

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 289**

**Representatives Antonio, Antani**

**Cosponsors: Representatives Driehaus, Fedor, Ramos**

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**A BILL**

To amend sections 9.07, 120.03, 120.06, 120.14, 1  
120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 2  
120.34, 1901.183, 2152.13, 2152.67, 2301.20, 3  
2307.60, 2701.07, 2743.51, 2901.02, 2909.24, 4  
2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 5  
2930.03, 2930.06, 2930.16, 2937.222, 2941.021, 6  
2941.14, 2941.148, 2941.401, 2941.43, 2941.51, 7  
2945.06, 2945.13, 2945.21, 2945.25, 2945.33, 8  
2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 9  
2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 10  
2953.71, 2953.72, 2953.73, 2953.81, 2967.03, 11  
2967.05, 2967.12, 2967.13, 2967.19, 2967.193, 12  
2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 13  
5120.53, 5120.61, 5139.04, 5149.101, and 5919.16 14  
and to repeal sections 109.97, 120.35, 2725.19, 15  
2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 16  
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 17  
2949.21, 2949.22, 2949.24, 2949.25, 2949.26, 18  
2949.27, 2949.28, 2949.29, 2949.31, and 2967.08 19  
of the Revised Code to abolish the death 20  
penalty. 21

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

**Section 1.** That sections 9.07, 120.03, 120.06, 120.14, 22  
120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 23  
1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2701.07, 2743.51, 24  
2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 25  
2930.03, 2930.06, 2930.16, 2937.222, 2941.021, 2941.14, 26  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.13, 2945.21, 27  
2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 28  
2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 29  
2953.73, 2953.81, 2967.03, 2967.05, 2967.12, 2967.13, 2967.19, 30  
2967.193, 2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 5120.53, 31  
5120.61, 5139.04, 5149.101, and 5919.16 of the Revised Code be 32  
amended to read as follows: 33

**Sec. 9.07.** (A) As used in this section: 34

(1) "Deadly weapon" has the same meaning as in section 35  
2923.11 of the Revised Code. 36

(2) "Governing authority of a local public entity" means 37  
whichever of the following is applicable: 38

(a) For a county, the board of county commissioners of the 39  
county; 40

(b) For a municipal corporation, the legislative authority 41  
of the municipal corporation; 42

(c) For a combination of counties, a combination of 43  
municipal corporations, or a combination of one or more counties 44  
and one or more municipal corporations, all boards of county 45  
commissioners and legislative authorities of all of the counties 46  
and municipal corporations that combined to form a local public 47  
entity for purposes of this section. 48

(3) "Local public entity" means a county, a municipal 49  
corporation, a combination of counties, a combination of 50

municipal corporations, or a combination of one or more counties 51  
and one or more municipal corporations. 52

(4) "Non-contracting political subdivision" means any 53  
political subdivision to which all of the following apply: 54

(a) A correctional facility for the housing of out-of- 55  
state prisoners in this state is or will be located in the 56  
political subdivision. 57

(b) The correctional facility described in division (A) (4) 58  
(a) of this section is being operated and managed, or will be 59  
operated and managed, by a local public entity or a private 60  
contractor pursuant to a contract entered into prior to March 61  
17, 1998, or a contract entered into on or after March 17, 1998, 62  
under this section. 63

(c) The political subdivision is not a party to the 64  
contract described in division (A) (4) (b) of this section for the 65  
management and operation of the correctional facility. 66

(5) "Out-of-state jurisdiction" means the United States, 67  
any state other than this state, and any political subdivision 68  
or other jurisdiction located in a state other than this state. 69

(6) "Out-of-state prisoner" means a person who is 70  
convicted of a crime in another state or under the laws of the 71  
United States or who is found under the laws of another state or 72  
of the United States to be a delinquent child or the 73  
substantially equivalent designation. 74

(7) "Private contractor" means either of the following: 75

(a) A person who, on or after March 17, 1998, enters into 76  
a contract under this section with a local public entity to 77  
operate and manage a correctional facility in this state for 78

out-of-state prisoners. 79

(b) A person who, pursuant to a contract with a local 80  
public entity entered into prior to March 17, 1998, operates and 81  
manages on March 17, 1998, a correctional facility in this state 82  
for housing out-of-state prisoners. 83

(B) Subject to division (I) of this section, the only 84  
entities other than this state that are authorized to operate a 85  
correctional facility to house out-of-state prisoners in this 86  
state are a local public entity that operates a correctional 87  
facility pursuant to this section or a private contractor that 88  
operates a correctional facility pursuant to this section under 89  
a contract with a local public entity. 90

Subject to division (I) of this section, a private entity 91  
may operate a correctional facility in this state for the 92  
housing of out-of-state prisoners only if the private entity is 93  
a private contractor that enters into a contract that comports 94  
with division (D) of this section with a local public entity for 95  
the management and operation of the correctional facility. 96

(C) (1) Except as provided in this division, on and after 97  
March 17, 1998, a local public entity shall not enter into a 98  
contract with an out-of-state jurisdiction to house out-of-state 99  
prisoners in a correctional facility in this state. On and after 100  
March 17, 1998, a local public entity may enter into a contract 101  
with an out-of-state jurisdiction to house out-of-state 102  
prisoners in a correctional facility in this state only if the 103  
local public entity and the out-of-state jurisdiction with which 104  
the local public entity intends to contract jointly submit to 105  
the department of rehabilitation and correction a statement that 106  
certifies the correctional facility's intended use, intended 107  
prisoner population, and custody level, and the department 108

reviews and comments upon the plans for the design or renovation 109  
of the correctional facility regarding their suitability for the 110  
intended prisoner population specified in the submitted 111  
statement. 112

(2) If a local public entity and an out-of-state 113  
jurisdiction enter into a contract to house out-of-state 114  
prisoners in a correctional facility in this state as authorized 115  
under division (C) (1) of this section, in addition to any other 116  
provisions it contains, the contract shall include whichever of 117  
the following provisions is applicable: 118

(a) If a private contractor will operate the facility in 119  
question pursuant to a contract entered into in accordance with 120  
division (D) of this section, a requirement that, if the 121  
facility is closed or ceases to operate for any reason and if 122  
the conversion plan described in division (D) (16) of this 123  
section is not complied with, the out-of-state jurisdiction will 124  
be responsible for housing and transporting the prisoners who 125  
are in the facility at the time it is closed or ceases to 126  
operate and for the cost of so housing and transporting those 127  
prisoners; 128

(b) If a private contractor will not operate the facility 129  
in question pursuant to a contract entered into in accordance 130  
with division (D) of this section, a conversion plan that will 131  
be followed if, for any reason, the facility is closed or ceases 132  
to operate. The conversion plan shall include, but is not 133  
limited to, provisions that specify whether the local public 134  
entity or the out-of-state jurisdiction will be responsible for 135  
housing and transporting the prisoners who are in the facility 136  
at the time it is closed or ceases to operate and for the cost 137  
of so housing and transporting those prisoners. 138

(3) If a local public entity and an out-of-state jurisdiction intend to enter into a contract to house out-of-state prisoners in a correctional facility in this state as authorized under division (C)(1) of this section, or if a local public entity and a private contractor intend to enter into a contract pursuant to division (D) of this section for the private contractor's management and operation of a correctional facility in this state to house out-of-state prisoners, prior to entering into the contract the local public entity and the out-of-state jurisdiction, or the local public entity and the private contractor, whichever is applicable, shall conduct a public hearing in accordance with this division, and, prior to entering into the contract, the governing authority of the local public entity in which the facility is or will be located shall authorize the location and operation of the facility. The hearing shall be conducted at a location within the municipal corporation or township in which the facility is or will be located. At least one week prior to conducting the hearing, the local public entity and the out-of-state jurisdiction or private contractor with the duty to conduct the hearing shall cause notice of the date, time, and place of the hearing to be made by publication in the newspaper with the largest general circulation in the county in which the municipal corporation or township is located. The notice shall be of a sufficient size that it covers at least one-quarter of a page of the newspaper in which it is published. This division applies to a private contractor that, pursuant to the requirement set forth in division (I) of this section, is required to enter into a contract under division (D) of this section.

(D) Subject to division (I) of this section, on and after March 17, 1998, if a local public entity enters into a contract

with a private contractor for the management and operation of a 170  
correctional facility in this state to house out-of-state 171  
prisoners, the contract, at a minimum, shall include all of the 172  
following provisions: 173

(1) A requirement that the private contractor seek and 174  
obtain accreditation from the American correctional association 175  
for the correctional facility within two years after accepting 176  
the first out-of-state prisoner at the correctional facility 177  
under the contract and that it maintain that accreditation for 178  
the term of the contract; 179

(2) A requirement that the private contractor comply with 180  
all applicable laws, rules, or regulations of the government of 181  
this state, political subdivisions of this state, and the United 182  
States, including, but not limited to, all sanitation, food 183  
service, safety, and health regulations; 184

(3) A requirement that the private contractor send copies 185  
of reports of inspections completed by appropriate authorities 186  
regarding compliance with laws, rules, and regulations of the 187  
type described in division (D) (2) of this section to the 188  
director of rehabilitation and correction or the director's 189  
designee and to the governing authority of the local public 190  
entity in which the correctional facility is located; 191

(4) A requirement that the private contractor report to 192  
the local law enforcement agencies with jurisdiction over the 193  
place at which the correctional facility is located, for 194  
investigation, all criminal offenses or delinquent acts that are 195  
committed in or on the grounds of, or otherwise in connection 196  
with, the correctional facility and report to the department of 197  
rehabilitation and correction all disturbances at the facility; 198

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

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

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

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

programs, transportation, security, and other operational needs. 229  
In determining security needs for the correctional facility, the 230  
private contractor and the contract requirements shall fully 231  
take into account all relevant factors, including, but not 232  
limited to, the proximity of the facility to neighborhoods and 233  
schools. 234

(9) A requirement that the private contractor provide an 235  
adequate policy of insurance that satisfies the requirements set 236  
forth in division (D) of section 9.06 of the Revised Code 237  
regarding contractors who operate and manage a facility under 238  
that section, and that the private contractor indemnify and hold 239  
harmless the state, its officers, agents, and employees, and any 240  
local public entity in the state with jurisdiction over the 241  
place at which the correctional facility is located or that owns 242  
the correctional facility, reimburse the state for its costs in 243  
defending the state or any of its officers, agents, or 244  
employees, and reimburse any local government entity of that 245  
nature for its costs in defending the local government entity, 246  
in the manner described in division (D) of that section 247  
regarding contractors who operate and manage a facility under 248  
that section; 249

(10) A requirement that the private contractor adopt for 250  
prisoners housed in the correctional facility the security 251  
classification system and schedule adopted by the department of 252  
rehabilitation and correction under section 5145.03 of the 253  
Revised Code, classify in accordance with the system and 254  
schedule each prisoner housed in the facility, and house all 255  
prisoners in the facility in accordance with their 256  
classification under this division; 257

(11) A requirement that the private contractor will not 258

accept for housing, and will not house, in the correctional 259  
facility any out-of-state prisoner in relation to whom any of 260  
the following applies: 261

(a) The private entity has not obtained from the out-of- 262  
state jurisdiction that imposed the sentence or sanction under 263  
which the prisoner will be confined in this state a copy of the 264  
institutional record of the prisoner while previously confined 265  
in that out-of-state jurisdiction or a statement that the 266  
prisoner previously has not been confined in that out-of-state 267  
jurisdiction and a copy of all medical records pertaining to 268  
that prisoner that are in the possession of the out-of-state 269  
jurisdiction. 270

(b) The prisoner, while confined in any out-of-state 271  
jurisdiction, has a record of institutional violence involving 272  
the use of a deadly weapon or a pattern of committing acts of an 273  
assaultive nature against employees of, or visitors to, the 274  
place of confinement or has a record of escape or attempted 275  
escape from secure custody. 276

(c) Under the security classification system and schedule 277  
adopted by the department of rehabilitation and correction under 278  
section 5145.03 of the Revised Code and adopted by the private 279  
contractor under division (B)(10) of this section, the out-of- 280  
state prisoner would be classified as being at a security level 281  
higher than medium security. 282

(12) A requirement that the private contractor, prior to 283  
housing any out-of-state prisoner in the correctional facility 284  
under the contract, enter into a written agreement with the 285  
department of rehabilitation and correction that sets forth a 286  
plan and procedure that will be used to coordinate law 287  
enforcement activities of state law enforcement agencies and of 288

local law enforcement agencies with jurisdiction over the place 289  
at which the facility is located in response to any riot, 290  
rebellion, escape, insurrection, or other emergency occurring 291  
inside or outside the facility; 292

(13) A requirement that the private contractor cooperate 293  
with the correctional institution inspection committee in the 294  
committee's performance of its duties under section 103.73 of 295  
the Revised Code and provide the committee, its subcommittees, 296  
and its staff members, in performing those duties, with access 297  
to the correctional facility as described in that section; 298

(14) A requirement that the private contractor permit any 299  
peace officer who serves a law enforcement agency with 300  
jurisdiction over the place at which the correctional facility 301  
is located to enter into the facility to investigate any 302  
criminal offense or delinquent act that allegedly has been 303  
committed in or on the grounds of, or otherwise in connection 304  
with, the facility; 305

(15) A requirement that the private contractor will not 306  
employ any person at the correctional facility until after the 307  
private contractor has submitted to the bureau of criminal 308  
identification and investigation, on a form prescribed by the 309  
superintendent of the bureau, a request that the bureau conduct 310  
a criminal records check of the person and a requirement that 311  
the private contractor will not employ any person at the 312  
facility if the records check or other information possessed by 313  
the contractor indicates that the person previously has engaged 314  
in malfeasance; 315

(16) A requirement that the private contractor will not 316  
accept for housing, and will not house, in the correctional 317  
facility any out-of-state prisoner unless the private contractor 318

and the out-of-state jurisdiction that imposed the sentence for 319  
which the prisoner is to be confined agree that, if the out-of- 320  
state prisoner is confined in the facility in this state, 321  
commits a criminal offense while confined in the facility, is 322  
convicted of or pleads guilty to that offense, and is sentenced 323  
to a term of confinement for that offense ~~but is not sentenced~~ 324  
~~to death for that offense~~, the private contractor and the out- 325  
of-state jurisdiction will do all of the following: 326

(a) Unless section 5120.50 of the Revised Code does not 327  
apply in relation to the offense the prisoner committed while 328  
confined in this state and the term of confinement imposed for 329  
that offense, the out-of-state jurisdiction will accept the 330  
prisoner pursuant to that section for service of that term of 331  
confinement and for any period of time remaining under the 332  
sentence for which the prisoner was confined in the facility in 333  
this state, the out-of-state jurisdiction will confine the 334  
prisoner pursuant to that section for that term and that 335  
remaining period of time, and the private contractor will 336  
transport the prisoner to the out-of-state jurisdiction for 337  
service of that term and that remaining period of time. 338

(b) If section 5120.50 of the Revised Code does not apply 339  
in relation to the offense the prisoner committed while confined 340  
in this state and the term of confinement imposed for that 341  
offense, the prisoner shall be returned to the out-of-state 342  
jurisdiction or its private contractor for completion of the 343  
period of time remaining under the out-of-state sentence for 344  
which the prisoner was confined in the facility in this state 345  
before starting service of the term of confinement imposed for 346  
the offense committed while confined in this state, the out-of- 347  
state jurisdiction or its private contractor will confine the 348  
prisoner for that remaining period of time and will transport 349

the prisoner outside of this state for service of that remaining 350  
period of time, and, if the prisoner is confined in this state 351  
in a facility operated by the department of rehabilitation and 352  
correction, the private contractor will be financially 353  
responsible for reimbursing the department at the per diem cost 354  
of confinement for the duration of that incarceration, with the 355  
amount of the reimbursement so paid to be deposited in the 356  
department's prisoner programs fund. 357

(17) A requirement that the private contractor, prior to 358  
housing any out-of-state prisoner in the correctional facility 359  
under the contract, enter into an agreement with the local 360  
public entity that sets forth a conversion plan that will be 361  
followed if, for any reason, the facility is closed or ceases to 362  
operate. The conversion plan shall include, but is not limited 363  
to, provisions that specify whether the private contractor, the 364  
local public entity, or the out-of-state jurisdictions that 365  
imposed the sentences for which the out-of-state prisoners are 366  
confined in the facility will be responsible for housing and 367  
transporting the prisoners who are in the facility at the time 368  
it is closed or ceases to operate and for the cost of so housing 369  
and transporting those prisoners. 370

(18) A schedule of fines that the local public entity 371  
shall impose upon the private contractor if the private 372  
contractor fails to perform its contractual duties, and a 373  
requirement that, if the private contractor fails to perform its 374  
contractual duties, the local public entity shall impose a fine 375  
on the private contractor from the schedule of fines and, in 376  
addition to the fine, may exercise any other rights it has under 377  
the contract. Division (F) (2) of this section applies regarding 378  
a fine described in this division. 379

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

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

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

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

may carry and use firearms in the course of the officer's or 410  
employee's employment only if the officer or employee is 411  
certified as having satisfactorily completed an approved 412  
training program designed to qualify persons for positions as 413  
special police officers, security guards, or persons otherwise 414  
privately employed in a police capacity, as described in 415  
division (A) of section 109.78 of the Revised Code. 416

