional days 4195
of credit for the successful completion of the first program or 4196
activity or for the successful completion of any program or 4197
activity that is completed after the second program or activity. 4198
At the end of each calendar month in which a person productively 4199
participates in a program or activity listed in this division or 4200
successfully completes a program or activity listed in this 4201
division, the department of rehabilitation and correction shall 4202
determine and record the total number of days credit that the 4203
person provisionally earned in that calendar month. If the 4204
person in a state correctional institution violates prison rules 4205
or the person in the substance use disorder treatment program 4206
violates program or department rules, the department may deny 4207
the person a credit that otherwise could have been provisionally 4208
awarded to the person or may withdraw one or more credits 4209

previously provisionally earned by the person. Days of credit 4210
provisionally earned by a person shall be finalized and awarded 4211
by the department subject to administrative review by the 4212
department of the person's conduct. 4213

(2) Unless a person is serving a mandatory prison term or 4214
a prison term for an offense of violence or a sexually oriented 4215
offense, and notwithstanding the maximum aggregate total 4216
specified in division (A) (3) of this section, a person who 4217
successfully completes any of the following shall earn ninety 4218
days of credit toward satisfaction of the person's stated prison 4219
term or a ten per cent reduction of the person's stated prison 4220
term, whichever is less: 4221

(a) An Ohio high school diploma or Ohio certificate of 4222
high school equivalence certified by the Ohio central school 4223
system; 4224

(b) A therapeutic drug community program; 4225

(c) All three phases of the department of rehabilitation 4226
and correction's intensive outpatient drug treatment program; 4227

(d) A career technical vocational school program; 4228

(e) A college certification program; 4229

(f) The criteria for a certificate of achievement and 4230
employability as specified in division (A) (1) of section 2961.22 4231
of the Revised Code. 4232

(3) Except for persons described in division (A) (2) of 4233
this section, the aggregate days of credit provisionally earned 4234
by a person for program or activity participation and program 4235
and activity completion under this section and the aggregate 4236
days of credit finally credited to a person under this section 4237

shall not exceed eight per cent of the total number of days in 4238
the person's stated prison term. 4239

(B) The department of rehabilitation and correction shall 4240
adopt rules that specify the programs or activities for which 4241
credit may be earned under this section, the criteria for 4242
determining productive participation in, or completion of, the 4243
programs or activities and the criteria for awarding credit, 4244
including criteria for awarding additional credit for successful 4245
program or activity completion, and the criteria for denying or 4246
withdrawing previously provisionally earned credit as a result 4247
of a violation of prison rules, or program or department rules, 4248
whichever is applicable. 4249

(C) No person confined in a state correctional institution 4250
or placed in a substance use disorder treatment program to whom 4251
any of the following applies shall be awarded any days of credit 4252
under division (A) of this section: 4253

(1) The person is serving a prison term that section 4254
2929.13 or section 2929.14 of the Revised Code specifies cannot 4255
be reduced pursuant to this section or this chapter or is 4256
serving a sentence for which section 2967.13 or division (B) of 4257
section 2929.143 of the Revised Code specifies that the person 4258
is not entitled to any earned credit under this section. 4259

(2) The person is sentenced to death or is serving a 4260
prison term or a term of life imprisonment for aggravated 4261
murder, murder, or a conspiracy or attempt to commit, or 4262
complicity in committing, aggravated murder or murder. 4263

(3) The person is serving a sentence of life imprisonment 4264
without parole imposed pursuant to section 2929.03 or 2929.06 of 4265
the Revised Code, a prison term or a term of life imprisonment 4266

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, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

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

(2) The offender may earn one day of credit under division 4296
(A) of this section, except as provided in division (C) of this 4297
section, if the offender is serving a stated prison term that 4298
includes a prison term imposed for a sexually oriented offense 4299
that the offender committed prior to September 30, 2011. 4300

(3) The offender may earn one day of credit under division 4301
(A) of this section, except as provided in division (C) of this 4302
section, if the offender is serving a stated prison term that 4303
includes a prison term imposed for a felony other than carrying 4304
a concealed weapon an essential element of which is any conduct 4305
or failure to act expressly involving any deadly weapon or 4306
dangerous ordnance. 4307

(4) Except as provided in division (C) of this section, if 4308
the most serious offense for which the offender is confined is a 4309
felony of the first or second degree and divisions (D) (1), (2), 4310
and (3) of this section do not apply to the offender, the 4311
offender may earn one day of credit under division (A) of this 4312
section if the offender committed that offense prior to 4313
September 30, 2011, and the offender may earn five days of 4314
credit under division (A) of this section if the offender 4315
committed that offense on or after September 30, 2011. 4316

(5) Except as provided in division (C) of this section, if 4317
the most serious offense for which the offender is confined is a 4318
felony of the third, fourth, or fifth degree or an unclassified 4319
felony and neither division (D) (2) nor (3) of this section 4320
applies to the offender, the offender may earn one day of credit 4321
under division (A) of this section if the offender committed 4322
that offense prior to September 30, 2011, and the offender may 4323
earn five days of credit under division (A) of this section if 4324
the offender committed that offense on or after September 30, 4325

2011. 4326

(E) The department annually shall seek and consider the 4327
written feedback of the Ohio prosecuting attorneys association, 4328
the Ohio judicial conference, the Ohio public defender, the Ohio 4329
association of criminal defense lawyers, and other organizations 4330
and associations that have an interest in the operation of the 4331
corrections system and the earned credits program under this 4332
section as part of its evaluation of the program and in 4333
determining whether to modify the program. 4334

(F) Days of credit awarded under this section shall be 4335
applied toward satisfaction of a person's stated prison term as 4336
follows: 4337

(1) Toward the definite prison term of a prisoner serving 4338
a definite prison term as a stated prison term; 4339

(2) Toward the minimum and maximum terms of a prisoner 4340
serving ~~an a non-life felony~~ indefinite prison term imposed 4341
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 4342
Revised Code for a felony of the first or second degree 4343
committed on or after ~~the effective date of this amendment~~ March 4344
22, 2019. 4345

(G) As used in this section: 4346

(1) "Sexually oriented offense" has the same meaning as in 4347
section 2950.01 of the Revised Code. 4348