(F)(1) Upon notification by the private contractor of an 417  
escape from, or of a disturbance at, a correctional facility 418  
that is operated by a private contractor under a contract 419  
entered into prior to, on, or after March 17, 1998, and that 420  
houses out-of-state prisoners in this state, the department of 421  
rehabilitation and correction and state and local law 422  
enforcement agencies shall use all reasonable means to recapture 423  
persons who escaped from the facility or quell any disturbance 424  
at the facility, in accordance with the plan and procedure 425  
included in the written agreement entered into under division 426  
(D)(12) of this section in relation to contracts entered into on 427  
or after March 17, 1998, and in accordance with their normal 428  
procedures in relation to contracts entered into prior to March 429  
17, 1998. Any cost incurred by this state or a political 430  
subdivision of this state relating to the apprehension of a 431  
person who escaped from the facility, to the quelling of a 432  
disturbance at the facility, or to the investigation or 433  
prosecution as described in division (G)(2) of this section of 434  
any offense relating to the escape or disturbance shall be 435  
chargeable to and borne by the private contractor. The 436  
contractor also shall reimburse the state or its political 437  
subdivisions for all reasonable costs incurred relating to the 438  
temporary detention of a person who escaped from the facility, 439  
following the person's recapture. 440

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

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

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

(2) If any political subdivision of this state experiences 472  
any cost in the investigation or prosecution of an offense 473  
committed by an out-of-state prisoner housed in a correctional 474  
facility operated by a private contractor in this state pursuant 475  
to a contract entered into prior to, on, or after March 17, 476  
1998, the private contractor shall reimburse the political 477  
subdivision for the costs so experienced. 478

(3) (a) Except as otherwise provided in this division, the 479  
state, and any officer or employee, as defined in section 109.36 480  
of the Revised Code, of the state is not liable in damages in a 481  
civil action for any injury, death, or loss to person or 482  
property that allegedly arises from, or is related to, the 483  
establishment, management, or operation of a correctional 484  
facility to house out-of-state prisoners in this state pursuant 485  
to a contract between a local public entity and an out-of-state 486  
jurisdiction, a local public entity and a private contractor, or 487  
a private contractor and an out-of-state jurisdiction that was 488  
entered into prior to March 17, 1998, or that is entered into on 489  
or after March 17, 1998, in accordance with its provisions. The 490  
immunity provided in this division does not apply regarding an 491  
act or omission of an officer or employee, as defined in section 492  
109.36 of the Revised Code, of the state that is manifestly 493  
outside the scope of the officer's or employee's official 494  
responsibilities or regarding an act or omission of the state, 495  
or of an officer or employee, as so defined, of the state that 496  
is undertaken with malicious purpose, in bad faith, or in a 497  
wanton or reckless manner. 498

(b) Except as otherwise provided in this division, a non- 499  
contracting political subdivision, and any employee, as defined 500  
in section 2744.01 of the Revised Code, of a non-contracting 501  
political subdivision is not liable in damages in a civil action 502

for any injury, death, or loss to person or property that 503  
allegedly arises from, or is related to, the establishment, 504  
management, or operation of a correctional facility to house 505  
out-of-state prisoners in this state pursuant to a contract 506  
between a local public entity other than the non-contracting 507  
political subdivision and an out-of-state jurisdiction, a local 508  
public entity other than the non-contracting political 509  
subdivision and a private contractor, or a private contractor 510  
and an out-of-state jurisdiction that was entered into prior to 511  
March 17, 1998, or that is entered into on or after March 17, 512  
1998, in accordance with its provisions. The immunity provided 513  
in this division does not apply regarding an act or omission of 514  
an employee, as defined in section 2744.01 of the Revised Code, 515  
of a non-contracting political subdivision that is manifestly 516  
outside the scope of the employee's employment or official 517  
responsibilities or regarding an act or omission of a non- 518  
contracting political subdivision or an employee, as so defined, 519  
of a non-contracting political subdivision that is undertaken 520  
with malicious purpose, in bad faith, or in a wanton or reckless 521  
manner. 522

(c) Divisions (G) (3) (a) and (b) of this section do not 523  
affect any immunity or defense that the state and its officers 524  
and employees or a non-contracting political subdivision and its 525  
employees may be entitled to under another section of the 526  
Revised Code or the common law of this state, including, but not 527  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 528

(H) (1) Upon the completion of an out-of-state prisoner's 529  
term of detention at a correctional facility operated by a 530  
private contractor in this state pursuant to a contract entered 531  
into prior to, on, or after March 17, 1998, the operator of the 532  
correctional facility shall transport the prisoner to the out- 533

of-state jurisdiction that imposed the sentence for which the 534  
prisoner was confined before it releases the prisoner from its 535  
custody. 536

(2) No private contractor that operates and manages a 537  
correctional facility housing out-of-state prisoners in this 538  
state pursuant to a contract entered into prior to, on, or after 539  
March 17, 1998, shall fail to comply with division (H) (1) of 540  
this section. 541

(3) Whoever violates division (H) (2) of this section is 542  
guilty of a misdemeanor of the first degree. 543

(I) Except as otherwise provided in this division, the 544  
provisions of divisions (A) to (H) of this section apply in 545  
relation to any correctional facility operated by a private 546  
contractor in this state to house out-of-state prisoners, 547  
regardless of whether the facility is operated pursuant to a 548  
contract entered into prior to, on, or after March 17, 1998. 549  
Division (C) (1) of this section shall not apply in relation to 550  
any correctional facility for housing out-of-state prisoners in 551  
this state that is operated by a private contractor under a 552  
contract entered into with a local public entity prior to March 553  
17, 1998. If a private contractor operates a correctional 554  
facility in this state for the housing of out-of-state prisoners 555  
under a contract entered into with a local public entity prior 556  
to March 17, 1998, no later than thirty days after the effective 557  
date of this amendment, the private contractor shall enter into 558  
a contract with the local public entity that comports to the 559  
requirements and criteria of division (D) of this section. 560

**Sec. 120.03.** (A) The Ohio public defender commission shall 561  
appoint the state public defender, who shall serve at the 562  
pleasure of the commission. 563

(B) The Ohio public defender commission shall establish 564  
rules for the conduct of the offices of the county and joint 565  
county public defenders and for the conduct of county appointed 566  
counsel systems in the state. These rules shall include, but are 567  
not limited to, the following: 568

(1) Standards of indigency and minimum qualifications for 569  
legal representation by a public defender or appointed counsel. 570  
In establishing standards of indigency and determining who is 571  
eligible for legal representation by a public defender or 572  
appointed counsel, the commission shall consider an indigent 573  
person to be an individual who at the time ~~his~~ the person's need 574  
is determined is unable to provide for the payment of an 575  
attorney and all other necessary expenses of representation. 576  
Release on bail shall not prevent a person from being determined 577  
to be indigent. 578

(2) Standards for the hiring of outside counsel; 579

(3) Standards for contracts by a public defender with law 580  
schools, legal aid societies, and nonprofit organizations for 581  
providing counsel; 582

(4) Standards for the qualifications, training, and size 583  
of the legal and supporting staff for a public defender, 584  
facilities, and other requirements needed to maintain and 585  
operate an office of a public defender; 586

(5) Minimum caseload standards; 587

(6) Procedures for the assessment and collection of the 588  
costs of legal representation that is provided by public 589  
defenders or appointed counsel; 590

(7) Standards and guidelines for determining whether a 591  
client is able to make an up-front contribution toward the cost 592

of ~~his~~ the client's legal representation; 593

(8) Procedures for the collection of up-front 594  
contributions from clients who are able to contribute toward the 595  
cost of their legal representation, as determined pursuant to 596  
the standards and guidelines developed under division (B) (7) of 597  
this section. All of such up-front contributions shall be paid 598  
into the appropriate county fund. 599

(9) Standards for contracts between a board of county 600  
commissioners, a county public defender commission, or a joint 601  
county public defender commission and a municipal corporation 602  
for the legal representation of indigent persons charged with 603  
violations of the ordinances of the municipal corporation. 604

(C) The Ohio public defender commission shall adopt rules 605  
prescribing minimum qualifications of counsel appointed pursuant 606  
to this chapter or appointed by the courts. Without limiting its 607  
general authority to prescribe different qualifications for 608  
different categories of appointed counsel, the commission shall 609  
prescribe, by rule, special qualifications for counsel and co- 610  
counsel appointed in capital cases in which the defendant was 611  
sentenced to death before the effective date of this amendment. 612

(D) In administering the office of the Ohio public 613  
defender commission: 614

(1) The commission shall do the following: 615

(a) Approve an annual operating budget; 616

(b) Make an annual report to the governor, the general 617  
assembly, and the supreme court of Ohio on the operation of the 618  
state public defender's office, the county appointed counsel 619  
systems, and the county and joint county public defenders' 620  
offices. 621

- (2) The commission may do the following: 622
- (a) Accept the services of volunteer workers and 623  
consultants at no compensation other than reimbursement of 624  
actual and necessary expenses; 625
- (b) Prepare and publish statistical and case studies and 626  
other data pertinent to the legal representation of indigent 627  
persons; 628
- (c) Conduct programs having a general objective of 629  
training and educating attorneys and others in the legal 630  
representation of indigent persons. 631
- (E) There is hereby established in the state treasury the 632  
public defender training fund for the deposit of fees received 633  
by the Ohio public defender commission from educational 634  
seminars, and the sale of publications, on topics concerning 635  
criminal law and procedure. Expenditures from this fund shall be 636  
made only for the operation of activities authorized by division 637  
(D) (2) (c) of this section. 638
- (F) (1) In accordance with sections 109.02, 109.07, and 639  
109.361 to 109.366 of the Revised Code, but subject to division 640  
(E) of section 120.06 of the Revised Code, the attorney general 641  
shall represent or provide for the representation of the Ohio 642  
public defender commission, the state public defender, assistant 643  
state public defenders, and other employees of the commission or 644  
the state public defender. 645
- (2) Subject to division (E) of section 120.06 of the 646  
Revised Code, the attorney general shall represent or provide 647  
for the representation of attorneys described in division (C) of 648  
section 120.41 of the Revised Code in malpractice or other civil 649  
actions or proceedings that arise from alleged actions or 650

omissions related to responsibilities derived pursuant to this 651  
chapter, or in civil actions that are based upon alleged 652  
violations of the constitution or statutes of the United States, 653  
including section 1983 of Title 42 of the United States Code, 93 654  
Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arise 655  
from alleged actions or omissions related to responsibilities 656  
derived pursuant to this chapter. For purposes of the 657  
representation, sections 109.361 to 109.366 of the Revised Code 658  
shall apply to an attorney described in division (C) of section 659  
120.41 of the Revised Code as if ~~he~~ the attorney were an officer 660  
or employee, as defined in section 109.36 of the Revised Code, 661  
and the Ohio public defender commission or the state public 662  
defender, whichever contracted with the attorney, shall be 663  
considered ~~his~~ the attorney's employer. 664

**Sec. 120.06.** (A) (1) The state public defender, when 665  
designated by the court or requested by a county public defender 666  
or joint county public defender, may provide legal 667  
representation in all courts throughout the state to indigent 668  
adults and juveniles who are charged with the commission of an 669  
offense or act for which the penalty or any possible 670  
adjudication includes the potential loss of liberty. 671

(2) The state public defender may provide legal 672  
representation to any indigent person who, while incarcerated in 673  
any state correctional institution, is charged with a felony 674  
offense, for which the penalty or any possible adjudication that 675  
may be imposed by a court upon conviction includes the potential 676  
loss of liberty. 677

(3) The state public defender may provide legal 678  
representation to any person incarcerated in any correctional 679  
institution of the state, in any matter in which the person 680

asserts the person is unlawfully imprisoned or detained. 681

(4) The state public defender, in any case in which the 682  
state public defender has provided legal representation or is 683  
requested to do so by a county public defender or joint county 684  
public defender, may provide legal representation on appeal. 685

(5) The state public defender, when designated by the 686  
court or requested by a county public defender, joint county 687  
public defender, or the director of rehabilitation and 688  
correction, shall provide legal representation in parole and 689  
probation revocation matters or matters relating to the 690  
revocation of community control or post-release control under a 691  
community control sanction or post-release control sanction, 692  
unless the state public defender finds that the alleged parole 693  
or probation violator or alleged violator of a community control 694  
sanction or post-release control sanction has the financial 695  
capacity to retain the alleged violator's own counsel. 696

(6) If the state public defender contracts with a county 697  
public defender commission, a joint county public defender 698  
commission, or a board of county commissioners for the provision 699  
of services, under authority of division (C)(7) of section 700  
120.04 of the Revised Code, the state public defender shall 701  
provide legal representation in accordance with the contract. 702

(B) The state public defender shall not be required to 703  
prosecute any appeal, postconviction remedy, or other proceeding 704  
pursuant to division (A)(3), (4), or (5) of this section, unless 705  
the state public defender first is satisfied that there is 706  
arguable merit to the proceeding. 707

(C) A court may appoint counsel or allow an indigent 708  
person to select the indigent's own personal counsel to assist 709

the state public defender as co-counsel when the interests of 710  
justice so require. When co-counsel is appointed to assist the 711  
state public defender, the co-counsel shall receive any 712  
compensation that the court may approve, not to exceed the 713  
amounts provided for in section 2941.51 of the Revised Code. 714

(D) (1) When the state public defender is designated by the 715  
court or requested by a county public defender or joint county 716  
public defender to provide legal representation for an indigent 717  
person in any case, other than pursuant to a contract entered 718  
into under authority of division (C) (7) of section 120.04 of the 719  
Revised Code, the state public defender shall send to the county 720  
in which the case is filed a bill detailing the actual cost of 721  
the representation that separately itemizes legal fees and 722  
expenses. The county, upon receipt of an itemized bill from the 723  
state public defender pursuant to this division, shall pay the 724  
state public defender each of the following amounts: 725

(a) For the amount identified as legal fees in the 726  
itemized bill, one hundred per cent of the amount identified as 727  
legal fees less the state reimbursement rate as calculated by 728  
the state public defender pursuant to section 120.34 of the 729  
Revised Code for the month the case terminated, as set forth in 730  
the itemized bill; 731

(b) For the amount identified as expenses in the itemized 732  
bill, one hundred per cent. 733

(2) Upon payment of the itemized bill under division (D) 734  
(1) of this section, the county may submit the cost of the 735  
expenses, excluding legal fees, to the state public defender for 736  
reimbursement pursuant to section 120.33 of the Revised Code. 737

(3) When the state public defender provides investigation 738

or mitigation services to private appointed counsel or to a 739  
county or joint county public defender as approved by the 740  
appointing court, other than pursuant to a contract entered into 741  
under authority of division (C) (7) of section 120.04 of the 742  
Revised Code, the state public defender shall send to the county 743  
in which the case is filed a bill itemizing the actual cost of 744  
the services provided. The county, upon receipt of an itemized 745  
bill from the state public defender pursuant to this division, 746  
shall pay one hundred per cent of the amount as set forth in the 747  
itemized bill. Upon payment of the itemized bill received 748  
pursuant to this division, the county may submit the cost of the 749  
investigation and mitigation services to the state public 750  
defender for reimbursement pursuant to section 120.33 of the 751  
Revised Code. 752

(4) There is hereby created in the state treasury the 753  
county representation fund for the deposit of moneys received 754  
from counties under this division. All moneys credited to the 755  
fund shall be used by the state public defender to provide legal 756  
representation for indigent persons when designated by the court 757  
or requested by a county or joint county public defender or to 758  
provide investigation or mitigation services, including 759  
investigation or mitigation services to private appointed 760  
counsel or a county or joint county public defender, as approved 761  
by the court. 762

(E) (1) Notwithstanding any contrary provision of sections 763  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 764  
Code that pertains to representation by the attorney general, an 765  
assistant attorney general, or special counsel of an officer or 766  
employee, as defined in section 109.36 of the Revised Code, or 767  
of an entity of state government, the state public defender may 768  
elect to contract with, and to have the state pay pursuant to 769

division (E) (2) of this section for the services of, private 770  
legal counsel to represent the Ohio public defender commission, 771  
the state public defender, assistant state public defenders, 772  
other employees of the commission or the state public defender, 773  
and attorneys described in division (C) of section 120.41 of the 774  
Revised Code in a malpractice or other civil action or 775  
proceeding that arises from alleged actions or omissions related 776  
to responsibilities derived pursuant to this chapter, or in a 777  
civil action that is based upon alleged violations of the 778  
constitution or statutes of the United States, including section 779  
1983 of Title 42 of the United States Code, 93 Stat. 1284 780  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 781  
alleged actions or omissions related to responsibilities derived 782  
pursuant to this chapter, if the state public defender 783  
determines, in good faith, that the defendant in the civil 784  
action or proceeding did not act manifestly outside the scope of 785  
the defendant's employment or official responsibilities, with 786  
malicious purpose, in bad faith, or in a wanton or reckless 787  
manner. If the state public defender elects not to contract 788  
pursuant to this division for private legal counsel in a civil 789  
action or proceeding, then, in accordance with sections 109.02, 790  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 791  
attorney general shall represent or provide for the 792  
representation of the Ohio public defender commission, the state 793  
public defender, assistant state public defenders, other 794  
employees of the commission or the state public defender, or 795  
attorneys described in division (C) of section 120.41 of the 796  
Revised Code in the civil action or proceeding. 797

(2) (a) Subject to division (E) (2) (b) of this section, 798  
payment from the state treasury for the services of private 799  
legal counsel with whom the state public defender has contracted 800

pursuant to division (E)(1) of this section shall be 801  
accomplished only through the following procedure: 802