(2) "Substance use disorder treatment program" means the 4349
substance use disorder treatment program established by the 4350
department of rehabilitation and correction under section 4351
5120.035 of the Revised Code. 4352

Sec. 2967.271. (A) As used in this section: 4353

(1) "Offender's minimum prison term" means the minimum 4354
prison term imposed on an offender under a non-life felony 4355
indefinite prison term, diminished as provided in section 4356
2967.191 or 2967.193 of the Revised Code or in any other 4357
provision of the Revised Code, other than division (F) of this 4358
section, that provides for diminution or reduction of an 4359
offender's sentence. 4360

(2) "Offender's aggregate minimum prison term" means the 4361
sum of all minimum prison terms imposed on an offender under a 4362
non-life felony indefinite prison term and all definite terms 4363
imposed on the offender, and that are sentenced to be served 4364
consecutively to one another or combined under division (C)(10) 4365
of section 2929.14 of the Revised Code as part of a non-life 4366
felony indefinite prison term diminished as provided in section 4367
2967.191 or 2967.193 of the Revised Code or in any other 4368
provision of the Revised Code, other than division (F) of this 4369
section, that provides for diminution or reduction of an 4370
offender's sentence. 4371

(3) "Maximum prison term" has the same meaning as in 4372
section 2929.01 of the Revised Code. 4373

(4) "Offender's aggregate maximum prison term" means the 4374
sum of all maximum prison terms imposed on an offender and 4375
sentenced to be served consecutively to one another or combined 4376
under division (C)(10) of section 2929.14 of the Revised Code as 4377
part of a non-life felony indefinite sentence. 4378

(5) "Offender's presumptive earned early release date" 4379
means the date that is determined under the procedures described 4380
in division (F) of this section by the reduction, if any, of an 4381
offender's minimum prison term or an offender's aggregate 4382
minimum prison term by the sentencing court and the crediting of 4383

that reduction toward the satisfaction of the minimum term or 4384
aggregate minimum term. 4385

~~(3)~~ (6) "Rehabilitative programs and activities" means 4386
education programs, vocational training, employment in prison 4387
industries, treatment for substance abuse, or other constructive 4388
programs developed by the department of rehabilitation and 4389
correction with specific standards for performance by prisoners. 4390

~~(4)~~ (7) "Security level" means the security level in which 4391
an offender is classified under the inmate classification level 4392
system of the department of rehabilitation and correction that 4393
then is in effect. 4394

~~(5)~~ (8) "Sexually oriented offense" has the same meaning 4395
as in section 2950.01 of the Revised Code. 4396

(B) When an offender is sentenced to a non-life felony 4397
indefinite prison term, there shall be a presumption that the 4398
person shall be released from service of the sentence on the 4399
earlier of the following: 4400

(1) The expiration of the offender's minimum prison term 4401
or on the offender's aggregate minimum prison term if the 4402
offender is subject to an aggregate minimum prison term; 4403

(2) The offender's presumptive earned early release date, 4404
~~whichever is earlier.~~ 4405

(C) The presumption established under division (B) of this 4406
section is a rebuttable presumption that the department of 4407
rehabilitation and correction may rebut as provided in this 4408
division. Unless the department rebuts the presumption, the 4409
offender shall be released from service of the sentence on the 4410
~~expiration of the offender's minimum prison term or on the~~ 4411
~~offender's presumptive earned early release date, whichever is~~ 4412

~~earlier~~ established in division (B) of this section. The 4413
department may rebut the presumption only if the department 4414
determines, at a hearing, that one or more of the following 4415
applies: 4416

(1) Regardless of the security level in which the offender 4417
is classified at the time of the hearing, both of the following 4418
apply: 4419

(a) During the offender's incarceration, the offender 4420
committed institutional rule infractions that involved 4421
compromising the security of a state correctional institution, 4422
compromising the safety of the staff of a state correctional 4423
institution or its inmates, or physical harm or the threat of 4424
physical harm to the staff of a state correctional institution 4425
or its inmates, or committed a violation of law that was not 4426
prosecuted, and the infractions or violations demonstrate that 4427
the offender has not been rehabilitated. 4428

(b) The offender's behavior while incarcerated, including, 4429
but not limited to the infractions and violations specified in 4430
division (C)(1)(a) of this section, demonstrate that the 4431
offender continues to pose a threat to society. 4432

(2) Regardless of the security level in which the offender 4433
is classified at the time of the hearing, the offender has been 4434
placed by the department in extended restrictive housing at any 4435
time within the year preceding the date of the hearing. 4436

(3) At the time of the hearing, the offender is classified 4437
by the department as a security level three, four, or five, or 4438
at a higher security level. 4439

(D)(1) If the department of rehabilitation and correction, 4440
pursuant to division (C) of this section, rebuts the presumption 4441

established under division (B) of this section, the department 4442
may maintain the offender's incarceration in a state 4443
correctional institution under the sentence after the ~~expiration~~ 4444
~~of the offender's minimum prison term or, for offenders who have~~ 4445
~~a presumptive earned early release date, after the offender's~~ 4446
~~presumptive earned early release date~~ established in division 4447
(B) of this section. The department may maintain the offender's 4448
incarceration under this division for an additional period of 4449
incarceration determined by the department. The additional 4450
period of incarceration shall be a reasonable period determined 4451
by the department, shall be specified by the department, and 4452
shall not exceed the ~~offender's maximum prison term or aggregate~~ 4453
maximum prison term to which the offender is subject and that 4454
was imposed by the sentencing court. 4455

(2) If the department maintains an offender's 4456
incarceration for an additional period under division (D) (1) of 4457
this section, there shall be a presumption that the offender 4458
shall be released on the expiration of the ~~offender's minimum~~ 4459
~~prison term plus the~~ additional period of incarceration 4460
specified by the department as provided under that division ~~or,~~ 4461
~~for offenders who have a presumptive earned early release date,~~ 4462
~~on the expiration of the additional period of incarceration to~~ 4463
~~be served after the offender's presumptive earned early release~~ 4464
~~date that is specified by the department as provided under that~~ 4465
~~division.~~ The presumption is a rebuttable presumption that the 4466
department may rebut, but only if it conducts a hearing and 4467
makes the determinations specified in division (C) of this 4468
section, and if the department rebuts the presumption, it may 4469
maintain the offender's incarceration in a state correctional 4470
institution for an additional period determined as specified in 4471
division (D) (1) of this section. Unless the department rebuts 4472

the presumption at the hearing, the offender shall be released 4473
from service of the sentence on the expiration of the ~~offender's~~ 4474
~~minimum prison term plus the~~ additional period of incarceration 4475
specified by the department ~~or, for offenders who have a~~ 4476
~~presumptive earned early release date, on the expiration of the~~ 4477
~~additional period of incarceration to be served after the~~ 4478
~~offender's presumptive earned early release date as specified by~~ 4479
~~the department.~~ 4480

(3) The provisions of this division regarding the 4481
establishment of a rebuttable presumption, the department's 4482
rebuttal of the presumption, and the department's maintenance of 4483
an offender's incarceration for an additional period of 4484
incarceration apply, and may be utilized more than one time, 4485
during the remainder of the offender's incarceration. If the 4486
offender has not been released under division (C) or (D) (2) of 4487
this section ~~or this division~~ prior to the expiration of the 4488
~~offender's maximum prison term imposed as part of the offender's~~ 4489
~~non-life felony indefinite prison term~~ or aggregate maximum 4490
prison term to which the offender is subject, the offender shall 4491
be released upon the expiration of that maximum term or 4492
aggregate maximum term. If the offender is subject to an 4493
aggregate maximum prison term, the department shall rebut the 4494
presumption as provided in division (C) of this section at least 4495
once before commencing each portion of the aggregate maximum 4496
prison term that is attributable to an individual maximum prison 4497
term that was aggregated under division (C) (10) (b) of section 4498
2929.14 of the Revised Code. For purposes of this section, the 4499
individual maximum prison term portions of an aggregate maximum 4500
prison term shall be served in the same order as the 4501
corresponding minimum prison term portions were served as part 4502
of the aggregate minimum prison term. 4503

(E) The department shall provide notices of hearings to be 4504
conducted under division (C) or (D) of this section in the same 4505
manner, and to the same persons, as specified in section 2967.12 4506
and Chapter 2930. of the Revised Code with respect to hearings 4507
to be conducted regarding the possible release on parole of an 4508
inmate. 4509

(F) (1) The director of the department of rehabilitation 4510
and correction may notify the sentencing court in writing that 4511
the director is recommending that the court grant a reduction in 4512
the minimum prison term imposed on a specified offender who is 4513
serving a non-life felony indefinite prison term and who is 4514
eligible under division (F) (8) of this section for such a 4515
reduction, due to the offender's exceptional conduct while 4516
incarcerated or the offender's adjustment to incarceration. If 4517
the director wishes to recommend such a reduction for an 4518
offender, the director shall send the notice to the court not 4519
earlier than ninety days prior to the date on which the director 4520
wishes to credit the reduction toward the satisfaction of the 4521
offender's minimum prison term. If the director recommends such 4522
a reduction for an offender, there shall be a presumption that 4523
the court shall grant the recommended reduction to the offender. 4524
The presumption established under this division is a rebuttable 4525
presumption that may be rebutted as provided in division (F) (4) 4526
of this section. 4527

The director shall include with the notice sent to a court 4528
under this division an institutional summary report that covers 4529
the offender's participation while confined in a state 4530
correctional institution in rehabilitative programs and 4531
activities and any disciplinary action taken against the 4532
offender while so confined, and any other documentation 4533
requested by the court, if available. 4534

The notice the director sends to a court under this 4535
division shall do all of the following: 4536

(a) Identify the offender; 4537

(b) Specify the length of the recommended reduction, which 4538
shall be for five to fifteen per cent of the offender's minimum 4539
term determined in accordance with rules adopted by the 4540
department under division (F)(7) of this section; 4541

(c) Specify the reason or reasons that qualify the 4542
offender for the recommended reduction; 4543

(d) Inform the court of the rebuttable presumption and 4544
that the court must either approve or, if the court finds that 4545
the presumption has been rebutted, disapprove of the recommended 4546
reduction, and that if it approves of the recommended reduction, 4547
it must grant the reduction; 4548

(e) Inform the court that it must notify the department of 4549
its decision as to approval or disapproval not later than sixty 4550
days after receipt of the notice from the director. 4551

(2) When the director, under division (F)(1) of this 4552
section, submits a notice to a sentencing court that the 4553
director is recommending that the court grant a reduction in the 4554
minimum prison term imposed on an offender serving a non-life 4555
felony indefinite prison term, the department promptly shall 4556
provide to the prosecuting attorney of the county in which the 4557
offender was indicted a copy of the written notice, a copy of 4558
the institutional summary report described in that division, and 4559
any other information provided to the court. 4560

(3) Upon receipt of a notice submitted by the director 4561
under division (F)(1) of this section, the court shall schedule 4562
a hearing to consider whether to grant the reduction in the 4563

minimum prison term imposed on the specified offender that was 4564
recommended by the director or to find that the presumption has 4565
been rebutted and disapprove the recommended reduction. Upon 4566
scheduling the hearing, the court promptly shall give notice of 4567
the hearing to the prosecuting attorney of the county in which 4568
the offender was indicted and to the department. The notice 4569
shall inform the prosecuting attorney that the prosecuting 4570
attorney may submit to the court, prior to the date of the 4571
hearing, written information relevant to the recommendation and 4572
may present at the hearing written information and oral 4573
information relevant to the recommendation. 4574

Upon receipt of the notice from the court, the prosecuting 4575
attorney shall notify the victim of the offender or the victim's 4576
representative of the recommendation by the director, the date, 4577
time, and place of the hearing, the fact that the victim may 4578
submit to the court, prior to the date of the hearing, written 4579
information relevant to the recommendation, and the address and 4580
procedure for submitting the information. 4581

(4) At the hearing scheduled under division (F)(3) of this 4582
section, the court shall afford the prosecuting attorney an 4583
opportunity to present written information and oral information 4584
relevant to the director's recommendation. In making its 4585
determination as to whether to grant or disapprove the reduction 4586
in the minimum prison term imposed on the specified offender 4587
that was recommended by the director, the court shall consider 4588
any report and other documentation submitted by the director, 4589
any information submitted by a victim, any information submitted 4590
or presented at the hearing by the prosecuting attorney, and all 4591
of the factors set forth in divisions (B) to (D) of section 4592
2929.12 of the Revised Code that are relevant to the offender's 4593
offense and to the offender. 4594