(i) The private legal counsel shall file with the attorney 803  
general a copy of the contract; a request for an award of legal 804  
fees, court costs, and expenses earned or incurred in connection 805  
with the defense of the Ohio public defender commission, the 806  
state public defender, an assistant state public defender, an 807  
employee, or an attorney in a specified civil action or 808  
proceeding; a written itemization of those fees, costs, and 809  
expenses, including the signature of the state public defender 810  
and the state public defender's attestation that the fees, 811  
costs, and expenses were earned or incurred pursuant to division 812  
(E)(1) of this section to the best of the state public 813  
defender's knowledge and information; a written statement 814  
whether the fees, costs, and expenses are for all legal services 815  
to be rendered in connection with that defense, are only for 816  
legal services rendered to the date of the request and 817  
additional legal services likely will have to be provided in 818  
connection with that defense, or are for the final legal 819  
services rendered in connection with that defense; a written 820  
statement indicating whether the private legal counsel 821  
previously submitted a request for an award under division (E) 822  
(2) of this section in connection with that defense and, if so, 823  
the date and the amount of each award granted; and, if the fees, 824  
costs, and expenses are for all legal services to be rendered in 825  
connection with that defense or are for the final legal services 826  
rendered in connection with that defense, a certified copy of 827  
any judgment entry in the civil action or proceeding or a signed 828  
copy of any settlement agreement entered into between the 829  
parties to the civil action or proceeding. 830

(ii) Upon receipt of a request for an award of legal fees, 831

court costs, and expenses and the requisite supportive 832  
documentation described in division (E) (2) (a) (i) of this 833  
section, the attorney general shall review the request and 834  
documentation; determine whether any of the limitations 835  
specified in division (E) (2) (b) of this section apply to the 836  
request; and, if an award of legal fees, court costs, or 837  
expenses is permissible after applying the limitations, prepare 838  
a document awarding legal fees, court costs, or expenses to the 839  
private legal counsel. The document shall name the private legal 840  
counsel as the recipient of the award; specify the total amount 841  
of the award as determined by the attorney general; itemize the 842  
portions of the award that represent legal fees, court costs, 843  
and expenses; specify any limitation applied pursuant to 844  
division (E) (2) (b) of this section to reduce the amount of the 845  
award sought by the private legal counsel; state that the award 846  
is payable from the state treasury pursuant to division (E) (2) 847  
(a) (iii) of this section; and be approved by the inclusion of 848  
the signatures of the attorney general, the state public 849  
defender, and the private legal counsel. 850

(iii) The attorney general shall forward a copy of the 851  
document prepared pursuant to division (E) (2) (a) (ii) of this 852  
section to the director of budget and management. The award of 853  
legal fees, court costs, or expenses shall be paid out of the 854  
state public defender's appropriations, to the extent there is a 855  
sufficient available balance in those appropriations. If the 856  
state public defender does not have a sufficient available 857  
balance in the state public defender's appropriations to pay the 858  
entire award of legal fees, court costs, or expenses, the 859  
director shall make application for a transfer of appropriations 860  
out of the emergency purposes account or any other appropriation 861  
for emergencies or contingencies in an amount equal to the 862

portion of the award that exceeds the sufficient available 863  
balance in the state public defender's appropriations. A 864  
transfer of appropriations out of the emergency purposes account 865  
or any other appropriation for emergencies or contingencies 866  
shall be authorized if there are sufficient moneys greater than 867  
the sum total of then pending emergency purposes account 868  
requests, or requests for releases from the other appropriation. 869  
If a transfer of appropriations out of the emergency purposes 870  
account or other appropriation for emergencies or contingencies 871  
is made to pay an amount equal to the portion of the award that 872  
exceeds the sufficient available balance in the state public 873  
defender's appropriations, the director shall cause the payment 874  
to be made to the private legal counsel. If sufficient moneys do 875  
not exist in the emergency purposes account or other 876  
appropriation for emergencies or contingencies to pay an amount 877  
equal to the portion of the award that exceeds the sufficient 878  
available balance in the state public defender's appropriations, 879  
the private legal counsel shall request the general assembly to 880  
make an appropriation sufficient to pay an amount equal to the 881  
portion of the award that exceeds the sufficient available 882  
balance in the state public defender's appropriations, and no 883  
payment in that amount shall be made until the appropriation has 884  
been made. The private legal counsel shall make the request 885  
during the current biennium and during each succeeding biennium 886  
until a sufficient appropriation is made. 887

(b) An award of legal fees, court costs, and expenses 888  
pursuant to division (E) of this section is subject to the 889  
following limitations: 890

(i) The maximum award or maximum aggregate of a series of 891  
awards of legal fees, court costs, and expenses to the private 892  
legal counsel in connection with the defense of the Ohio public 893

defender commission, the state public defender, an assistant 894  
state public defender, an employee, or an attorney in a 895  
specified civil action or proceeding shall not exceed fifty 896  
thousand dollars. 897

(ii) The private legal counsel shall not be awarded legal 898  
fees, court costs, or expenses to the extent the fees, costs, or 899  
expenses are covered by a policy of malpractice or other 900  
insurance. 901

(iii) The private legal counsel shall be awarded legal 902  
fees and expenses only to the extent that the fees and expenses 903  
are reasonable in light of the legal services rendered by the 904  
private legal counsel in connection with the defense of the Ohio 905  
public defender commission, the state public defender, an 906  
assistant state public defender, an employee, or an attorney in 907  
a specified civil action or proceeding. 908

(c) If, pursuant to division (E) (2) (a) of this section, 909  
the attorney general denies a request for an award of legal 910  
fees, court costs, or expenses to private legal counsel because 911  
of the application of a limitation specified in division (E) (2) 912  
(b) of this section, the attorney general shall notify the 913  
private legal counsel in writing of the denial and of the 914  
limitation applied. 915

(d) If, pursuant to division (E) (2) (c) of this section, a 916  
private legal counsel receives a denial of an award notification 917  
or if a private legal counsel refuses to approve a document 918  
under division (E) (2) (a) (ii) of this section because of the 919  
proposed application of a limitation specified in division (E) 920  
(2) (b) of this section, the private legal counsel may commence a 921  
civil action against the attorney general in the court of claims 922  
to prove the private legal counsel's entitlement to the award 923

sought, to prove that division (E) (2) (b) of this section does 924  
not prohibit or otherwise limit the award sought, and to recover 925  
a judgment for the amount of the award sought. A civil action 926  
under division (E) (2) (d) of this section shall be commenced no 927  
later than two years after receipt of a denial of award 928  
notification or, if the private legal counsel refused to approve 929  
a document under division (E) (2) (a) (ii) of this section because 930  
of the proposed application of a limitation specified in 931  
division (E) (2) (b) of this section, no later than two years 932  
after the refusal. Any judgment of the court of claims in favor 933  
of the private legal counsel shall be paid from the state 934  
treasury in accordance with division (E) (2) (a) of this section. 935

~~(F) If a court appoints the office of the state public 936  
defender to represent a petitioner in a postconviction relief- 937  
proceeding under section 2953.21 of the Revised Code, the 938  
petitioner has received a sentence of death, and the proceeding- 939  
relates to that sentence, all of the attorneys who represent the 940  
petitioner in the proceeding pursuant to the appointment, 941  
whether an assistant state public defender, the state public 942  
defender, or another attorney, shall be certified under Rule 20- 943  
of the Rules of Superintendence for the Courts of Ohio to 944  
represent indigent defendants charged with or convicted of an 945  
offense for which the death penalty can be or has been imposed. 946~~

~~(G)~~ (1) The state public defender may conduct a legal 947  
assistance referral service for children committed to the 948  
department of youth services relative to conditions of 949  
confinement claims. If the legal assistance referral service 950  
receives a request for assistance from a child confined in a 951  
facility operated, or contracted for, by the department of youth 952  
services and the state public defender determines that the child 953  
has a conditions of confinement claim that has merit, the state 954

public defender may refer the child to a private attorney. If no 955  
private attorney who the child has been referred to by the state 956  
public defender accepts the case within a reasonable time, the 957  
state public defender may prepare, as appropriate, pro se 958  
pleadings in the form of a complaint regarding the conditions of 959  
confinement at the facility where the child is confined with a 960  
motion for appointment of counsel and other applicable pleadings 961  
necessary for sufficient pro se representation. 962

(2) Division ~~(G)~~(F) (1) of this section does not authorize 963  
the state public defender to represent a child committed to the 964  
department of youth services in general civil matters arising 965  
solely out of state law. 966

(3) The state public defender shall not undertake the 967  
representation of a child in court based on a conditions of 968  
confinement claim arising under this division. 969

~~(H)~~(G) A child's right to representation or services 970  
under this section is not affected by the child, or another 971  
person on behalf of the child, previously having paid for 972  
similar representation or services or having waived legal 973  
representation. 974

~~(I)~~(H) The state public defender shall have reasonable 975  
access to any child committed to the department of youth 976  
services, department of youth services institution, and 977  
department of youth services record as needed to implement this 978  
section. 979

~~(J)~~(I) As used in this section: 980

(1) "Community control sanction" has the same meaning as 981  
in section 2929.01 of the Revised Code. 982

(2) "Conditions of confinement" means any issue involving 983

a constitutional right or other civil right related to a child's 984  
incarceration, including, but not limited to, actions cognizable 985  
under 42 U.S.C. 1983. 986

(3) "Post-release control sanction" has the same meaning 987  
as in section 2967.01 of the Revised Code. 988

**Sec. 120.14.** (A) (1) Except as provided in division (A) (2) 989  
of this section, the county public defender commission shall 990  
appoint the county public defender and may remove ~~him~~ the county 991  
public defender from office only for good cause. 992

(2) If a county public defender commission contracts with 993  
the state public defender or with one or more nonprofit 994  
organizations for the state public defender or the organizations 995  
to provide all of the services that the county public defender 996  
is required or permitted to provide by this chapter, the 997  
commission shall not appoint a county public defender. 998

(B) The commission shall determine the qualifications and 999  
size of the supporting staff and facilities and other 1000  
requirements needed to maintain and operate the office of the 1001  
county public defender. 1002

(C) In administering the office of county public defender, 1003  
the commission shall: 1004

(1) Recommend to the county commissioners an annual 1005  
operating budget which is subject to the review, amendment, and 1006  
approval of the board of county commissioners; 1007

(2) (a) Make an annual report to the county commissioners 1008  
and the Ohio public defender commission on the operation of the 1009  
county public defender's office, ~~including complete and detailed~~ 1010  
~~information on finances and costs that separately states costs~~ 1011  
~~and expenses that are reimbursable under section 120.35 of the~~ 1012

~~Revised Code~~, and any other data and information requested by 1013  
the state public defender; 1014

(b) Make monthly reports relating to reimbursement and 1015  
associated case data pursuant to the rules of the Ohio public 1016  
defender commission to the board of county commissioners and the 1017  
Ohio public defender commission on the total costs of the public 1018  
defender's office. 1019

(3) Cooperate with the Ohio public defender commission in 1020  
maintaining the standards established by rules of the Ohio 1021  
public defender commission pursuant to divisions (B) and (C) of 1022  
section 120.03 of the Revised Code, and cooperate with the state 1023  
public defender in his the state public defender's programs 1024  
providing technical aid and assistance to county systems. 1025

(D) The commission may accept the services of volunteer 1026  
workers and consultants at no compensation except reimbursement 1027  
for actual and necessary expenses. 1028

(E) The commission may contract with any municipal 1029  
corporation, within the county served by the county public 1030  
defender, for the county public defender to provide legal 1031  
representation for indigent persons who are charged with a 1032  
violation of the ordinances of the municipal corporation. 1033

(F) A county public defender commission, with the approval 1034  
of the board of county commissioners regarding all provisions 1035  
that pertain to the financing of defense counsel for indigent 1036  
persons, may contract with the state public defender or with any 1037  
nonprofit organization, the primary purpose of which is to 1038  
provide legal representation to indigent persons, for the state 1039  
public defender or the organization to provide all or any part 1040  
of the services that a county public defender is required or 1041

permitted to provide by this chapter. A contract entered into 1042  
pursuant to this division may provide for payment for the 1043  
services provided on a per case, hourly, or fixed contract 1044  
basis. The state public defender and any nonprofit organization 1045  
that contracts with a county public defender commission pursuant 1046  
to this division shall do all of the following: 1047

(1) Comply with all standards established by the rules of 1048  
the Ohio public defender commission; 1049

(2) Comply with all standards established by the state 1050  
public defender; 1051

(3) Comply with all statutory duties and other laws 1052  
applicable to county public defenders. 1053

**Sec. 120.16.** (A) (1) The county public defender shall 1054  
provide legal representation to indigent adults and juveniles 1055  
who are charged with the commission of an offense or act that is 1056  
a violation of a state statute and for which the penalty or any 1057  
possible adjudication includes the potential loss of liberty and 1058  
in postconviction proceedings as defined in this section. 1059

(2) The county public defender may provide legal 1060  
representation to indigent adults and juveniles charged with the 1061  
violation of an ordinance of a municipal corporation for which 1062  
the penalty or any possible adjudication includes the potential 1063  
loss of liberty, if the county public defender commission has 1064  
contracted with the municipal corporation to provide legal 1065  
representation for indigent persons charged with a violation of 1066  
an ordinance of the municipal corporation. 1067

(B) The county public defender shall provide the legal 1068  
representation authorized by division (A) of this section at 1069  
every stage of the proceedings following arrest, detention, 1070

service of summons, or indictment. 1071

(C) The county public defender may request the state 1072  
public defender to prosecute any appeal or other remedy before 1073  
or after conviction that the county public defender decides is 1074  
in the interests of justice, and may provide legal 1075  
representation in parole and probation revocation matters and 1076  
matters relating to the revocation of community control or post- 1077  
release control under a community control sanction or post- 1078  
release control sanction. 1079

(D) The county public defender shall not be required to 1080  
prosecute any appeal, postconviction remedy, or other 1081  
proceeding, unless the county public defender is first satisfied 1082  
there is arguable merit to the proceeding. 1083

(E) Nothing in this section shall prevent a court from 1084  
appointing counsel other than the county public defender or from 1085  
allowing an indigent person to select the indigent person's own 1086  
personal counsel to represent the indigent person. A court may 1087  
also appoint counsel or allow an indigent person to select the 1088  
indigent person's own personal counsel to assist the county 1089  
public defender as co-counsel when the interests of justice so 1090  
require. 1091

(F) Information as to the right to legal representation by 1092  
the county public defender or assigned counsel shall be afforded 1093  
to an accused person immediately upon arrest, when brought 1094  
before a magistrate, or when formally charged, whichever occurs 1095  
first. 1096

~~(G) If a court appoints the office of the county public~~ 1097  
~~defender to represent a petitioner in a postconviction relief~~ 1098  
~~proceeding under section 2953.21 of the Revised Code, the~~ 1099

~~petitioner has received a sentence of death, and the proceeding- 1100  
relates to that sentence, all of the attorneys who represent the- 1101  
petitioner in the proceeding pursuant to the appointment,- 1102  
whether an assistant county public defender or the county public- 1103  
defender, shall be certified under Rule 20 of the Rules of- 1104  
Superintendence for the Courts of Ohio to represent indigent- 1105  
defendants charged with or convicted of an offense for which the- 1106  
death penalty can be or has been imposed. 1107~~

~~(H) As used in this section: 1108~~

(1) "Community control sanction" has the same meaning as 1109  
in section 2929.01 of the Revised Code. 1110

(2) "Post-release control sanction" has the same meaning 1111  
as in section 2967.01 of the Revised Code. 1112

**Sec. 120.18.** (A) The county public defender commission's 1113  
report to the board of county commissioners shall be audited by 1114  
the county auditor. The board of county commissioners, after 1115  
review and approval of the audited report, may then certify it 1116  
to the state public defender for reimbursement. If a request for 1117  
the reimbursement of any operating expenditure incurred by a 1118  
county public defender office is not received by the state 1119  
public defender within sixty days after the end of the calendar 1120  
month in which the expenditure is incurred, the state public 1121  
defender shall not pay the requested reimbursement, unless the 1122  
county has requested, and the state public defender has granted, 1123  
an extension of the sixty-day time limit. Each request for 1124  
reimbursement shall include a certification by the county public 1125  
defender that the persons provided representation by the county 1126  
public defender's office during the period covered by the report 1127  
were indigent and, for each person provided representation 1128  
during that period, a financial disclosure form completed by the 1129

person on a form prescribed by the state public defender. The 1130  
state public defender shall also review the report and, in 1131  
accordance with the standards, guidelines, and maximums 1132  
established pursuant to divisions (B) (7) and (8) of section 1133  
120.04 of the Revised Code, prepare a voucher for fifty per cent 1134  
of the total cost of each county public defender's office for 1135  
the period of time covered by the certified report ~~and a voucher~~ 1136  
~~for fifty per cent of the costs and expenses that are~~ 1137  
~~reimbursable under section 120.35 of the Revised Code, if any,~~ 1138  
or, if the amount of money appropriated by the general assembly 1139  
to reimburse counties for the operation of county public 1140  
defender offices, joint county public defender offices, and 1141  
county appointed counsel systems is not sufficient to pay fifty 1142  
per cent of the total cost of all of the offices and systems, 1143  
for the lesser amount required by section 120.34 of the Revised 1144  
Code. For the purposes of this section, "total cost" means total 1145  
expenses minus ~~costs and expenses reimbursable under section~~ 1146  
~~120.35 of the Revised Code and any funds received by the county~~ 1147  
public defender commission pursuant to a contract, except a 1148  
contract entered into with a municipal corporation pursuant to 1149  
division (E) of section 120.14 of the Revised Code, gift, or 1150  
grant. 1151

(B) If the county public defender fails to maintain the 1152  
standards for the conduct of the office established by rules of 1153  
the Ohio public defender commission pursuant to divisions (B) 1154  
and (C) of section 120.03 or the standards established by the 1155  
state public defender pursuant to division (B) (7) of section 1156  
120.04 of the Revised Code, the Ohio public defender commission 1157  
shall notify the county public defender commission and the board 1158  
of county commissioners of the county that the county public 1159  
defender has failed to comply with its rules or the standards of 1160

the state public defender. Unless the county public defender 1161  
commission or the county public defender corrects the conduct of 1162  
the county public defender's office to comply with the rules and 1163  
standards within ninety days after the date of the notice, the 1164  
state public defender may deny payment of all or part of the 1165  
county's reimbursement from the state provided for in division 1166  
(A) of this section. 1167

**Sec. 120.24.** (A) (1) Except as provided in division (A) (2) 1168  
of this section, the joint county public defender commission 1169  
shall appoint the joint county public defender and may remove 1170  
~~him~~ the joint county public defender from office only for good 1171  
cause. 1172

(2) If a joint county public defender commission contracts 1173  
with the state public defender or with one or more nonprofit 1174  
organizations for the state public defender or the organizations 1175  
to provide all of the services that the joint county public 1176  
defender is required or permitted to provide by this chapter, 1177  
the commission shall not appoint a joint county public defender. 1178

(B) The commission shall determine the qualifications and 1179  
size of the supporting staff and facilities and other 1180  
requirements needed to maintain and operate the office. 1181

(C) In administering the office of joint county public 1182  
defender, the commission shall: 1183

(1) Recommend to the boards of county commissioners in the 1184  
district an annual operating budget which is subject to the 1185  
review, amendment, and approval of the boards of county 1186  
commissioners in the district; 1187

(2) (a) Make an annual report to the boards of county 1188  
commissioners in the district and the Ohio public defender 1189

commission on the operation of the public defender's office, 1190  
~~including complete and detailed information on finances and~~ 1191  
~~costs that separately states costs and expenses that are~~ 1192  
~~reimbursable under section 120.35 of the Revised Code,~~ and such 1193  
other data and information requested by the state public 1194  
defender; 1195

(b) Make monthly reports relating to reimbursement and 1196  
associated case data pursuant to the rules of the Ohio public 1197  
defender commission to the boards of county commissioners in the 1198  
district and the Ohio public defender commission on the total 1199  
costs of the public defender's office. 1200

(3) Cooperate with the Ohio public defender commission in 1201  
maintaining the standards established by rules of the Ohio 1202  
public defender commission pursuant to divisions (B) and (C) of 1203  
section 120.03 of the Revised Code, and cooperate with the state 1204  
public defender in ~~his~~ the state public defender's programs 1205  
providing technical aid and assistance to county systems. 1206

(D) The commission may accept the services of volunteer 1207  
workers and consultants at no compensation except reimbursement 1208  
for actual and necessary expenses. 1209

(E) The commission may contract with any municipal 1210  
corporation, within the counties served by the joint county 1211  
public defender, for the joint county public defender to provide 1212  
legal representation for indigent persons who are charged with a 1213  
violation of the ordinances of the municipal corporation. 1214

(F) A joint county public defender commission, with the 1215  
approval of each participating board of county commissioners 1216  
regarding all provisions that pertain to the financing of 1217  
defense counsel for indigent persons, may contract with the 1218

state public defender or with any nonprofit organization, the 1219  
primary purpose of which is to provide legal representation to 1220  
indigent persons, for the state public defender or the 1221  
organization to provide all or any part of the services that a 1222  
joint county public defender is required or permitted to provide 1223  
by this chapter. A contract entered into pursuant to this 1224  
division may provide for payment for the services provided on a 1225  
per case, hourly, or fixed contract basis. The state public 1226  
defender and any nonprofit organization that contracts with a 1227  
joint county public defender commission pursuant to this 1228  
division shall do all of the following: 1229

(1) Comply with all standards established by the rules of 1230  
the Ohio public defender commission; 1231

(2) Comply with all standards established by the Ohio 1232  
public defender; 1233

(3) Comply with all statutory duties and other laws 1234  
applicable to joint county public defenders. 1235

**Sec. 120.26.** (A) (1) The joint county public defender shall 1236  
provide legal representation to indigent adults and juveniles 1237  
who are charged with the commission of an offense or act that is 1238  
a violation of a state statute and for which the penalty or any 1239  
possible adjudication includes the potential loss of liberty and 1240  
in postconviction proceedings as defined in this section. 1241

(2) The joint county public defender may provide legal 1242  
representation to indigent adults and juveniles charged with the 1243  
violation of an ordinance of a municipal corporation for which 1244  
the penalty or any possible adjudication includes the potential 1245  
loss of liberty, if the joint county public defender commission 1246  
has contracted with the municipal corporation to provide legal 1247

representation for indigent persons charged with a violation of 1248  
an ordinance of the municipal corporation. 1249

(B) The joint county public defender shall provide the 1250  
legal representation authorized by division (A) of this section 1251  
at every stage of the proceedings following arrest, detention, 1252  
service of summons, or indictment. 1253

(C) The joint county public defender may request the Ohio 1254  
public defender to prosecute any appeal or other remedy before 1255  
or after conviction that the joint county public defender 1256  
decides is in the interests of justice and may provide legal 1257  
representation in parole and probation revocation matters and 1258  
matters relating to the revocation of community control or post- 1259  
release control under a community control sanction or post- 1260  
release control sanction. 1261

(D) The joint county public defender shall not be required 1262  
to prosecute any appeal, postconviction remedy, or other 1263  
proceeding, unless the joint county public defender is first 1264  
satisfied that there is arguable merit to the proceeding. 1265

(E) Nothing in this section shall prevent a court from 1266  
appointing counsel other than the joint county public defender 1267  
or from allowing an indigent person to select the indigent 1268  
person's own personal counsel to represent the indigent person. 1269  
A court may also appoint counsel or allow an indigent person to 1270  
select the indigent person's own personal counsel to assist the 1271  
joint county public defender as co-counsel when the interests of 1272  
justice so require. 1273

(F) Information as to the right to legal representation by 1274  
the joint county public defender or assigned counsel shall be 1275  
afforded to an accused person immediately upon arrest, when 1276

brought before a magistrate, or when formally charged, whichever  
occurs first.

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

~~(H) As used in this section:~~

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

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

**Sec. 120.28.** (A) The joint county public defender  
commission's report to the joint board of county commissioners  
shall be audited by the fiscal officer of the district. The  
joint board of county commissioners, after review and approval  
of the audited report, may then certify it to the state public  
defender for reimbursement. If a request for the reimbursement  
of any operating expenditure incurred by a joint county public  
defender office is not received by the state public defender  
within sixty days after the end of the calendar month in which  
the expenditure is incurred, the state public defender shall not  
pay the requested reimbursement, unless the joint board of

county commissioners has requested, and the state public 1306  
defender has granted, an extension of the sixty-day time limit. 1307  
Each request for reimbursement shall include a certification by 1308  
the joint county public defender that all persons provided 1309  
representation by the joint county public defender's office 1310  
during the period covered by the request were indigent and, for 1311  
each person provided representation during that period, a 1312  
financial disclosure form completed by the person on a form 1313  
prescribed by the state public defender. The state public 1314  
defender shall also review the report and, in accordance with 1315  
the standards, guidelines, and maximums established pursuant to 1316  
divisions (B) (7) and (8) of section 120.04 of the Revised Code, 1317  
prepare a voucher for fifty per cent of the total cost of each 1318  
joint county public defender's office for the period of time 1319  
covered by the certified report ~~and a voucher for fifty per cent~~ 1320  
~~of the costs and expenses that are reimbursable under section~~ 1321  
~~120.35 of the Revised Code, if any, or, if the amount of money~~ 1322  
appropriated by the general assembly to reimburse counties for 1323  
the operation of county public defender offices, joint county 1324  
public defender offices, and county appointed counsel systems is 1325  
not sufficient to pay fifty per cent of the total cost of all of 1326  
the offices and systems, for the lesser amount required by 1327  
section 120.34 of the Revised Code. For purposes of this 1328  
section, "total cost" means total expenses minus ~~costs and~~ 1329  
~~expenses reimbursable under section 120.35 of the Revised Code~~ 1330  
~~and~~ any funds received by the joint county public defender 1331  
commission pursuant to a contract, except a contract entered 1332  
into with a municipal corporation pursuant to division (E) of 1333  
section 120.24 of the Revised Code, gift, or grant. Each county 1334  
in the district shall be entitled to a share of such state 1335  
reimbursement in proportion to the percentage of the total cost 1336  
it has agreed to pay. 1337

(B) If the joint county public defender fails to maintain 1338  
the standards for the conduct of the office established by the 1339  
rules of the Ohio public defender commission pursuant to 1340  
divisions (B) and (C) of section 120.03 or the standards 1341  
established by the state public defender pursuant to division 1342  
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1343  
defender commission shall notify the joint county public 1344  
defender commission and the board of county commissioners of 1345  
each county in the district that the joint county public 1346  
defender has failed to comply with its rules or the standards of 1347  
the state public defender. Unless the joint public defender 1348  
commission or the joint county public defender corrects the 1349  
conduct of the joint county public defender's office to comply 1350  
with the rules and standards within ninety days after the date 1351  
of the notice, the state public defender may deny all or part of 1352  
the counties' reimbursement from the state provided for in 1353  
division (A) of this section. 1354

**Sec. 120.33.** (A) In lieu of using a county public defender 1355  
or joint county public defender to represent indigent persons in 1356  
the proceedings set forth in division (A) of section 120.16 of 1357  
the Revised Code, the board of county commissioners of any 1358  
county may adopt a resolution to pay counsel who are either 1359  
personally selected by the indigent person or appointed by the 1360  
court. The resolution shall include those provisions the board 1361  
of county commissioners considers necessary to provide effective 1362  
representation of indigent persons in any proceeding for which 1363  
counsel is provided under this section. The resolution shall 1364  
include provisions for contracts with any municipal corporation 1365  
under which the municipal corporation shall reimburse the county 1366  
for counsel appointed to represent indigent persons charged with 1367  
violations of the ordinances of the municipal corporation. 1368

(1) In a county that adopts a resolution to pay counsel, 1369  
an indigent person shall have the right to do either of the 1370  
following: 1371

(a) To select the person's own personal counsel to 1372  
represent the person in any proceeding included within the 1373  
provisions of the resolution; 1374

(b) To request the court to appoint counsel to represent 1375  
the person in such a proceeding. 1376

(2) The court having jurisdiction over the proceeding in a 1377  
county that adopts a resolution to pay counsel shall, after 1378  
determining that the person is indigent and entitled to legal 1379  
representation under this section, do either of the following: 1380

(a) By signed journal entry recorded on its docket, enter 1381  
the name of the lawyer selected by the indigent person as 1382  
counsel of record; 1383

(b) Appoint counsel for the indigent person if the person 1384  
has requested the court to appoint counsel and, by signed 1385  
journal entry recorded on its dockets, enter the name of the 1386  
lawyer appointed for the indigent person as counsel of record. 1387

(3) The board of county commissioners shall establish a 1388  
schedule of fees by case or on an hourly basis to be paid to 1389  
counsel for legal services provided pursuant to a resolution 1390  
adopted under this section. Prior to establishing the schedule, 1391  
the board of county commissioners shall request the bar 1392  
association or associations of the county to submit a proposed 1393  
schedule. The schedule submitted shall be subject to the review, 1394  
amendment, and approval of the board of county commissioners. 1395

(4) Counsel selected by the indigent person or appointed 1396  
by the court at the request of an indigent person in a county 1397

that adopts a resolution to pay counsel, except for counsel 1398  
appointed to represent a person charged with any violation of an 1399  
ordinance of a municipal corporation that has not contracted 1400  
with the county commissioners for the payment of appointed 1401  
counsel, shall be paid by the county and shall receive the 1402  
compensation and expenses the court approves. Each request for 1403  
payment shall be accompanied by a financial disclosure form and 1404  
an affidavit of indigency that are completed by the indigent 1405  
person on forms prescribed by the state public defender. 1406  
Compensation and expenses shall not exceed the amounts fixed by 1407  
the board of county commissioners in the schedule adopted 1408  
pursuant to division (A) (3) of this section. No court shall 1409  
approve compensation and expenses that exceed the amount fixed 1410  
pursuant to division (A) (3) of this section. 1411

The fees and expenses approved by the court shall not be 1412  
taxed as part of the costs and shall be paid by the county. 1413  
However, if the person represented has, or may reasonably be 1414  
expected to have, the means to meet some part of the cost of the 1415  
services rendered to the person, the person shall pay the county 1416  
an amount that the person reasonably can be expected to pay. 1417  
Pursuant to section 120.04 of the Revised Code, the county shall 1418  
pay to the state public defender a percentage of the payment 1419  
received from the person in an amount proportionate to the 1420  
percentage of the costs of the person's case that were paid to 1421  
the county by the state public defender pursuant to this 1422  
section. The money paid to the state public defender shall be 1423  
credited to the client payment fund created pursuant to division 1424  
(B) (5) of section 120.04 of the Revised Code. 1425

The county auditor shall draw a warrant on the county 1426  
treasurer for the payment of counsel in the amount fixed by the 1427  
court, plus the expenses the court fixes and certifies to the 1428

auditor. The county auditor shall report periodically, but not 1429  
less than annually, to the board of county commissioners and to 1430  
the state public defender the amounts paid out pursuant to the 1431  
approval of the court. The board of county commissioners, after 1432  
review and approval of the auditor's report, or the county 1433  
auditor, with permission from and notice to the board of county 1434  
commissioners, may then certify it to the state public defender 1435  
for reimbursement. The state public defender may pay a requested 1436  
reimbursement only if the request for reimbursement is 1437  
accompanied by a financial disclosure form and an affidavit of 1438  
indigency completed by the indigent person on forms prescribed 1439  
by the state public defender or if the court certifies by 1440  
electronic signature as prescribed by the state public defender 1441  
that a financial disclosure form and affidavit of indigency have 1442  
been completed by the indigent person and are available for 1443  
inspection. If a request for the reimbursement of the cost of 1444  
counsel in any case is not received by the state public defender 1445  
within ninety days after the end of the calendar month in which 1446  
the case is finally disposed of by the court, unless the county 1447  
has requested and the state public defender has granted an 1448  
extension of the ninety-day limit, the state public defender 1449  
shall not pay the requested reimbursement. The state public 1450  
defender shall also review the report and, in accordance with 1451  
the standards, guidelines, and maximums established pursuant to 1452  
divisions (B) (7) and (8) of section 120.04 of the Revised Code, 1453  
prepare a voucher for fifty per cent of the total cost of each 1454  
county appointed counsel system in the period of time covered by 1455  
the certified report ~~and a voucher for fifty per cent of the~~ 1456  
~~costs and expenses that are reimbursable under section 120.35 of~~ 1457  
~~the Revised Code, if any, or, if the amount of money~~ 1458  
appropriated by the general assembly to reimburse counties for 1459  
the operation of county public defender offices, joint county 1460

public defender offices, and county appointed counsel systems is 1461  
not sufficient to pay fifty per cent of the total cost of all of 1462  
the offices and systems ~~other than costs and expenses that are~~ 1463  
~~reimbursable under section 120.35 of the Revised Code~~, for the 1464  
lesser amount required by section 120.34 of the Revised Code. 1465

(5) If any county appointed counsel system fails to 1466  
maintain the standards for the conduct of the system established 1467  
by the rules of the Ohio public defender commission pursuant to 1468  
divisions (B) and (C) of section 120.03 or the standards 1469  
established by the state public defender pursuant to division 1470  
(B)(7) of section 120.04 of the Revised Code, the Ohio public 1471  
defender commission shall notify the board of county 1472  
commissioners of the county that the county appointed counsel 1473  
system has failed to comply with its rules or the standards of 1474  
the state public defender. Unless the board of county 1475  
commissioners corrects the conduct of its appointed counsel 1476  
system to comply with the rules and standards within ninety days 1477  
after the date of the notice, the state public defender may deny 1478  
all or part of the county's reimbursement from the state 1479  
provided for in division (A)(4) of this section. 1480

(B) In lieu of using a county public defender or joint 1481  
county public defender to represent indigent persons in the 1482  
proceedings set forth in division (A) of section 120.16 of the 1483  
Revised Code, and in lieu of adopting the resolution and 1484  
following the procedure described in division (A) of this 1485  
section, the board of county commissioners of any county may 1486  
contract with the state public defender for the state public 1487  
defender's legal representation of indigent persons. A contract 1488  
entered into pursuant to this division may provide for payment 1489  
for the services provided on a per case, hourly, or fixed 1490  
contract basis. 1491

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

**Sec. 120.34.** The total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code for the reimbursement of a percentage of the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel systems shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay fifty per cent of the total cost in the fiscal year of all county public defender offices, all joint county public defender offices, and all county appointed counsel systems, the amount of money paid in that fiscal year pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code to each county for the fiscal year shall be reduced proportionately so that each county is paid an equal percentage of its total cost in the fiscal year for operating its county public defender system, its joint county public defender system, and its county appointed counsel system.