Unless the court, after considering at the hearing the 4595
specified reports, documentation, information, and relevant 4596
factors, finds that the presumption that the recommended 4597
reduction shall be granted has been rebutted and disapproves the 4598
recommended reduction, the court shall grant the recommended 4599
reduction. The court may disapprove the recommended reduction 4600
only if, after considering at the hearing the specified reports, 4601
documentation, information, and relevant factors, it finds that 4602
the presumption that the reduction shall be granted has been 4603
rebutted. The court may find that the presumption has been 4604
rebutted and disapprove the recommended reduction only if it 4605
determines at the hearing that one or more of the following 4606
applies: 4607

(a) Regardless of the security level in which the offender 4608
is classified at the time of the hearing, during the offender's 4609
incarceration, the offender committed institutional rule 4610
infractions that involved compromising the security of a state 4611
correctional institution, compromising the safety of the staff 4612
of a state correctional institution or its inmates, or physical 4613
harm or the threat of physical harm to the staff of a state 4614
correctional institution or its inmates, or committed a 4615
violation of law that was not prosecuted, and the infractions or 4616
violations demonstrate that the offender has not been 4617
rehabilitated. 4618

(b) The offender's behavior while incarcerated, including, 4619
but not limited to, the infractions and violations specified in 4620
division (F)(4)(a) of this section, demonstrates that the 4621
offender continues to pose a threat to society. 4622

(c) At the time of the hearing, the offender is classified 4623
by the department as a security level three, four, or five, or 4624

at a higher security level. 4625

(d) During the offender's incarceration, the offender did 4626
not productively participate in a majority of the rehabilitative 4627
programs and activities recommended by the department for the 4628
offender, or the offender participated in a majority of such 4629
recommended programs or activities but did not successfully 4630
complete a reasonable number of the programs or activities in 4631
which the offender participated. 4632

(e) After release, the offender will not be residing in a 4633
halfway house, reentry center, or community residential center 4634
licensed under division (C) of section 2967.14 of the Revised 4635
Code and, after release, does not have any other place to reside 4636
at a fixed residence address. 4637

(5) If the court pursuant to division (F) (4) of this 4638
section finds that the presumption that the recommended 4639
reduction in the offender's minimum prison term has been 4640
rebutted and disapproves the recommended reduction, the court 4641
shall notify the department of the disapproval not later than 4642
sixty days after receipt of the notice from the director. The 4643
court shall specify in the notification the reason or reasons 4644
for which it found that the presumption was rebutted and 4645
disapproved the recommended reduction. The court shall not 4646
reduce the offender's minimum prison term, and the department 4647
shall not credit the amount of the disapproved reduction toward 4648
satisfaction of the offender's minimum prison term. 4649

If the court pursuant to division (F) (4) of this section 4650
grants the recommended reduction of the offender's minimum 4651
prison term, the court shall notify the department of the grant 4652
of the reduction not later than sixty days after receipt of the 4653
notice from the director, the court shall reduce the offender's 4654

minimum prison term in accordance with the recommendation 4655
submitted by the director, and the department shall credit the 4656
amount of the reduction toward satisfaction of the offender's 4657
minimum prison term. 4658

Upon deciding whether to disapprove or grant the 4659
recommended reduction of the offender's minimum prison term, the 4660
court shall notify the prosecuting attorney of the decision and 4661
the prosecuting attorney shall notify the victim or victim's 4662
representative of the court's decision. 4663

(6) If the court under division (F) (5) of this section 4664
grants the reduction in the minimum prison term imposed on an 4665
offender that was recommended by the director and reduces the 4666
offender's minimum prison term, the date determined by the 4667
department's crediting of the reduction toward satisfaction of 4668
the offender's minimum prison term is the offender's presumptive 4669
earned early release date. 4670

(7) The department of rehabilitation and correction by 4671
rule shall specify both of the following for offenders serving a 4672
non-life felony indefinite prison term: 4673

(a) The type of exceptional conduct while incarcerated and 4674
the type of adjustment to incarceration that will qualify an 4675
offender serving such a prison term for a reduction under 4676
divisions (F) (1) to (6) of this section of the minimum prison 4677
term imposed on the offender under the non-life felony 4678
indefinite prison term. 4679

(b) The per cent of reduction that it may recommend for, 4680
and that may be granted to, an offender serving such a prison 4681
term under divisions (F) (1) to (6) of this section, based on the 4682
offense level of the offense for which the prison term was 4683

imposed, with the department specifying the offense levels used 4684
for purposes of this division and assigning a specific 4685
percentage reduction within the range of five to fifteen per 4686
cent for each such offense level. 4687

(8) Divisions (F)(1) to (6) of this section do not apply 4688
with respect to an offender serving a non-life felony indefinite 4689
prison term for a sexually oriented offense, and no offender 4690
serving such a prison term for a sexually oriented offense is 4691
eligible to be recommended for or granted, or may be recommended 4692
for or granted, a reduction under those divisions in the 4693
offender's minimum prison term imposed under that non-life 4694
felony indefinite prison term. 4695

(G) If an offender is sentenced to a non-life felony 4696
indefinite prison term, any reference in a section of the 4697
Revised Code to a definite prison term shall be construed as 4698
referring to the offender's minimum term under that sentence 4699
plus any additional period of time of incarceration specified by 4700
the department under division (D)(1) or (2) of this section, 4701
except to the extent otherwise specified in the section or to 4702
the extent that that construction clearly would be 4703
inappropriate. 4704

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 4705
Revised Code, as they existed prior to July 1, 1996, and that 4706
address the duration or potential duration of incarceration or 4707
parole or other forms of supervised release, apply to all 4708
persons upon whom a court imposed a term of imprisonment prior 4709
to July 1, 1996, and all persons upon whom a court, on or after 4710
July 1, 1996, and in accordance with law existing prior to July 4711
1, 1996, imposed a term of imprisonment for an offense that was 4712
committed prior to July 1, 1996. 4713

(B) (1) The provisions of Chapter 5120. of the Revised Code, as they exist on or after July 1, 1996, and that address the duration or potential duration of incarceration or supervised release, apply to all persons upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996.