~~The total amount of money paid to all counties in any fiscal year pursuant to section 120.35 of the Revised Code for~~

~~the reimbursement of a percentage of the counties' costs and 1523  
expenses of conducting the defense in capital cases shall not 1524  
exceed the total amount appropriated for that fiscal year by the 1525  
general assembly for the reimbursement of the counties for 1526  
conducting the defense in capital cases. If the amount 1527  
appropriated by the general assembly in any fiscal year is 1528  
insufficient to pay fifty per cent of the counties' total costs 1529  
and expenses of conducting the defense in capital cases in the 1530  
fiscal year, the amount of money paid in that fiscal year 1531  
pursuant to section 120.35 of the Revised Code to each county 1532  
for the fiscal year shall be reduced proportionately so that 1533  
each county is paid an equal percentage of its costs and 1534  
expenses of conducting the defense in capital cases in the 1535  
fiscal year. 1536~~

All payments relating to capital cases that were required 1537  
to be made under the provisions of this chapter or section 1538  
2941.51 of the Revised Code as those provisions existed 1539  
immediately before the effective date of this amendment shall be 1540  
made for each calendar or fiscal year, as applicable, in 1541  
accordance with those provisions as they existed immediately 1542  
before the effective date of this amendment until each case in 1543  
which a defendant was sentenced to death before the effective 1544  
date of this amendment is finally resolved. 1545

If any county receives an amount of money pursuant to 1546  
section 120.18, 120.28, or 120.33, ~~or 120.35~~ of the Revised Code 1547  
that is in excess of the amount of reimbursement it is entitled 1548  
to receive pursuant to this section, the state public defender 1549  
shall request the board of county commissioners to return the 1550  
excess payment and the board of county commissioners, upon 1551  
receipt of the request, shall direct the appropriate county 1552  
officer to return the excess payment to the state. 1553

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

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

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

(B) When in aid of execution of a judgment of the  
environmental division of the municipal court, in all actions  
for the foreclosure of a mortgage on real property given to  
secure the payment of money, or the enforcement of a specific  
lien for money or other encumbrance or charge on real property,  
when the real property is situated within the territory, and, in  
those cases, the environmental division may proceed to foreclose  
all liens and all vested and contingent rights and proceed to

render judgments, and make findings and orders, between the 1584  
parties, in the same manner and to the same extent as in similar 1585  
cases in the court of common pleas; 1586

(C) When in aid of execution of a judgment of the 1587  
environmental division of the municipal court, in all actions 1588  
for the recovery of real property situated within the territory 1589  
to the same extent as courts of common pleas have jurisdiction; 1590

(D) In all actions for injunction to prevent or terminate 1591  
violations of the ordinances and regulations of any municipal 1592  
corporation within its territory enacted or promulgated under 1593  
the police power of that municipal corporation pursuant to 1594  
Section 3 of Article XVIII, Ohio Constitution, over which the 1595  
court of common pleas has or may have jurisdiction, and, in 1596  
those cases, the environmental division of the municipal court 1597  
may proceed to render judgments, and make findings and orders, 1598  
in the same manner and to the same extent as in similar cases in 1599  
the court of common pleas; 1600

(E) In all actions for injunction to prevent or terminate 1601  
violations of the resolutions and regulations of any political 1602  
subdivision within its territory enacted or promulgated under 1603  
the power of that political subdivision pursuant to Article X of 1604  
the Ohio Constitution, over which the court of common pleas has 1605  
or may have jurisdiction, and, in those cases, the environmental 1606  
division of the municipal court may proceed to render judgments, 1607  
and make findings and orders, in the same manner and to the same 1608  
extent as in similar cases in the court of common pleas; 1609

(F) In any civil action to enforce any provision of 1610  
Chapter 3704., 3714., 3734., 3737., 3767., or 6111. of the 1611  
Revised Code over which the court of common pleas has or may 1612  
have jurisdiction, and, in those actions, the environmental 1613

division of the municipal court may proceed to render judgments, 1614  
and make findings and orders, in the same manner and to the same 1615  
extent as in similar actions in the court of common pleas; 1616

(G) In all actions and proceedings in the nature of 1617  
creditors' bills, and in aid of execution to subject the 1618  
interests of a judgment debtor in real or personal property to 1619  
the payment of a judgment of the division, and, in those actions 1620  
and proceedings, the environmental division may proceed to 1621  
marshal and foreclose all liens on the property irrespective of 1622  
the amount of the lien, and all vested or contingent rights in 1623  
the property; 1624

(H) Concurrent jurisdiction with the court of common pleas 1625  
of all criminal actions or proceedings related to the pollution 1626  
of the air, ground, or water within the territory of the 1627  
environmental division of the municipal court, ~~for which a~~ 1628  
~~sentence of death cannot be imposed under Chapter 2903. of the~~ 1629  
~~Revised Code;~~ 1630

(I) In any review or appeal of any final order of any 1631  
administrative officer, agency, board, department, tribunal, 1632  
commission, or other instrumentality that relates to a local 1633  
building, housing, air pollution, sanitation, health, fire, 1634  
zoning, or safety code, ordinance, or regulation, in the same 1635  
manner and to the same extent as in similar appeals in the court 1636  
of common pleas; 1637

(J) With respect to the environmental division of the 1638  
Franklin county municipal court, to hear appeals from 1639  
adjudication hearings conducted under Chapter 956. of the 1640  
Revised Code. 1641

**Sec. 2152.13.** (A) A juvenile court shall impose a serious 1642

youthful dispositional sentence on a child when required under 1643  
division (B) (3) of section 2152.121 of the Revised Code. In such 1644  
a case, the remaining provisions of this division and divisions 1645  
(B) and (C) do not apply to the child, and the court shall 1646  
impose the mandatory serious youthful dispositional sentence 1647  
under division (D) (1) of this section. 1648

In all other cases, a juvenile court may impose a serious 1649  
youthful offender dispositional sentence on a child only if the 1650  
prosecuting attorney of the county in which the delinquent act 1651  
allegedly occurred initiates the process against the child in 1652  
accordance with this division, and the child is an alleged 1653  
delinquent child who is eligible for the dispositional sentence. 1654  
The prosecuting attorney may initiate the process in any of the 1655  
following ways: 1656

(1) Obtaining an indictment of the child as a serious 1657  
youthful offender; 1658

(2) The child waives the right to indictment, charging the 1659  
child in a bill of information as a serious youthful offender; 1660

(3) Until an indictment or information is obtained, 1661  
requesting a serious youthful offender dispositional sentence in 1662  
the original complaint alleging that the child is a delinquent 1663  
child; 1664

(4) Until an indictment or information is obtained, if the 1665  
original complaint does not request a serious youthful offender 1666  
dispositional sentence, filing with the juvenile court a written 1667  
notice of intent to seek a serious youthful offender 1668  
dispositional sentence within twenty days after the later of the 1669  
following, unless the time is extended by the juvenile court for 1670  
good cause shown: 1671

(a) The date of the child's first juvenile court hearing 1672  
regarding the complaint; 1673

(b) The date the juvenile court determines not to transfer 1674  
the case under section 2152.12 of the Revised Code. 1675

After a written notice is filed under division (A) (4) of 1676  
this section, the juvenile court shall serve a copy of the 1677  
notice on the child and advise the child of the prosecuting 1678  
attorney's intent to seek a serious youthful offender 1679  
dispositional sentence in the case. 1680

(B) If an alleged delinquent child is not indicted or 1681  
charged by information as described in division (A) (1) or (2) of 1682  
this section and if a notice or complaint as described in 1683  
division (A) (3) or (4) of this section indicates that the 1684  
prosecuting attorney intends to pursue a serious youthful 1685  
offender dispositional sentence in the case, the juvenile court 1686  
shall hold a preliminary hearing to determine if there is 1687  
probable cause that the child committed the act charged and is 1688  
by age eligible for, or required to receive, a serious youthful 1689  
offender dispositional sentence. 1690

(C) (1) A child for whom a serious youthful offender 1691  
dispositional sentence is sought by a prosecuting attorney has 1692  
the right to a grand jury determination of probable cause that 1693  
the child committed the act charged and that the child is 1694  
eligible by age for a serious youthful offender dispositional 1695  
sentence. The grand jury may be impaneled by the court of common 1696  
pleas or the juvenile court. 1697

Once a child is indicted, or charged by information or the 1698  
juvenile court determines that the child is eligible for a 1699  
serious youthful offender dispositional sentence, the child is 1700

entitled to an open and speedy trial by jury in juvenile court 1701  
and to be provided with a transcript of the proceedings. The 1702  
time within which the trial is to be held under Title XXIX of 1703  
the Revised Code commences on whichever of the following dates 1704  
is applicable: 1705

(a) If the child is indicted or charged by information, on 1706  
the date of the filing of the indictment or information. 1707

(b) If the child is charged by an original complaint that 1708  
requests a serious youthful offender dispositional sentence, on 1709  
the date of the filing of the complaint. 1710

(c) If the child is not charged by an original complaint 1711  
that requests a serious youthful offender dispositional 1712  
sentence, on the date that the prosecuting attorney files the 1713  
written notice of intent to seek a serious youthful offender 1714  
dispositional sentence. 1715

(2) If the child is detained awaiting adjudication, upon 1716  
indictment or being charged by information, the child has the 1717  
same right to bail as an adult charged with the offense the 1718  
alleged delinquent act would be if committed by an adult. Except 1719  
as provided in division (D) of section 2152.14 of the Revised 1720  
Code, all provisions of Title XXIX of the Revised Code and the 1721  
Criminal Rules shall apply in the case and to the child. The 1722  
juvenile court shall afford the child all rights afforded a 1723  
person who is prosecuted for committing a crime including the 1724  
right to counsel and the right to raise the issue of competency. 1725  
The child may not waive the right to counsel. 1726

(D) (1) If a child is adjudicated a delinquent child for 1727  
committing an act under circumstances that require the juvenile 1728  
court to impose upon the child a serious youthful offender 1729

dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:

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

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

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

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

(i) If the juvenile court on the record makes a finding that, given the nature and circumstances of the violation and the history of the child, the length of time, level of security, and types of programming and resources available in the juvenile system alone are not adequate to provide the juvenile court with a reasonable expectation that the purposes set forth in section 2152.01 of the Revised Code will be met, the juvenile court may impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised

Code, except that the juvenile court shall not impose on the 1759  
child a sentence of ~~death or~~ life imprisonment without parole. 1760

(ii) If a sentence is imposed under division (D) (2) (a) (i) 1761  
of this section, the juvenile court also shall impose upon the 1762  
child one or more traditional juvenile dispositions under 1763  
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 1764  
section 2152.17 of the Revised Code. 1765

(iii) The juvenile court shall stay the adult portion of 1766  
the serious youthful offender dispositional sentence pending the 1767  
successful completion of the traditional juvenile dispositions 1768  
imposed. 1769

(b) If the juvenile court does not find that a sentence 1770  
should be imposed under division (D) (2) (a) (i) of this section, 1771  
the juvenile court may impose one or more traditional juvenile 1772  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 1773  
applicable, section 2152.17 of the Revised Code. 1774

(3) A child upon whom a serious youthful offender 1775  
dispositional sentence is imposed under division (D) (1) or (2) 1776  
of this section has a right to appeal under division (A) (1), 1777  
(3), (4), or (5) of section 2953.08 of the Revised Code the 1778  
adult portion of the serious youthful offender dispositional 1779  
sentence when any of those divisions apply. The child may appeal 1780  
the adult portion, and the court shall consider the appeal as if 1781  
the adult portion were not stayed. 1782

**Sec. 2152.67.** Any adult who is arrested or charged under 1783  
any provision in this chapter and who is charged with a crime 1784  
may demand a trial by jury, or the juvenile judge upon the 1785  
judge's own motion may call a jury. A demand for a jury trial 1786  
shall be made in writing in not less than three days before the 1787

date set for trial, or within three days after counsel has been 1788  
retained, whichever is later. Sections 2945.17 and 2945.23 to 1789  
2945.36 of the Revised Code, relating to the drawing and 1790  
impaneling of jurors in criminal cases in the court of common 1791  
pleas, ~~other than in capital cases,~~ shall apply to a jury trial 1792  
under this section. The compensation of jurors and costs of the 1793  
clerk and sheriff shall be taxed and paid in the same manner as 1794  
in criminal cases in the court of common pleas. 1795

**Sec. 2301.20.** All civil and criminal actions in the court 1796  
of common pleas shall be recorded. The reporter shall take 1797  
accurate notes of or electronically record the oral testimony. 1798  
The notes and electronic records shall be filed in the office of 1799  
the official reporter and carefully preserved for ~~either of the~~ 1800  
~~following periods of time:~~ 1801

~~(A) If the action is not a capital case, the notes and~~ 1802  
~~electronic records shall be preserved for the period of time~~ 1803  
specified by the court of common pleas, which period of time 1804  
shall not be longer than the period of time that the other 1805  
records of the particular action are required to be kept. 1806

~~(B) If the action is a capital case, the notes and~~ 1807  
~~electronic records shall be preserved for the longer of ten~~ 1808  
~~years or until the final disposition of the action and~~ 1809  
~~exhaustion of all appeals.~~ 1810

**Sec. 2307.60.** (A) (1) Anyone injured in person or property 1811  
by a criminal act has, and may recover full damages in, a civil 1812  
action unless specifically excepted by law, may recover the 1813  
costs of maintaining the civil action and attorney's fees if 1814  
authorized by any provision of the Rules of Civil Procedure or 1815  
another section of the Revised Code or under the common law of 1816  
this state, and may recover punitive or exemplary damages if 1817

authorized by section 2315.21 or another section of the Revised Code. 1818  
1819

(2) A final judgment of a trial court that has not been 1820  
reversed on appeal or otherwise set aside, nullified, or 1821  
vacated, entered after a trial or upon a plea of guilty, but not 1822  
upon a plea of no contest or the equivalent plea from another 1823  
jurisdiction, that adjudges an offender guilty of an offense of 1824  
violence punishable by ~~death or~~ imprisonment in excess of one 1825  
year, when entered as evidence in any subsequent civil 1826  
proceeding based on the criminal act, shall preclude the 1827  
offender from denying in the subsequent civil proceeding any 1828  
fact essential to sustaining that judgment, unless the offender 1829  
can demonstrate that extraordinary circumstances prevented the 1830  
offender from having a full and fair opportunity to litigate the 1831  
issue in the criminal proceeding or other extraordinary 1832  
circumstances justify affording the offender an opportunity to 1833  
relitigate the issue. The offender may introduce evidence of the 1834  
offender's pending appeal of the final judgment of the trial 1835  
court, if applicable, and the court may consider that evidence 1836  
in determining the liability of the offender. 1837

(B) (1) As used in division (B) of this section: 1838

(a) "Tort action" means a civil action for damages for 1839  
injury, death, or loss to person or property other than a civil 1840  
action for damages for a breach of contract or another agreement 1841  
between persons. "Tort action" includes, but is not limited to, 1842  
a product liability claim, as defined in section 2307.71 of the 1843  
Revised Code, and an asbestos claim, as defined in section 1844  
2307.91 of the Revised Code, an action for wrongful death under 1845  
Chapter 2125. of the Revised Code, and an action based on 1846  
derivative claims for relief. 1847

(b) "Residence" has the same meaning as in section 2901.05 1848  
of the Revised Code. 1849

(2) Recovery on a claim for relief in a tort action is 1850  
barred to any person or the person's legal representative if any 1851  
of the following apply: 1852

(a) The person has been convicted of or has pleaded guilty 1853  
to a felony, or to a misdemeanor that is an offense of violence, 1854  
arising out of criminal conduct that was a proximate cause of 1855  
the injury or loss for which relief is claimed in the tort 1856  
action. 1857

(b) The person engaged in conduct that, if prosecuted, 1858  
would constitute a felony, a misdemeanor that is an offense of 1859  
violence, an attempt to commit a felony, or an attempt to commit 1860  
a misdemeanor that is an offense of violence and that conduct 1861  
was a proximate cause of the injury or loss for which relief is 1862  
claimed in the tort action, regardless of whether the person has 1863  
been convicted of or pleaded guilty to or has been charged with 1864  
committing the felony, the misdemeanor, or the attempt to commit 1865  
the felony or misdemeanor. 1866

(c) The person suffered the injury or loss for which 1867  
relief is claimed in the tort action as a proximate result of 1868  
the victim of conduct that, if prosecuted, would constitute a 1869  
felony, a misdemeanor that is an offense of violence, an attempt 1870  
to commit a felony, or an attempt to commit a misdemeanor that 1871  
is an offense of violence acting against the person in self- 1872  
defense, defense of another, or defense of the victim's 1873  
residence, regardless of whether the person has been convicted 1874  
of or pleaded guilty to or has been charged with committing the 1875  
felony, the misdemeanor, or the attempt to commit the felony or 1876  
misdemeanor. Division (B) (2) (c) of this section does not apply 1877

if the person who suffered the injury or loss, at the time of 1878  
the victim's act of self-defense, defense of another, or defense 1879  
of residence, was an innocent bystander who had no connection 1880  
with the underlying conduct that prompted the victim's exercise 1881  
of self-defense, defense of another, or defense of residence. 1882

(3) Recovery against a victim of conduct that, if 1883  
prosecuted, would constitute a felony, a misdemeanor that is an 1884  
offense of violence, an attempt to commit a felony, or an 1885  
attempt to commit a misdemeanor that is an offense of violence, 1886  
on a claim for relief in a tort action is barred to any person 1887  
or the person's legal representative if conduct the person 1888  
engaged in against that victim was a proximate cause of the 1889  
injury or loss for which relief is claimed in the tort action 1890  
and that conduct, if prosecuted, would constitute a felony, a 1891  
misdemeanor that is an offense of violence, an attempt to commit 1892  
a felony, or an attempt to commit a misdemeanor that is an 1893  
offense of violence, regardless of whether the person has been 1894  
convicted of or pleaded guilty to or has been charged with 1895  
committing the felony, the misdemeanor, or the attempt to commit 1896  
the felony or misdemeanor. 1897