(2) The provisions of Chapter 5120. of the Revised Code, as they exist on or after ~~the effective date of this amendment~~ March 22, 2019, and prior to the effective date of this amendment, apply to an offender who is released from confinement in a state correctional institution on or after ~~that date~~ March 22, 2019, and prior to the effective date of this amendment.

(3) The provisions of Chapter 5120. of the Revised Code, as they exist on or after the effective date of this amendment, apply to an offender who is released from confinement in a state correctional institution on or after that date.

(C) Nothing in this section limits or affects the applicability of any provision in Chapter 5120. of the Revised Code, as amended or enacted on or after July 1, 1996, that pertains to an issue other than the duration or potential duration of incarceration or supervised release, to persons in custody or under the supervision of the department of rehabilitation and correction.

Sec. 5120.038. (A) As used in this section~~7~~:

(1) "GPS-monitored offender" means an offender who, on or after the effective date of divisions (C) to (E) of this section, is released from confinement in a state correctional institution under a conditional pardon, parole, other form of authorized release, or transitional control that includes global

positioning system monitoring as a condition of the person's 4743
release, or who, on or after that date, is placed under post- 4744
release control that includes global positioning system 4745
monitoring as a condition under the post-release control. 4746

(2) "Law enforcement automated data system" means the law 4747
enforcement automated data system, also known as LEADS, 4748
established under section 5503.10 of the Revised Code. 4749

(3) "Secondary entity" means an entity under contract with 4750
a third-party contract administrator with which the department 4751
of rehabilitation and correction has entered into a contract for 4752
global positioning system monitoring of GPS-monitored offenders. 4753

(B) Not later than ~~June 30, 2019~~December 31, 2022, the 4754
department of rehabilitation and correction shall ~~study the~~ 4755
~~feasibility of contracting with a third party contract~~ 4756
~~administrator for global position system monitoring that would~~ 4757
~~include a crime scene correlation program that could interface~~ 4758
~~by link with a statewide database for GPS monitored offenders.~~ 4759
The study also shall analyze conduct a study that analyzes the 4760
use of GPS monitoring as a supervision tool. In conducting the 4761
study, the department shall consider all of the following 4762
factors: 4763

~~(1) The ability of the department or another state entity 4764
to establish and operate a statewide internet database of GPS- 4765
monitored offenders and the specific information that such a 4766
database could include. 4767~~

~~(2) The capability for a GPS monitoring system run by a 4768
third party contract administrator to include a crime scene 4769
correlation program that interfaces by link with a statewide 4770
database of GPS monitored offenders. 4771~~

~~(3) The ability of local law enforcement representatives to remotely search a statewide internet database of GPS-monitored offenders that is linked with a crime scene correlation program.~~ 4772
4773
4774
4775

~~(4) The capability for a GPS monitoring system with crime-scene correlation features to allow local law enforcement representatives without a subpoena or warrant to access information contained in the crime scene correlation program about a GPS-monitored offender, including the offender's current location, the offender's location at previous points in time, the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones included as restrictions under the offender's supervision, and any possible connection between the offender's location and that recent criminal activity.~~ 4776
4777
4778
4779
4780
4781
4782
4783
4784
4785
4786

~~(5) The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either an employee of the department or a third-party contract administrator who is monitoring the offender, including information of the types listed in division (B)(4) of this section.~~ 4787
4788
4789
4790
4791
4792

~~(6) The types of offenders for whom GPS monitoring would be beneficial, the appropriate length for monitoring, and the costs related to GPS monitoring.~~ 4793
4794
4795

~~(C) Upon completion of the study specified in this division (B) of this section, the department shall submit copies of the study to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and the governor.~~ 4796
4797
4798
4799
4800

(C) (1) On and after the effective date of this amendment, 4801
each global positioning system monitor that is used to monitor a 4802
GPS-monitored offender shall specify and monitor restrictions 4803
for the offender. The restrictions shall include for the 4804
offender inclusionary zones and, to the extent necessary, 4805
exclusionary zones, and may include for the offender a curfew 4806
specifying times of required presence in the inclusionary zone 4807
and any other reasonable restrictions. 4808

(2) Each contract that the department of rehabilitation 4809
and correction enters into on or after the effective date of 4810
this amendment with a third-party contract administrator for 4811
global positioning system monitoring of GPS-monitored offenders 4812
shall require all of the following: 4813

(a) That the global positioning system used by the 4814
administrator, or by any secondary entity under contract with 4815
the administrator to perform the actual monitoring of the 4816
offender, include a crime scene correlation program to which 4817
access can be obtained as described in division (E) (2) of this 4818
section; 4819

(b) That the crime scene correlation program included in 4820
the administrator's system, or in the system of a secondary 4821
entity under contract with the administrator to perform the 4822
actual monitoring of the offender, will allow local law 4823
enforcement representatives or their designees to obtain, 4824
without need for a subpoena or warrant, real-time access or 4825
active global positioning system access to information contained 4826
in the program about a GPS-monitored offender's location at that 4827
time and, to the extent that it is available, at other previous 4828
points in time identified by the representative or designee, 4829
about the location of recent criminal activity in or near the 4830

offender's inclusionary or exclusionary zones, and about any 4831
possible connection between the offender's location and that 4832
recent criminal activity; 4833

(c) That the administrator, or the secondary entity under 4834
contract with the administrator to perform the actual monitoring 4835
of the offender, allow access to the crime scene correlation 4836
program included in the administrator's or secondary entity's 4837
system to law enforcement representatives as described in 4838
division (E) (2) of this section; 4839

(d) That the global positioning system used by the 4840
administrator, or by any secondary entity under contract with 4841
the administrator to perform the actual monitoring of the 4842
offender, be monitored continuously and that the access 4843
described in divisions (C) (2) (b) and (c) of this section be 4844
afforded twenty-four hours a day and seven days a week. 4845

(D) (1) On and after the effective date of this amendment, 4846
any third-party contract administrator used for global 4847
positioning system monitoring of a GPS-monitored offender, and 4848
any secondary entity under contract with such a third-party 4849
contract administrator to perform the actual monitoring of a 4850
GPS-monitored offender, shall comply in the monitoring of the 4851
offender with system requirements of the department of 4852
rehabilitation and correction that exist on that date for global 4853
positioning system monitoring of such offenders. 4854

(2) If, on the effective date of this amendment, the 4855
department of rehabilitation and correction has not established 4856
system requirements of the type described in division (D) (1) of 4857
this section, within a reasonable period of time after that 4858
effective date, the department shall establish system 4859
requirements for global positioning system monitoring of GPS- 4860

monitored offenders. After establishment of the requirements, 4861
the department, any third-party contract administrator used for 4862
global positioning system monitoring, and any secondary entity 4863
under contract with such a third-party contract administrator to 4864
perform the actual monitoring of a GPS-monitored offender, shall 4865
comply with the established system requirements in the 4866
monitoring of a GPS-monitored offender. 4867

(E) (1) (a) As soon as possible after, but not later than 4868
twelve months after, the effective date of this amendment, the 4869
department of rehabilitation and correction shall adopt 4870
procedures that the department and third-party contract 4871
administrators that are being used for global positioning system 4872
monitoring of a GPS-monitored offender shall use to provide to 4873
the bureau of criminal identification and investigation the 4874
information specified in division (E) (3) of this section for 4875
each GPS-monitored offender being monitored by the department or 4876
administrator. 4877

(b) On and after the date on which the department of 4878
rehabilitation and correction adopts the procedures specified in 4879
division (E) (1) (a) of this section, the department shall provide 4880
to the bureau of criminal identification and investigation the 4881
information specified in division (E) (3) of this section for 4882
each GPS-monitored offender that is being monitored by the 4883
department, and each third-party contract administrator that is 4884
being used for global positioning system monitoring of a GPS- 4885
monitored offender shall provide to the bureau the information 4886
specified in division (E) (3) of this section for each GPS- 4887
monitored offender that is being monitored by the administrator. 4888
If the third-party contract administrator has contracted with a 4889
secondary entity to perform the actual monitoring of a GPS- 4890
monitored offender, the information the administrator provides 4891

to the bureau also shall include the information specified in 4892
division (E) (3) of this section for each GPS-monitored offender 4893
that is being monitored by the secondary entity. The department 4894
and each third-party administrator shall provide the information 4895
in accordance with the procedures adopted by the department 4896
under division (E) (1) (a) of this section. Upon receipt of such 4897
information, the bureau immediately shall enter the information 4898
into the law enforcement automated data system. The 4899
superintendent of the state highway patrol shall ensure that the 4900
law enforcement automated data system is so configured as to 4901
permit the entry into, and transmission through, the system of 4902
that information. 4903

(c) If any information the department of rehabilitation 4904
and correction provides under divisions (E) (1) (a) and (b) of 4905
this section to the bureau of criminal identification and 4906
investigation becomes inaccurate, the department immediately 4907
shall update the information so that it is current and accurate 4908
and immediately provide the updated information to the bureau. 4909
If any information a third-party contract administrator provides 4910
under divisions (E) (1) (a) and (b) of this section to the bureau 4911
of criminal identification and investigation, including any 4912
information with respect to a secondary entity under contract 4913
with the administrator, becomes inaccurate, the administrator 4914
immediately shall update the information so that it is current 4915
and accurate and immediately provide the updated information to 4916
the bureau. Upon receipt of such updated information, the bureau 4917
immediately shall enter the updated information into the law 4918
enforcement automated data system. 4919

(2) If a local law enforcement representative, through use 4920
of the law enforcement automated data system or in any other 4921
manner, learns the identity of, and contact information for, an 4922

employee of the department who is monitoring a GPS-monitored 4923
offender, the identity of, and contact information for, a third- 4924
party contract administrator that is being used for global 4925
positioning system monitoring of a GPS-monitored offender, or 4926
the identity of, and contact information for, a secondary entity 4927
under contract with such a third-party contract administrator to 4928
perform the actual monitoring of a GPS-monitored offender, the 4929
representative or another law enforcement officer designated by 4930
the representative may contact the employee, the administrator, 4931
or the secondary entity and, without need for a subpoena or 4932
warrant, request real-time access or active global positioning 4933
system access to information about the offender's location at 4934
that time and at other previous points in time identified by the 4935
representative or designee. Upon receipt of a request as 4936
described in this division, the employee of the department, the 4937
third-party contract administrator, or the secondary entity, 4938
without need for a subpoena or warrant, shall provide the 4939
representative or designee with the requested information 4940
regarding the offender's location at that time and, to the 4941
extent that it is available, at the other identified previous 4942
points in time. A request under this division also may request 4943
information that the employee, administrator, or secondary 4944
entity has obtained about the location of recent criminal 4945
activity in or near the GPS-monitored offender's inclusionary or 4946
exclusionary zones, and about any possible connection between 4947
the offender's location and that recent criminal activity, and, 4948
upon receipt of such a request, the employee, administrator, or 4949
secondary entity, without need for a subpoena or warrant, shall 4950
provide the representative or designee with that information to 4951
the extent that it is available. 4952

(3) The information to be entered into the law enforcement 4953

automated data system as required under division (E) (1) of this 4954
section shall include, for each GPS-monitored offender for whom 4955
the information is required, all of the following: 4956

(a) The offender's name; 4957

(b) The offense or offenses for which the offender is 4958
subject to global positioning system monitoring and the 4959
offender's other criminal history; 4960

(c) The offender's residence address; 4961

(d) The monitoring parameters and restrictions for the 4962
offender, including all inclusionary zones, exclusionary zones, 4963
and inclusionary zone curfews for the offender and all other 4964
restrictions placed on the offender; 4965

(e) The identity of, and contact information for, 4966
whichever of the following is applicable: 4967

(i) If an employee of the department is monitoring the 4968
offender, the employee; 4969

(ii) If a third-party contract administrator is being used 4970
for global positioning system monitoring of the offender, the 4971
third-party contract administrator; 4972

(iii) If a secondary entity under contract with a third- 4973
party contract administrator is performing the actual monitoring 4974
of a GPS-monitored offender, the secondary entity. 4975

(f) All previous violations of the monitoring parameters 4976
and restrictions applicable to the offender under the global 4977
positioning system monitoring that then is in effect for the 4978
offender. 4979