(4) Divisions (B) (1) to (3) of this section do not apply 1898  
to civil claims based upon alleged intentionally tortious 1899  
conduct, alleged violations of the United States Constitution, 1900  
or alleged violations of statutes of the United States 1901  
pertaining to civil rights. For purposes of division (B) (4) of 1902  
this section, a person's act of self-defense, defense of 1903  
another, or defense of the person's residence does not 1904  
constitute intentionally tortious conduct. 1905

**Sec. 2701.07.** When, in the opinion of the court, the 1906  
business thereof so requires, each court of common pleas, court 1907

of appeals, and, in counties having at the last or any future 1908  
federal census more than seventy thousand inhabitants, the 1909  
probate court, may appoint one or more constables to preserve 1910  
order, attend the assignment of cases in counties where more 1911  
than two judges of the court of common pleas regularly hold 1912  
court at the same time, and discharge such other duties as the 1913  
court requires. When so directed by the court, each constable 1914  
has the same powers as sheriffs to call and impanel jurors,~~—~~ 1915  
~~except in capital cases.~~ 1916

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of 1917  
the Revised Code: 1918

(A) "Claimant" means both of the following categories of 1919  
persons: 1920

(1) Any of the following persons who claim an award of 1921  
reparations under sections 2743.51 to 2743.72 of the Revised 1922  
Code: 1923

(a) A victim who was one of the following at the time of 1924  
the criminally injurious conduct: 1925

(i) A resident of the United States; 1926

(ii) A resident of a foreign country the laws of which 1927  
permit residents of this state to recover compensation as 1928  
victims of offenses committed in that country. 1929

(b) A dependent of a deceased victim who is described in 1930  
division (A) (1) (a) of this section; 1931

(c) A third person, other than a collateral source, who 1932  
legally assumes or voluntarily pays the obligations of a victim, 1933  
or of a dependent of a victim, who is described in division (A) 1934  
(1) (a) of this section, which obligations are incurred as a 1935

result of the criminally injurious conduct that is the subject 1936  
of the claim and may include, but are not limited to, medical or 1937  
burial expenses; 1938

(d) A person who is authorized to act on behalf of any 1939  
person who is described in division (A) (1) (a), (b), or (c) of 1940  
this section; 1941

(e) The estate of a deceased victim who is described in 1942  
division (A) (1) (a) of this section. 1943

(2) Any of the following persons who claim an award of 1944  
reparations under sections 2743.51 to 2743.72 of the Revised 1945  
Code: 1946

(a) A victim who had a permanent place of residence within 1947  
this state at the time of the criminally injurious conduct and 1948  
who, at the time of the criminally injurious conduct, complied 1949  
with any one of the following: 1950

(i) Had a permanent place of employment in this state; 1951

(ii) Was a member of the regular armed forces of the 1952  
United States or of the United States coast guard or was a full- 1953  
time member of the Ohio organized militia or of the United 1954  
States army reserve, naval reserve, or air force reserve; 1955

(iii) Was retired and receiving social security or any 1956  
other retirement income; 1957

(iv) Was sixty years of age or older; 1958

(v) Was temporarily in another state for the purpose of 1959  
receiving medical treatment; 1960

(vi) Was temporarily in another state for the purpose of 1961  
performing employment-related duties required by an employer 1962

located within this state as an express condition of employment	1963
or employee benefits;	1964
(vii) Was temporarily in another state for the purpose of	1965
receiving occupational, vocational, or other job-related	1966
training or instruction required by an employer located within	1967
this state as an express condition of employment or employee	1968
benefits;	1969
(viii) Was a full-time student at an academic institution,	1970
college, or university located in another state;	1971
(ix) Had not departed the geographical boundaries of this	1972
state for a period exceeding thirty days or with the intention	1973
of becoming a citizen of another state or establishing a	1974
permanent place of residence in another state.	1975
(b) A dependent of a deceased victim who is described in	1976
division (A) (2) (a) of this section;	1977
(c) A third person, other than a collateral source, who	1978
legally assumes or voluntarily pays the obligations of a victim,	1979
or of a dependent of a victim, who is described in division (A)	1980
(2) (a) of this section, which obligations are incurred as a	1981
result of the criminally injurious conduct that is the subject	1982
of the claim and may include, but are not limited to, medical or	1983
burial expenses;	1984
(d) A person who is authorized to act on behalf of any	1985
person who is described in division (A) (2) (a), (b), or (c) of	1986
this section;	1987
(e) The estate of a deceased victim who is described in	1988
division (A) (2) (a) of this section.	1989
(B) "Collateral source" means a source of benefits or	1990

advantages for economic loss otherwise reparable that the victim	1991
or claimant has received, or that is readily available to the	1992
victim or claimant, from any of the following sources:	1993
(1) The offender;	1994
(2) The government of the United States or any of its	1995
agencies, a state or any of its political subdivisions, or an	1996
instrumentality of two or more states, unless the law providing	1997
for the benefits or advantages makes them excess or secondary to	1998
benefits under sections 2743.51 to 2743.72 of the Revised Code;	1999
(3) Social security, medicare, and medicaid;	2000
(4) State-required, temporary, nonoccupational disability	2001
insurance;	2002
(5) Workers' compensation;	2003
(6) Wage continuation programs of any employer;	2004
(7) Proceeds of a contract of insurance payable to the	2005
victim for loss that the victim sustained because of the	2006
criminally injurious conduct;	2007
(8) A contract providing prepaid hospital and other health	2008
care services, or benefits for disability;	2009
(9) That portion of the proceeds of all contracts of	2010
insurance payable to the claimant on account of the death of the	2011
victim that exceeds fifty thousand dollars;	2012
(10) Any compensation recovered or recoverable under the	2013
laws of another state, district, territory, or foreign country	2014
because the victim was the victim of an offense committed in	2015
that state, district, territory, or country.	2016
"Collateral source" does not include any money, or the	2017

monetary value of any property, that is subject to sections 2018  
2969.01 to 2969.06 of the Revised Code or that is received as a 2019  
benefit from the Ohio public safety officers death benefit fund 2020  
created by section 742.62 of the Revised Code. 2021

(C) "Criminally injurious conduct" means one of the 2022  
following: 2023

(1) For the purposes of any person described in division 2024  
(A)(1) of this section, any conduct that occurs or is attempted 2025  
in this state; poses a substantial threat of personal injury or 2026  
death; and is punishable by fine, or imprisonment, ~~or death~~, or 2027  
would be so punishable but for the fact that the person engaging 2028  
in the conduct lacked capacity to commit the crime under the 2029  
laws of this state. Criminally injurious conduct does not 2030  
include conduct arising out of the ownership, maintenance, or 2031  
use of a motor vehicle, except when any of the following 2032  
applies: 2033

(a) The person engaging in the conduct intended to cause 2034  
personal injury or death; 2035

(b) The person engaging in the conduct was using the 2036  
vehicle to flee immediately after committing a felony or an act 2037  
that would constitute a felony but for the fact that the person 2038  
engaging in the conduct lacked the capacity to commit the felony 2039  
under the laws of this state; 2040

(c) The person engaging in the conduct was using the 2041  
vehicle in a manner that constitutes an OVI violation; 2042

(d) The conduct occurred on or after July 25, 1990, and 2043  
the person engaging in the conduct was using the vehicle in a 2044  
manner that constitutes a violation of section 2903.08 of the 2045  
Revised Code; 2046

(e) The person engaging in the conduct acted in a manner 2047  
that caused serious physical harm to a person and that 2048  
constituted a violation of section 4549.02 or 4549.021 of the 2049  
Revised Code. 2050

(2) For the purposes of any person described in division 2051  
(A) (2) of this section, any conduct that occurs or is attempted 2052  
in another state, district, territory, or foreign country; poses 2053  
a substantial threat of personal injury or death; and is 2054  
punishable by fine, or imprisonment, ~~or death~~, or would be so 2055  
punishable but for the fact that the person engaging in the 2056  
conduct lacked capacity to commit the crime under the laws of 2057  
the state, district, territory, or foreign country in which the 2058  
conduct occurred or was attempted. Criminally injurious conduct 2059  
does not include conduct arising out of the ownership, 2060  
maintenance, or use of a motor vehicle, except when any of the 2061  
following applies: 2062

(a) The person engaging in the conduct intended to cause 2063  
personal injury or death; 2064

(b) The person engaging in the conduct was using the 2065  
vehicle to flee immediately after committing a felony or an act 2066  
that would constitute a felony but for the fact that the person 2067  
engaging in the conduct lacked the capacity to commit the felony 2068  
under the laws of the state, district, territory, or foreign 2069  
country in which the conduct occurred or was attempted; 2070

(c) The person engaging in the conduct was using the 2071  
vehicle in a manner that constitutes an OVI violation; 2072

(d) The conduct occurred on or after July 25, 1990, the 2073  
person engaging in the conduct was using the vehicle in a manner 2074  
that constitutes a violation of any law of the state, district, 2075

territory, or foreign country in which the conduct occurred, and 2076  
that law is substantially similar to a violation of section 2077  
2903.08 of the Revised Code; 2078

(e) The person engaging in the conduct acted in a manner 2079  
that caused serious physical harm to a person and that 2080  
constituted a violation of any law of the state, district, 2081  
territory, or foreign country in which the conduct occurred, and 2082  
that law is substantially similar to section 4549.02 or 4549.021 2083  
of the Revised Code. 2084

(3) For the purposes of any person described in division 2085  
(A) (1) or (2) of this section, terrorism that occurs within or 2086  
outside the territorial jurisdiction of the United States. 2087

(D) "Dependent" means an individual wholly or partially 2088  
dependent upon the victim for care and support, and includes a 2089  
child of the victim born after the victim's death. 2090

(E) "Economic loss" means economic detriment consisting 2091  
only of allowable expense, work loss, funeral expense, 2092  
unemployment benefits loss, replacement services loss, cost of 2093  
crime scene cleanup, and cost of evidence replacement. If 2094  
criminally injurious conduct causes death, economic loss 2095  
includes a dependent's economic loss and a dependent's 2096  
replacement services loss. Noneconomic detriment is not economic 2097  
loss; however, economic loss may be caused by pain and suffering 2098  
or physical impairment. 2099

(F) (1) "Allowable expense" means reasonable charges 2100  
incurred for reasonably needed products, services, and 2101  
accommodations, including those for medical care, 2102  
rehabilitation, rehabilitative occupational training, and other 2103  
remedial treatment and care and including replacement costs for 2104

hearing aids; dentures, retainers, and other dental appliances; 2105  
canes, walkers, and other mobility tools; and eyeglasses and 2106  
other corrective lenses. It does not include that portion of a 2107  
charge for a room in a hospital, clinic, convalescent home, 2108  
nursing home, or any other institution engaged in providing 2109  
nursing care and related services in excess of a reasonable and 2110  
customary charge for semiprivate accommodations, unless 2111  
accommodations other than semiprivate accommodations are 2112  
medically required. 2113

(2) An immediate family member of a victim of criminally 2114  
injurious conduct that consists of a homicide, a sexual assault, 2115  
domestic violence, or a severe and permanent incapacitating 2116  
injury resulting in paraplegia or a similar life-altering 2117  
condition, who requires psychiatric care or counseling as a 2118  
result of the criminally injurious conduct, may be reimbursed 2119  
for that care or counseling as an allowable expense through the 2120  
victim's application. The cumulative allowable expense for care 2121  
or counseling of that nature shall not exceed two thousand five 2122  
hundred dollars for each immediate family member of a victim of 2123  
that type and seven thousand five hundred dollars in the 2124  
aggregate for all immediate family members of a victim of that 2125  
type. 2126

(3) A family member of a victim who died as a proximate 2127  
result of criminally injurious conduct may be reimbursed as an 2128  
allowable expense through the victim's application for wages 2129  
lost and travel expenses incurred in order to attend criminal 2130  
justice proceedings arising from the criminally injurious 2131  
conduct. The cumulative allowable expense for wages lost and 2132  
travel expenses incurred by a family member to attend criminal 2133  
justice proceedings shall not exceed five hundred dollars for 2134  
each family member of the victim and two thousand dollars in the 2135

aggregate for all family members of the victim. 2136

(4) (a) "Allowable expense" includes reasonable expenses 2137  
and fees necessary to obtain a guardian's bond pursuant to 2138  
section 2109.04 of the Revised Code when the bond is required to 2139  
pay an award to a fiduciary on behalf of a minor or other 2140  
incompetent. 2141

(b) "Allowable expense" includes attorney's fees not 2142  
exceeding one thousand dollars, at a rate not exceeding one 2143  
hundred dollars per hour, incurred to successfully obtain a 2144  
restraining order, custody order, or other order to physically 2145  
separate a victim from an offender. Attorney's fees for the 2146  
services described in this division may include an amount for 2147  
reasonable travel time incurred to attend court hearings, not 2148  
exceeding three hours' round-trip for each court hearing, 2149  
assessed at a rate not exceeding thirty dollars per hour. 2150

(G) "Work loss" means loss of income from work that the 2151  
injured person would have performed if the person had not been 2152  
injured and expenses reasonably incurred by the person to obtain 2153  
services in lieu of those the person would have performed for 2154  
income, reduced by any income from substitute work actually 2155  
performed by the person, or by income the person would have 2156  
earned in available appropriate substitute work that the person 2157  
was capable of performing but unreasonably failed to undertake. 2158

(H) "Replacement services loss" means expenses reasonably 2159  
incurred in obtaining ordinary and necessary services in lieu of 2160  
those the injured person would have performed, not for income, 2161  
but for the benefit of the person's self or family, if the 2162  
person had not been injured. 2163

(I) "Dependent's economic loss" means loss after a 2164

victim's death of contributions of things of economic value to 2165  
the victim's dependents, not including services they would have 2166  
received from the victim if the victim had not suffered the 2167  
fatal injury, less expenses of the dependents avoided by reason 2168  
of the victim's death. If a minor child of a victim is adopted 2169  
after the victim's death, the minor child continues after the 2170  
adoption to incur a dependent's economic loss as a result of the 2171  
victim's death. If the surviving spouse of a victim remarries, 2172  
the surviving spouse continues after the remarriage to incur a 2173  
dependent's economic loss as a result of the victim's death. 2174

(J) "Dependent's replacement services loss" means loss 2175  
reasonably incurred by dependents after a victim's death in 2176  
obtaining ordinary and necessary services in lieu of those the 2177  
victim would have performed for their benefit if the victim had 2178  
not suffered the fatal injury, less expenses of the dependents 2179  
avoided by reason of the victim's death and not subtracted in 2180  
calculating the dependent's economic loss. If a minor child of a 2181  
victim is adopted after the victim's death, the minor child 2182  
continues after the adoption to incur a dependent's replacement 2183  
services loss as a result of the victim's death. If the 2184  
surviving spouse of a victim remarries, the surviving spouse 2185  
continues after the remarriage to incur a dependent's 2186  
replacement services loss as a result of the victim's death. 2187

(K) "Noneconomic detriment" means pain, suffering, 2188  
inconvenience, physical impairment, or other nonpecuniary 2189  
damage. 2190

(L) "Victim" means a person who suffers personal injury or 2191  
death as a result of any of the following: 2192

(1) Criminally injurious conduct; 2193

(2) The good faith effort of any person to prevent	2194
criminally injurious conduct;	2195
(3) The good faith effort of any person to apprehend a	2196
person suspected of engaging in criminally injurious conduct.	2197
(M) "Contributory misconduct" means any conduct of the	2198
claimant or of the victim through whom the claimant claims an	2199
award of reparations that is unlawful or intentionally tortious	2200
and that, without regard to the conduct's proximity in time or	2201
space to the criminally injurious conduct, has a causal	2202
relationship to the criminally injurious conduct that is the	2203
basis of the claim.	2204
(N) (1) "Funeral expense" means any reasonable charges that	2205
are not in excess of seven thousand five hundred dollars per	2206
funeral and that are incurred for expenses directly related to a	2207
victim's funeral, cremation, or burial and any wages lost or	2208
travel expenses incurred by a family member of a victim in order	2209
to attend the victim's funeral, cremation, or burial.	2210
(2) An award for funeral expenses shall be applied first	2211
to expenses directly related to the victim's funeral, cremation,	2212
or burial. An award for wages lost or travel expenses incurred	2213
by a family member of the victim shall not exceed five hundred	2214
dollars for each family member and shall not exceed in the	2215
aggregate the difference between seven thousand five hundred	2216
dollars and expenses that are reimbursed by the program and that	2217
are directly related to the victim's funeral, cremation, or	2218
burial.	2219
(O) "Unemployment benefits loss" means a loss of	2220
unemployment benefits pursuant to Chapter 4141. of the Revised	2221
Code when the loss arises solely from the inability of a victim	2222

to meet the able to work, available for suitable work, or the 2223  
actively seeking suitable work requirements of division (A) (4) 2224  
(a) of section 4141.29 of the Revised Code. 2225

(P) "OVI violation" means any of the following: 2226

(1) A violation of section 4511.19 of the Revised Code, of 2227  
any municipal ordinance prohibiting the operation of a vehicle 2228  
while under the influence of alcohol, a drug of abuse, or a 2229  
combination of them, or of any municipal ordinance prohibiting 2230  
the operation of a vehicle with a prohibited concentration of 2231  
alcohol, a controlled substance, or a metabolite of a controlled 2232  
substance in the whole blood, blood serum or plasma, breath, or 2233  
urine; 2234

(2) A violation of division (A) (1) of section 2903.06 of 2235  
the Revised Code; 2236

(3) A violation of division (A) (2), (3), or (4) of section 2237  
2903.06 of the Revised Code or of a municipal ordinance 2238  
substantially similar to any of those divisions, if the offender 2239  
was under the influence of alcohol, a drug of abuse, or a 2240  
combination of them, at the time of the commission of the 2241  
offense; 2242

(4) For purposes of any person described in division (A) 2243  
(2) of this section, a violation of any law of the state, 2244  
district, territory, or foreign country in which the criminally 2245  
injurious conduct occurred, if that law is substantially similar 2246  
to a violation described in division (P) (1) or (2) of this 2247  
section or if that law is substantially similar to a violation 2248  
described in division (P) (3) of this section and the offender 2249  
was under the influence of alcohol, a drug of abuse, or a 2250  
combination of them, at the time of the commission of the 2251

offense. 2252

(Q) "Pendency of the claim" for an original reparations 2253  
application or supplemental reparations application means the 2254  
period of time from the date the criminally injurious conduct 2255  
upon which the application is based occurred until the date a 2256  
final decision, order, or judgment concerning that original 2257  
reparations application or supplemental reparations application 2258  
is issued. 2259

(R) "Terrorism" means any activity to which all of the 2260  
following apply: 2261

(1) The activity involves a violent act or an act that is 2262  
dangerous to human life. 2263

(2) The act described in division (R)(1) of this section 2264  
is committed within the territorial jurisdiction of the United 2265  
States and is a violation of the criminal laws of the United 2266  
States, this state, or any other state or the act described in 2267  
division (R)(1) of this section is committed outside the 2268  
territorial jurisdiction of the United States and would be a 2269  
violation of the criminal laws of the United States, this state, 2270  
or any other state if committed within the territorial 2271  
jurisdiction of the United States. 2272

(3) The activity appears to be intended to do any of the 2273  
following: 2274

(a) Intimidate or coerce a civilian population; 2275

(b) Influence the policy of any government by intimidation 2276  
or coercion; 2277

(c) Affect the conduct of any government by assassination 2278  
or kidnapping. 2279

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

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

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

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

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

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

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

(W) "Immediate family member" means an individual who

resided in the same permanent household as a victim at the time 2309  
of the criminally injurious conduct and who is related to the 2310  
victim by affinity or consanguinity. 2311

(X) "Family member" means an individual who is related to 2312  
a victim by affinity or consanguinity. 2313

**Sec. 2901.02.** As used in the Revised Code: 2314

(A) Offenses include aggravated murder, murder, felonies 2315  
of the first, second, third, fourth, and fifth degree, 2316  
misdemeanors of the first, second, third, and fourth degree, 2317  
minor misdemeanors, and offenses not specifically classified. 2318

~~(B) Aggravated murder when the indictment or the count in 2319  
the indictment charging aggravated murder contains one or more 2320  
specifications of aggravating circumstances listed in division 2321  
(A) of section 2929.04 of Revised Code, and any other offense 2322  
for which death may be imposed as a penalty, is a capital 2323  
offense. 2324~~

~~(C) Aggravated murder and murder are felonies. 2325~~

~~(D) (C) Regardless of the penalty that may be imposed, any 2326  
offense specifically classified as a felony is a felony, and any 2327  
offense specifically classified as a misdemeanor is a 2328  
misdemeanor. 2329~~

~~(E) (D) Any offense not specifically classified is a 2330  
felony if imprisonment for more than one year may be imposed as 2331  
a penalty. 2332~~

~~(F) (E) Any offense not specifically classified is a 2333  
misdemeanor if imprisonment for not more than one year may be 2334  
imposed as a penalty. 2335~~

~~(G) (F) Any offense not specifically classified is a minor 2336~~

misdemeanor if the only penalty that may be imposed is one of 2337  
the following: 2338

(1) For an offense committed prior to January 1, 2004, a 2339  
fine not exceeding one hundred dollars; 2340

(2) For an offense committed on or after January 1, 2004, 2341  
a fine not exceeding one hundred fifty dollars, community 2342  
service under division (D) of section 2929.27 of the Revised 2343  
Code, or a financial sanction other than a fine under section 2344  
2929.28 of the Revised Code. 2345

**Sec. 2909.24.** (A) No person shall commit a specified 2346  
offense with purpose to do any of the following: 2347

(1) Intimidate or coerce a civilian population; 2348

(2) Influence the policy of any government by intimidation 2349  
or coercion; 2350

(3) Affect the conduct of any government by the specified 2351  
offense. 2352

(B) (1) Whoever violates this section is guilty of 2353  
terrorism. 2354

(2) Except as otherwise provided in divisions (B) (3) and 2355  
(4) of this section, terrorism is an offense one degree higher 2356  
than the most serious underlying specified offense the defendant 2357  
committed. 2358

(3) If the most serious underlying specified offense the 2359  
defendant committed is a felony of the first degree or murder, 2360  
the person shall be sentenced to life imprisonment without 2361  
parole. 2362

(4) If the most serious underlying specified offense the 2363

defendant committed is aggravated murder, the offender shall be 2364  
sentenced to life imprisonment without parole ~~or death pursuant to~~ 2365  
~~to sections 2929.02 to 2929.06 of the Revised Code.~~ 2366

(5) Section 2909.25 of the Revised Code applies regarding 2367  
an offender who is convicted of or pleads guilty to a violation 2368  
of this section. 2369

**Sec. 2929.02.** (A) ~~Whoever~~ Except as otherwise provided in 2370  
division (C) of this section, whoever is convicted of or pleads 2371  
guilty to aggravated murder in violation of section 2903.01 of 2372  
the Revised Code shall ~~suffer death or be imprisoned for life,~~ 2373  
~~as determined pursuant to sections 2929.022, 2929.03, and~~ 2374  
~~2929.04 of the Revised Code, except that no person who raises~~ 2375  
~~the matter of age pursuant to section 2929.023 of the Revised~~ 2376  
~~Code and who is not found to have been eighteen years of age or~~ 2377  
~~older at the time of the commission of the offense shall suffer~~ 2378  
~~death. In addition, the offender may be fined an amount fixed by~~ 2379  
~~the court, but not more than twenty five thousand dollars~~ 2380  
sentenced to life imprisonment with parole eligibility after 2381  
serving twenty full years of imprisonment, life imprisonment 2382  
with parole eligibility after serving thirty full years of 2383  
imprisonment, or life imprisonment without parole. 2384

(B) ~~(1)~~ Except as otherwise provided in division ~~(B) (2) or~~ 2385  
~~(3)~~ (C) of this section, whoever is convicted of or pleads 2386  
guilty to murder in violation of section 2903.02 of the Revised 2387  
Code shall be imprisoned for an indefinite term of fifteen years 2388  
to life. 2389

~~(2)~~ (C) (1) Except as otherwise provided in division ~~(B) (3)~~ 2390  
(C) (2) of this section, if a person is convicted of or pleads 2391  
guilty to aggravated murder in violation of section 2903.01 of 2392  
the Revised Code or to murder in violation of section 2903.02 of 2393

the Revised Code, the victim of the offense was less than 2394  
thirteen years of age, and the offender also is convicted of or 2395  
pleads guilty to a sexual motivation specification that was 2396  
included in the indictment, count in the indictment, or 2397  
information charging the offense, the court shall impose an 2398  
indefinite prison term of thirty years to life pursuant to 2399  
division (B) (3) of section 2971.03 of the Revised Code. 2400

~~(3)~~ (2) If a person is convicted of or pleads guilty to 2401  
aggravated murder in violation of section 2903.01 of the Revised 2402  
Code or to murder in violation of section 2903.02 of the Revised 2403  
Code and also is convicted of or pleads guilty to a sexual 2404  
motivation specification and a sexually violent predator 2405  
specification that were included in the indictment, count in the 2406  
indictment, or information that charged the murder, the court 2407  
shall impose upon the offender a term of life imprisonment 2408  
without parole that shall be served pursuant to section 2971.03 2409  
of the Revised Code. 2410

~~(4)~~ (D) In addition to the prison term imposed under this 2411  
section, the offender may be fined an amount fixed by the court, 2412  
but not more than twenty-five thousand dollars for aggravated 2413  
murder or fifteen thousand dollars for murder. 2414

~~(C)~~ (E) The court shall not impose a fine or fines for 2415  
aggravated murder or murder ~~which that~~, in the aggregate and to 2416  
the extent not suspended by the court, exceeds the amount ~~which~~ 2417  
that the offender is or will be able to pay by the method and 2418  
within the time allowed without undue hardship to the offender 2419  
or to the dependents of the offender, or will prevent the 2420  
offender from making reparation for the victim's wrongful death. 2421

~~(D)~~ (F) (1) In addition to any other sanctions imposed for a 2422  
violation of section 2903.01 or 2903.02 of the Revised Code, if 2423

the offender used a motor vehicle as the means to commit the 2424  
violation, the court shall impose upon the offender a class two 2425  
suspension of the offender's driver's license, commercial 2426  
driver's license, temporary instruction permit, probationary 2427  
license, or nonresident operating privilege as specified in 2428  
division (A) (2) of section 4510.02 of the Revised Code. 2429

(2) As used in division ~~(D)~~(F) of this section, "motor 2430  
vehicle" has the same meaning as in section 4501.01 of the 2431  
Revised Code. 2432

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 2433  
or (G) of this section and unless a specific sanction is 2434  
required to be imposed or is precluded from being imposed 2435  
pursuant to law, a court that imposes a sentence upon an 2436  
offender for a felony may impose any sanction or combination of 2437  
sanctions on the offender that are provided in sections 2929.14 2438  
to 2929.18 of the Revised Code. 2439

If the offender is eligible to be sentenced to community 2440  
control sanctions, the court shall consider the appropriateness 2441  
of imposing a financial sanction pursuant to section 2929.18 of 2442  
the Revised Code or a sanction of community service pursuant to 2443  
section 2929.17 of the Revised Code as the sole sanction for the 2444  
offense. Except as otherwise provided in this division, if the 2445  
court is required to impose a mandatory prison term for the 2446  
offense for which sentence is being imposed, the court also 2447  
shall impose any financial sanction pursuant to section 2929.18 2448  
of the Revised Code that is required for the offense and may 2449  
impose any other financial sanction pursuant to that section but 2450  
may not impose any additional sanction or combination of 2451  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 2452

If the offender is being sentenced for a fourth degree 2453

felony OVI offense or for a third degree felony OVI offense, in 2454  
addition to the mandatory term of local incarceration or the 2455  
mandatory prison term required for the offense by division (G) 2456  
(1) or (2) of this section, the court shall impose upon the 2457  
offender a mandatory fine in accordance with division (B) (3) of 2458  
section 2929.18 of the Revised Code and may impose whichever of 2459  
the following is applicable: 2460

(1) For a fourth degree felony OVI offense for which 2461  
sentence is imposed under division (G) (1) of this section, an 2462  
additional community control sanction or combination of 2463  
community control sanctions under section 2929.16 or 2929.17 of 2464  
the Revised Code. If the court imposes upon the offender a 2465  
community control sanction and the offender violates any 2466  
condition of the community control sanction, the court may take 2467  
any action prescribed in division (B) of section 2929.15 of the 2468  
Revised Code relative to the offender, including imposing a 2469  
prison term on the offender pursuant to that division. 2470

(2) For a third or fourth degree felony OVI offense for 2471  
which sentence is imposed under division (G) (2) of this section, 2472  
an additional prison term as described in division (B) (4) of 2473  
section 2929.14 of the Revised Code or a community control 2474  
sanction as described in division (G) (2) of this section. 2475

(B) (1) (a) Except as provided in division (B) (1) (b) of this 2476  
section, if an offender is convicted of or pleads guilty to a 2477  
felony of the fourth or fifth degree that is not an offense of 2478  
violence or that is a qualifying assault offense, the court 2479  
shall sentence the offender to a community control sanction of 2480  
at least one year's duration if all of the following apply: 2481

(i) The offender previously has not been convicted of or 2482  
pleaded guilty to a felony offense. 2483

- (ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree. 2484  
2485
- (iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court. 2486  
2487  
2488  
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2491  
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- (iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed. 2493  
2494  
2495  
2496
- (b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply: 2497  
2498  
2499  
2500  
2501
- (i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control. 2502  
2503  
2504
- (ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense. 2505  
2506  
2507  
2508  
2509
- (iii) The offender violated a term of the conditions of bond as set by the court. 2510  
2511
- (iv) The court made a request of the department of 2512

rehabilitation and correction pursuant to division (B)(1)(c) of 2513  
this section, and the department, within the forty-five-day 2514  
period specified in that division, did not provide the court 2515  
with the name of, contact information for, and program details 2516  
of any community control sanction of at least one year's 2517  
duration that is available for persons sentenced by the court. 2518

(v) The offense is a sex offense that is a fourth or fifth 2519  
degree felony violation of any provision of Chapter 2907. of the 2520  
Revised Code. 2521

(vi) In committing the offense, the offender attempted to 2522  
cause or made an actual threat of physical harm to a person with 2523  
a deadly weapon. 2524

(vii) In committing the offense, the offender attempted to 2525  
cause or made an actual threat of physical harm to a person, and 2526  
the offender previously was convicted of an offense that caused 2527  
physical harm to a person. 2528

(viii) The offender held a public office or position of 2529  
trust, and the offense related to that office or position; the 2530  
offender's position obliged the offender to prevent the offense 2531  
or to bring those committing it to justice; or the offender's 2532  
professional reputation or position facilitated the offense or 2533  
was likely to influence the future conduct of others. 2534

(ix) The offender committed the offense for hire or as 2535  
part of an organized criminal activity. 2536

(x) The offender at the time of the offense was serving, 2537  
or the offender previously had served, a prison term. 2538

(xi) The offender committed the offense while under a 2539  
community control sanction, while on probation, or while 2540  
released from custody on a bond or personal recognizance. 2541

(c) If a court that is sentencing an offender who is 2542  
convicted of or pleads guilty to a felony of the fourth or fifth 2543  
degree that is not an offense of violence or that is a 2544  
qualifying assault offense believes that no community control 2545  
sanctions are available for its use that, if imposed on the 2546  
offender, will adequately fulfill the overriding principles and 2547  
purposes of sentencing, the court shall contact the department 2548  
of rehabilitation and correction and ask the department to 2549  
provide the court with the names of, contact information for, 2550  
and program details of one or more community control sanctions 2551  
of at least one year's duration that are available for persons 2552  
sentenced by the court. Not later than forty-five days after 2553  
receipt of a request from a court under this division, the 2554  
department shall provide the court with the names of, contact 2555  
information for, and program details of one or more community 2556  
control sanctions of at least one year's duration that are 2557  
available for persons sentenced by the court, if any. Upon 2558  
making a request under this division that relates to a 2559  
particular offender, a court shall defer sentencing of that 2560  
offender until it receives from the department the names of, 2561  
contact information for, and program details of one or more 2562  
community control sanctions of at least one year's duration that 2563  
are available for persons sentenced by the court or for forty- 2564  
five days, whichever is the earlier. 2565

If the department provides the court with the names of, 2566  
contact information for, and program details of one or more 2567  
community control sanctions of at least one year's duration that 2568  
are available for persons sentenced by the court within the 2569  
forty-five-day period specified in this division, the court 2570  
shall impose upon the offender a community control sanction 2571  
under division (B)(1)(a) of this section, except that the court 2572

may impose a prison term under division (B) (1) (b) of this 2573  
section if a factor described in division (B) (1) (b) (i) or (ii) 2574  
of this section applies. If the department does not provide the 2575  
court with the names of, contact information for, and program 2576  
details of one or more community control sanctions of at least 2577  
one year's duration that are available for persons sentenced by 2578  
the court within the forty-five-day period specified in this 2579  
division, the court may impose upon the offender a prison term 2580  
under division (B) (1) (b) (iv) of this section. 2581

(d) A sentencing court may impose an additional penalty 2582  
under division (B) of section 2929.15 of the Revised Code upon 2583  
an offender sentenced to a community control sanction under 2584  
division (B) (1) (a) of this section if the offender violates the 2585  
conditions of the community control sanction, violates a law, or 2586  
leaves the state without the permission of the court or the 2587  
offender's probation officer. 2588

(2) If division (B) (1) of this section does not apply, 2589  
except as provided in division (E), (F), or (G) of this section, 2590  
in determining whether to impose a prison term as a sanction for 2591  
a felony of the fourth or fifth degree, the sentencing court 2592  
shall comply with the purposes and principles of sentencing 2593  
under section 2929.11 of the Revised Code and with section 2594  
2929.12 of the Revised Code. 2595

(C) Except as provided in division (D), (E), (F), or (G) 2596  
of this section, in determining whether to impose a prison term 2597  
as a sanction for a felony of the third degree or a felony drug 2598  
offense that is a violation of a provision of Chapter 2925. of 2599  
the Revised Code and that is specified as being subject to this 2600  
division for purposes of sentencing, the sentencing court shall 2601  
comply with the purposes and principles of sentencing under 2602

section 2929.11 of the Revised Code and with section 2929.12 of 2603  
the Revised Code. 2604

(D) (1) Except as provided in division (E) or (F) of this 2605  
section, for a felony of the first or second degree, for a 2606  
felony drug offense that is a violation of any provision of 2607  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2608  
presumption in favor of a prison term is specified as being 2609  
applicable, and for a violation of division (A) (4) or (B) of 2610  
section 2907.05 of the Revised Code for which a presumption in 2611  
favor of a prison term is specified as being applicable, it is 2612  
presumed that a prison term is necessary in order to comply with 2613  
the purposes and principles of sentencing under section 2929.11 2614  
of the Revised Code. Division (D) (2) of this section does not 2615  
apply to a presumption established under this division for a 2616  
violation of division (A) (4) of section 2907.05 of the Revised 2617  
Code. 2618