Sec. 5120.113. (A) For each inmate committed to the 4980

department of rehabilitation and correction, except as provided 4981
in division (B) of this section, the department shall prepare a 4982
written reentry plan for the inmate to help guide the inmate's 4983
rehabilitation program during imprisonment, to assist in the 4984
inmate's reentry into the community, and to assess the inmate's 4985
needs upon release. 4986

(B) Division (A) of this section does not apply to an 4987
inmate who has been sentenced to life imprisonment without 4988
parole or who has been sentenced to death. Division (A) of this 4989
section does not apply to any inmate who is expected to be 4990
imprisoned for thirty days or less, but the department may 4991
prepare a written reentry plan of the type described in that 4992
division if the department determines that the plan is needed. 4993

(C) The department may collect, if available, any social 4994
and other information that will aid in the preparation of 4995
reentry plans under this section. 4996

(D) In the event the department does not prepare a written 4997
reentry plan as specified in division (A) of this section, or 4998
makes a decision to not prepare a written reentry plan under 4999
division (B) of this section or to not collect information under 5000
division (C) of this section, that fact does not give rise to a 5001
claim for damages against the state, the department, the 5002
director of the department, or any employee of the department. 5003

(E) (1) As used in this division, "target offender" means a 5004
parolee, a releasee, or a prisoner otherwise released from a 5005
state correctional institution with respect to whom both of the 5006
following apply: 5007

(a) The department of rehabilitation and correction or the 5008
adult parole authority intends to require the parolee, releasee, 5009

or prisoner to reside in a halfway house, reentry center, or 5010
community residential center that has been licensed by the 5011
division of parole and community services pursuant to division 5012
(C) of section 2967.14 of the Revised Code during a part or for 5013
the entire period of the prisoner's or parolee's conditional 5014
release or of the releasee's term of post-release control. 5015

(b) No halfway house, reentry center, or community 5016
residential center that has been licensed as described in 5017
division (E)(1) of this section will accept the prisoner, 5018
parolee, or releasee to reside in the facility. 5019

(2) Not later than twenty-four months after the effective 5020
date of this amendment, the department, through the adult parole 5021
authority, shall establish and implement a reentry program for 5022
all target offenders. The program shall include a facility. The 5023
program and facility shall satisfy all of the standards that the 5024
division of parole and community services adopts in accordance 5025
with Chapter 119. of the Revised Code for the licensure of 5026
halfway houses, reentry centers, and community residential 5027
centers. Upon the establishment and implementation of the 5028
program and facility, the department or authority shall require 5029
that all target offenders reside in the program's facility 5030
during a part or for the entire period of the target offender's 5031
conditional release or term of post-release control. 5032

Sec. 5120.66. (A) Within ninety days after November 23, 5033
2005, but not before January 1, 2006, the department of 5034
rehabilitation and correction shall establish and operate on the 5035
internet a database that contains all of the following: 5036

(1) For each inmate in the custody of the department under 5037
a sentence imposed for a conviction of or plea of guilty to any 5038
offense, all of the following information: 5039

(a) The inmate's name;	5040
(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, whether any victim of the offense was a law enforcement officer if that fact is known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and whichever of the following is applicable:	5041 5042 5043 5044 5045 5046 5047 5048 5049 5050 5051 5052 5053 5054
(i) The date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term with parole eligibility;	5055 5056 5057 5058
(ii) The date on which the term ends if the prison term is a definite term;	5059 5060
(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.	5061 5062 5063 5064
(c) All of the following information that is applicable regarding the inmate:	5065 5066
(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to	5067 5068

section 2929.20 of the Revised Code in relation to any prison 5069
term or term of imprisonment the inmate is serving for any 5070
offense or any hearing for release of the defendant pursuant to 5071
section 2967.19 of the Revised Code in relation to any such 5072
term, notice of the fact that the inmate will be having a 5073
hearing regarding a possible grant of judicial release or 5074
release, the date of the hearing, and the right of any person 5075
pursuant to division (J) of section 2929.20 or division (H) of 5076
section 2967.19 of the Revised Code, whichever is applicable, to 5077
submit to the court a written statement regarding the possible 5078
judicial release or release. The department also shall post 5079
notice of the submission to a sentencing court of any 5080
recommendation for early release of the inmate pursuant to 5081
section 2967.19 of the Revised Code, as required by division (E) 5082
of that section. 5083

(ii) If the inmate is serving a prison term pursuant to 5084
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 5085
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 5086
Code, prior to the conduct of any hearing pursuant to section 5087
2971.05 of the Revised Code to determine whether to modify the 5088
requirement that the inmate serve the entire prison term in a 5089
state correctional facility in accordance with division (C) of 5090
that section, whether to continue, revise, or revoke any 5091
existing modification of that requirement, or whether to 5092
terminate the prison term in accordance with division (D) of 5093
that section, notice of the fact that the inmate will be having 5094
a hearing regarding those determinations and the date of the 5095
hearing; 5096

(iii) At least sixty days before the adult parole 5097
authority recommends a pardon or commutation of sentence for the 5098
inmate, at least sixty days prior to a hearing before the adult 5099

parole authority regarding a grant of parole to the inmate in 5100
relation to any prison term or term of imprisonment the inmate 5101
is serving for any offense, or at least sixty days prior to a 5102
hearing before the department regarding a determination of 5103
whether the inmate must be released under division (C) or (D) ~~(2)~~ 5104
of section 2967.271 of the Revised Code if the inmate is serving 5105
a non-life felony indefinite prison term, notice of the fact 5106
that the inmate might be under consideration for a pardon or 5107
commutation of sentence or will be having a hearing regarding a 5108
possible grant of parole or release, the date of any hearing 5109
regarding a possible grant of parole or release, and the right 5110
of any person to submit a written statement regarding the 5111
pending action; 5112

(iv) At least sixty days before the inmate is transferred 5113
to transitional control under section 2967.26 of the Revised 5114
Code in relation to any prison term or term of imprisonment the 5115
inmate is serving for any offense, notice of the pendency of the 5116
transfer, the date of the possible transfer, and the right of 5117
any person to submit a statement regarding the possible 5118
transfer; 5119

(v) Prompt notice of the inmate's escape from any facility 5120
in which the inmate was incarcerated and of the capture of the 5121
inmate after an escape; 5122

(vi) Notice of the inmate's death while in confinement; 5123

(vii) Prior to the release of the inmate from confinement, 5124
notice of the fact that the inmate will be released, of the date 5125
of the release, and, if applicable, of the standard terms and 5126
conditions of the release; 5127

(viii) Notice of the inmate's judicial release pursuant to 5128

section 2929.20 of the Revised Code or release pursuant to 5129
section 2967.19 of the Revised Code. 5130

(2) Information as to where a person can send written 5131
statements of the types referred to in divisions (A) (1) (c) (i), 5132
(iii), and (iv) of this section. 5133

(B) (1) The department shall update the database required 5134
under division (A) of this section every twenty-four hours to 5135
ensure that the information it contains is accurate and current. 5136

(2) The database required under division (A) of this 5137
section is a public record open for inspection under section 5138
149.43 of the Revised Code. The department shall make the 5139
database searchable by inmate name and by the county and zip 5140
code where the offender intends to reside after release from a 5141
state correctional institution if this information is known to 5142
the department. 5143

(3) The database required under division (A) of this 5144
section may contain information regarding inmates who are listed 5145
in the database in addition to the information described in that 5146
division. 5147

(4) No information included on the database required under 5148
division (A) of this section shall identify or enable the 5149
identification of any victim of any offense committed by an 5150
inmate. 5151

(C) The failure of the department to comply with the 5152
requirements of division (A) or (B) of this section does not 5153
give any rights or any grounds for appeal or post-conviction 5154
relief to any inmate. 5155

(D) This section, and the related provisions of sections 5156
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 5157

enacted in the act in which this section was enacted, shall be 5158
known as "Laura's Law." 5159

(E) As used in this section, "non-life felony indefinite 5160
prison term" has the same meaning as in section 2929.01 of the 5161
Revised Code. 5162

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, 5163
or released to community supervision shall be under jurisdiction 5164
of the adult parole authority and shall be supervised by the 5165
field services section through its staff of parole and field 5166
officers in such manner as to insure as nearly as possible the 5167
offender's rehabilitation while at the same time providing 5168
maximum protection to the general public. All state and local 5169
officials shall furnish such information to officers of the 5170
section as they may request in the performance of their duties. 5171

(B) The superintendent, or superintendents, of the field 5172
services section shall be a person, or persons, especially 5173
qualified by training and experience in the field of 5174
corrections. The superintendent, or superintendents, shall 5175
supervise the work of the section and shall formulate and 5176
execute an effective program of offender supervision. The 5177
superintendent, or superintendents, shall collect and preserve 5178
any records and statistics with respect to offenders that are 5179
required by the chief of the authority. The section also shall 5180
include other personnel who are necessary for the performance of 5181
the section's duties. 5182

No person shall be appointed as a superintendent who is 5183
not qualified by education or experience in correctional work 5184
including law enforcement, probation, or parole work, in law, in 5185
social work, or in a combination of the three categories. 5186

(C) The superintendent, or superintendents, of the field services section, with the approval of the chief of the authority, may establish district offices for the section and may assign necessary parole and field officers and clerical staff to the district offices.

(D) The field services section in the exercise of its supervision over offenders and persons conditionally pardoned shall carry out all lawful orders, terms, and conditions prescribed by the authority, the chief of the division of parole and community services, or the governor.

(E) (1) As used in division (E) of this section:

(a) "Caseload" means the maximum number of persons paroled, conditionally pardoned, or released to community supervision who should be under the supervision of any parole or field officer, based on the aggregate of the workload of the officer for each of those persons.

(b) "Parole or field officer" means a parole or field officer of the field services section.

(c) "Workload" means the minimum number of hours that a parole or field officer is expected to dedicate to each person paroled, conditionally pardoned, or released to community supervision who is under the officer's supervision, based on the person's risk classification.

(2) Not later than one year after the effective date of this amendment, the adult parole authority shall establish supervision standards for parole and field officers. The standards shall include a specification of a caseload and a workload for parole and field officers. The caseload and workload specified in the standards shall comport with industry

standards set forth by the American probation and parole 5216
association. 5217

(3) Not later than two years after establishing the 5218
standards required under division (E)(2) of this section, the 5219
department of rehabilitation and correction shall ensure that 5220
the field services section has enough parole and field officers 5221
to comply with the standards and that the officers have been 5222
trained to the extent required to comply with the standards. 5223

Section 2. That existing sections 181.21, 181.26, 2152.13, 5224
2152.14, 2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2929.20, 5225
2930.16, 2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2953.08, 5226
2967.14, 2967.191, 2967.193, 2967.271, 5120.021, 5120.038, 5227
5120.113, 5120.66, and 5149.04 of the Revised Code are hereby 5228
repealed. 5229

Section 3. The amendments made in this bill to section 5230
2901.01, 2929.011, 2929.14, 2929.144, 2929.19, 2930.16, 2945.37, 5231
2945.401, 2949.08, 2967.191, 2967.193, and 2967.271 of the 5232
Revised Code are intended to be remedial in nature and apply to 5233
any individual sentenced for an offense committed on or after 5234
March 22, 2019. 5235

Section 4. The General Assembly, applying the principle 5236
stated in division (B) of section 1.52 of the Revised Code that 5237
amendments are to be harmonized if reasonably capable of 5238
simultaneous operation, finds that the following sections, 5239
presented in this act as composites of the sections as amended 5240
by the acts indicated, are the resulting versions of the 5241
sections in effect prior to the effective date of the sections 5242
as presented in this act: 5243

Section 2929.14 of the Revised Code as amended by H.B. 63, 5244

S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly.	5245
	5246
Section 2929.19 of the Revised Code as amended by both S.B. 66 and S.B. 201 of the 132nd General Assembly.	5247
	5248
Section 2953.07 of the Revised Code as amended by both S.B. 2 and S.B. 4 of the 121st General Assembly.	5249
	5250
Section 2967.191 of the Revised Code as amended by both S.B. 66 and S.B. 201 of the 132nd General Assembly.	5251
	5252
Section 2967.193 of the Revised Code as amended by both S.B. 145 and S.B. 201 of the 132nd General Assembly.	5253
	5254