(2) Notwithstanding the presumption established under 2619  
division (D) (1) of this section for the offenses listed in that 2620  
division other than a violation of division (A) (4) or (B) of 2621  
section 2907.05 of the Revised Code, the sentencing court may 2622  
impose a community control sanction or a combination of 2623  
community control sanctions instead of a prison term on an 2624  
offender for a felony of the first or second degree or for a 2625  
felony drug offense that is a violation of any provision of 2626  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 2627  
presumption in favor of a prison term is specified as being 2628  
applicable if it makes both of the following findings: 2629

(a) A community control sanction or a combination of 2630  
community control sanctions would adequately punish the offender 2631  
and protect the public from future crime, because the applicable 2632

factors under section 2929.12 of the Revised Code indicating a 2633  
lesser likelihood of recidivism outweigh the applicable factors 2634  
under that section indicating a greater likelihood of 2635  
recidivism. 2636

(b) A community control sanction or a combination of 2637  
community control sanctions would not demean the seriousness of 2638  
the offense, because one or more factors under section 2929.12 2639  
of the Revised Code that indicate that the offender's conduct 2640  
was less serious than conduct normally constituting the offense 2641  
are applicable, and they outweigh the applicable factors under 2642  
that section that indicate that the offender's conduct was more 2643  
serious than conduct normally constituting the offense. 2644

(E) (1) Except as provided in division (F) of this section, 2645  
for any drug offense that is a violation of any provision of 2646  
Chapter 2925. of the Revised Code and that is a felony of the 2647  
third, fourth, or fifth degree, the applicability of a 2648  
presumption under division (D) of this section in favor of a 2649  
prison term or of division (B) or (C) of this section in 2650  
determining whether to impose a prison term for the offense 2651  
shall be determined as specified in section 2925.02, 2925.03, 2652  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2653  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 2654  
regarding the violation. 2655

(2) If an offender who was convicted of or pleaded guilty 2656  
to a felony violates the conditions of a community control 2657  
sanction imposed for the offense solely by reason of producing 2658  
positive results on a drug test, the court, as punishment for 2659  
the violation of the sanction, shall not order that the offender 2660  
be imprisoned unless the court determines on the record either 2661  
of the following: 2662

(a) The offender had been ordered as a sanction for the 2663  
felony to participate in a drug treatment program, in a drug 2664  
education program, or in narcotics anonymous or a similar 2665  
program, and the offender continued to use illegal drugs after a 2666  
reasonable period of participation in the program. 2667

(b) The imprisonment of the offender for the violation is 2668  
consistent with the purposes and principles of sentencing set 2669  
forth in section 2929.11 of the Revised Code. 2670

(3) A court that sentences an offender for a drug abuse 2671  
offense that is a felony of the third, fourth, or fifth degree 2672  
may require that the offender be assessed by a properly 2673  
credentialed professional within a specified period of time. The 2674  
court shall require the professional to file a written 2675  
assessment of the offender with the court. If the offender is 2676  
eligible for a community control sanction and after considering 2677  
the written assessment, the court may impose a community control 2678  
sanction that includes treatment and recovery support services 2679  
authorized by section 3793.02 of the Revised Code. If the court 2680  
imposes treatment and recovery support services as a community 2681  
control sanction, the court shall direct the level and type of 2682  
treatment and recovery support services after considering the 2683  
assessment and recommendation of treatment and recovery support 2684  
services providers. 2685

(F) Notwithstanding divisions (A) to (E) of this section, 2686  
the court shall impose a prison term or terms under ~~sections~~ 2687  
section 2929.02 to 2929.06, ~~section 2929.14~~, ~~section 2929.142~~, 2688  
or ~~section 2971.03~~ of the Revised Code and except as 2689  
specifically provided in section 2929.20, divisions (C) to (I) 2690  
of section 2967.19, or section 2967.191 of the Revised Code or 2691  
when parole is authorized for the offense under section 2967.13 2692

of the Revised Code shall not reduce the term or terms pursuant 2693  
to section 2929.20, section 2967.19, section 2967.193, or any 2694  
other provision of Chapter 2967. or Chapter 5120. of the Revised 2695  
Code for any of the following offenses: 2696

(1) Aggravated murder ~~when death is not imposed~~ or murder; 2697

(2) Any rape, regardless of whether force was involved and 2698  
regardless of the age of the victim, or an attempt to commit 2699  
rape if, had the offender completed the rape that was attempted, 2700  
the offender would have been guilty of a violation of division 2701  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 2702  
sentenced under section 2971.03 of the Revised Code; 2703

(3) Gross sexual imposition or sexual battery, if the 2704  
victim is less than thirteen years of age and if any of the 2705  
following applies: 2706

(a) Regarding gross sexual imposition, the offender 2707  
previously was convicted of or pleaded guilty to rape, the 2708  
former offense of felonious sexual penetration, gross sexual 2709  
imposition, or sexual battery, and the victim of the previous 2710  
offense was less than thirteen years of age; 2711

(b) Regarding gross sexual imposition, the offense was 2712  
committed on or after August 3, 2006, and evidence other than 2713  
the testimony of the victim was admitted in the case 2714  
corroborating the violation. 2715

(c) Regarding sexual battery, either of the following 2716  
applies: 2717

(i) The offense was committed prior to August 3, 2006, the 2718  
offender previously was convicted of or pleaded guilty to rape, 2719  
the former offense of felonious sexual penetration, or sexual 2720  
battery, and the victim of the previous offense was less than 2721

thirteen years of age. 2722

(ii) The offense was committed on or after August 3, 2006. 2723

(4) A felony violation of section 2903.04, 2903.06, 2724  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the 2725  
Revised Code if the section requires the imposition of a prison 2726  
term; 2727

(5) A first, second, or third degree felony drug offense 2728  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2729  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 2730  
or 4729.99 of the Revised Code, whichever is applicable 2731  
regarding the violation, requires the imposition of a mandatory 2732  
prison term; 2733

(6) Any offense that is a first or second degree felony 2734  
and that is not set forth in division (F)(1), (2), (3), or (4) 2735  
of this section, if the offender previously was convicted of or 2736  
pleaded guilty to aggravated murder, murder, any first or second 2737  
degree felony, or an offense under an existing or former law of 2738  
this state, another state, or the United States that is or was 2739  
substantially equivalent to one of those offenses; 2740

(7) Any offense that is a third degree felony and either 2741  
is a violation of section 2903.04 of the Revised Code or an 2742  
attempt to commit a felony of the second degree that is an 2743  
offense of violence and involved an attempt to cause serious 2744  
physical harm to a person or that resulted in serious physical 2745  
harm to a person if the offender previously was convicted of or 2746  
pleaded guilty to any of the following offenses: 2747

(a) Aggravated murder, murder, involuntary manslaughter, 2748  
rape, felonious sexual penetration as it existed under section 2749  
2907.12 of the Revised Code prior to September 3, 1996, a felony 2750

of the first or second degree that resulted in the death of a 2751  
person or in physical harm to a person, or complicity in or an 2752  
attempt to commit any of those offenses; 2753

(b) An offense under an existing or former law of this 2754  
state, another state, or the United States that is or was 2755  
substantially equivalent to an offense listed in division (F) (7) 2756  
(a) of this section that resulted in the death of a person or in 2757  
physical harm to a person. 2758

(8) Any offense, other than a violation of section 2923.12 2759  
of the Revised Code, that is a felony, if the offender had a 2760  
firearm on or about the offender's person or under the 2761  
offender's control while committing the felony, with respect to 2762  
a portion of the sentence imposed pursuant to division (B) (1) (a) 2763  
of section 2929.14 of the Revised Code for having the firearm; 2764

(9) Any offense of violence that is a felony, if the 2765  
offender wore or carried body armor while committing the felony 2766  
offense of violence, with respect to the portion of the sentence 2767  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 2768  
Revised Code for wearing or carrying the body armor; 2769

(10) Corrupt activity in violation of section 2923.32 of 2770  
the Revised Code when the most serious offense in the pattern of 2771  
corrupt activity that is the basis of the offense is a felony of 2772  
the first degree; 2773

(11) Any violent sex offense or designated homicide, 2774  
assault, or kidnapping offense if, in relation to that offense, 2775  
the offender is adjudicated a sexually violent predator; 2776

(12) A violation of division (A) (1) or (2) of section 2777  
2921.36 of the Revised Code, or a violation of division (C) of 2778  
that section involving an item listed in division (A) (1) or (2) 2779

of that section, if the offender is an officer or employee of 2780  
the department of rehabilitation and correction; 2781

(13) A violation of division (A) (1) or (2) of section 2782  
2903.06 of the Revised Code if the victim of the offense is a 2783  
peace officer, as defined in section 2935.01 of the Revised 2784  
Code, or an investigator of the bureau of criminal 2785  
identification and investigation, as defined in section 2903.11 2786  
of the Revised Code, with respect to the portion of the sentence 2787  
imposed pursuant to division (B) (5) of section 2929.14 of the 2788  
Revised Code; 2789

(14) A violation of division (A) (1) or (2) of section 2790  
2903.06 of the Revised Code if the offender has been convicted 2791  
of or pleaded guilty to three or more violations of division (A) 2792  
or (B) of section 4511.19 of the Revised Code or an equivalent 2793  
offense, as defined in section 2941.1415 of the Revised Code, or 2794  
three or more violations of any combination of those divisions 2795  
and offenses, with respect to the portion of the sentence 2796  
imposed pursuant to division (B) (6) of section 2929.14 of the 2797  
Revised Code; 2798

(15) Kidnapping, in the circumstances specified in section 2799  
2971.03 of the Revised Code and when no other provision of 2800  
division (F) of this section applies; 2801

(16) Kidnapping, abduction, compelling prostitution, 2802  
promoting prostitution, engaging in a pattern of corrupt 2803  
activity, illegal use of a minor in a nudity-oriented material 2804  
or performance in violation of division (A) (1) or (2) of section 2805  
2907.323 of the Revised Code, or endangering children in 2806  
violation of division (B) (1), (2), (3), (4), or (5) of section 2807  
2919.22 of the Revised Code, if the offender is convicted of or 2808  
pleads guilty to a specification as described in section 2809

2941.1422 of the Revised Code that was included in the 2810  
indictment, count in the indictment, or information charging the 2811  
offense; 2812

(17) A felony violation of division (A) or (B) of section 2813  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 2814  
that section, and division (D) (6) of that section, require the 2815  
imposition of a prison term; 2816

(18) A felony violation of section 2903.11, 2903.12, or 2817  
2903.13 of the Revised Code, if the victim of the offense was a 2818  
woman that the offender knew was pregnant at the time of the 2819  
violation, with respect to a portion of the sentence imposed 2820  
pursuant to division (B) (8) of section 2929.14 of the Revised 2821  
Code. 2822

(G) Notwithstanding divisions (A) to (E) of this section, 2823  
if an offender is being sentenced for a fourth degree felony OVI 2824  
offense or for a third degree felony OVI offense, the court 2825  
shall impose upon the offender a mandatory term of local 2826  
incarceration or a mandatory prison term in accordance with the 2827  
following: 2828

(1) If the offender is being sentenced for a fourth degree 2829  
felony OVI offense and if the offender has not been convicted of 2830  
and has not pleaded guilty to a specification of the type 2831  
described in section 2941.1413 of the Revised Code, the court 2832  
may impose upon the offender a mandatory term of local 2833  
incarceration of sixty days or one hundred twenty days as 2834  
specified in division (G) (1) (d) of section 4511.19 of the 2835  
Revised Code. The court shall not reduce the term pursuant to 2836  
section 2929.20, 2967.193, or any other provision of the Revised 2837  
Code. The court that imposes a mandatory term of local 2838  
incarceration under this division shall specify whether the term 2839

is to be served in a jail, a community-based correctional 2840  
facility, a halfway house, or an alternative residential 2841  
facility, and the offender shall serve the term in the type of 2842  
facility specified by the court. A mandatory term of local 2843  
incarceration imposed under division (G)(1) of this section is 2844  
not subject to any other Revised Code provision that pertains to 2845  
a prison term except as provided in division (A)(1) of this 2846  
section. 2847

(2) If the offender is being sentenced for a third degree 2848  
felony OVI offense, or if the offender is being sentenced for a 2849  
fourth degree felony OVI offense and the court does not impose a 2850  
mandatory term of local incarceration under division (G)(1) of 2851  
this section, the court shall impose upon the offender a 2852  
mandatory prison term of one, two, three, four, or five years if 2853  
the offender also is convicted of or also pleads guilty to a 2854  
specification of the type described in section 2941.1413 of the 2855  
Revised Code or shall impose upon the offender a mandatory 2856  
prison term of sixty days or one hundred twenty days as 2857  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 2858  
Revised Code if the offender has not been convicted of and has 2859  
not pleaded guilty to a specification of that type. Subject to 2860  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 2861  
court shall not reduce the term pursuant to section 2929.20, 2862  
2967.19, 2967.193, or any other provision of the Revised Code. 2863  
The offender shall serve the one-, two-, three-, four-, or five- 2864  
year mandatory prison term consecutively to and prior to the 2865  
prison term imposed for the underlying offense and consecutively 2866  
to any other mandatory prison term imposed in relation to the 2867  
offense. In no case shall an offender who once has been 2868  
sentenced to a mandatory term of local incarceration pursuant to 2869  
division (G)(1) of this section for a fourth degree felony OVI 2870

offense be sentenced to another mandatory term of local 2871  
incarceration under that division for any violation of division 2872  
(A) of section 4511.19 of the Revised Code. In addition to the 2873  
mandatory prison term described in division (G) (2) of this 2874  
section, the court may sentence the offender to a community 2875  
control sanction under section 2929.16 or 2929.17 of the Revised 2876  
Code, but the offender shall serve the prison term prior to 2877  
serving the community control sanction. The department of 2878  
rehabilitation and correction may place an offender sentenced to 2879  
a mandatory prison term under this division in an intensive 2880  
program prison established pursuant to section 5120.033 of the 2881  
Revised Code if the department gave the sentencing judge prior 2882  
notice of its intent to place the offender in an intensive 2883  
program prison established under that section and if the judge 2884  
did not notify the department that the judge disapproved the 2885  
placement. Upon the establishment of the initial intensive 2886  
program prison pursuant to section 5120.033 of the Revised Code 2887  
that is privately operated and managed by a contractor pursuant 2888  
to a contract entered into under section 9.06 of the Revised 2889  
Code, both of the following apply: 2890

(a) The department of rehabilitation and correction shall 2891  
make a reasonable effort to ensure that a sufficient number of 2892  
offenders sentenced to a mandatory prison term under this 2893  
division are placed in the privately operated and managed prison 2894  
so that the privately operated and managed prison has full 2895  
occupancy. 2896

(b) Unless the privately operated and managed prison has 2897  
full occupancy, the department of rehabilitation and correction 2898  
shall not place any offender sentenced to a mandatory prison 2899  
term under this division in any intensive program prison 2900  
established pursuant to section 5120.033 of the Revised Code 2901

other than the privately operated and managed prison. 2902

(H) If an offender is being sentenced for a sexually 2903  
oriented offense or child-victim oriented offense that is a 2904  
felony committed on or after January 1, 1997, the judge shall 2905  
require the offender to submit to a DNA specimen collection 2906  
procedure pursuant to section 2901.07 of the Revised Code. 2907

(I) If an offender is being sentenced for a sexually 2908  
oriented offense or a child-victim oriented offense committed on 2909  
or after January 1, 1997, the judge shall include in the 2910  
sentence a summary of the offender's duties imposed under 2911  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2912  
Code and the duration of the duties. The judge shall inform the 2913  
offender, at the time of sentencing, of those duties and of 2914  
their duration. If required under division (A) (2) of section 2915  
2950.03 of the Revised Code, the judge shall perform the duties 2916  
specified in that section, or, if required under division (A) (6) 2917  
of section 2950.03 of the Revised Code, the judge shall perform 2918  
the duties specified in that division. 2919

(J) (1) Except as provided in division (J) (2) of this 2920  
section, when considering sentencing factors under this section 2921  
in relation to an offender who is convicted of or pleads guilty 2922  
to an attempt to commit an offense in violation of section 2923  
2923.02 of the Revised Code, the sentencing court shall consider 2924  
the factors applicable to the felony category of the violation 2925  
of section 2923.02 of the Revised Code instead of the factors 2926  
applicable to the felony category of the offense attempted. 2927

(2) When considering sentencing factors under this section 2928  
in relation to an offender who is convicted of or pleads guilty 2929  
to an attempt to commit a drug abuse offense for which the 2930  
penalty is determined by the amount or number of unit doses of 2931

the controlled substance involved in the drug abuse offense, the 2932  
sentencing court shall consider the factors applicable to the 2933  
felony category that the drug abuse offense attempted would be 2934  
if that drug abuse offense had been committed and had involved 2935  
an amount or number of unit doses of the controlled substance 2936  
that is within the next lower range of controlled substance 2937  
amounts than was involved in the attempt. 2938

(K) As used in this section: 2939

(1) "Drug abuse offense" has the same meaning as in 2940  
section 2925.01 of the Revised Code. 2941

(2) "Qualifying assault offense" means a violation of 2942  
section 2903.13 of the Revised Code for which the penalty 2943  
provision in division (C) (8) (b) or (C) (9) (b) of that section 2944  
applies. 2945

(L) At the time of sentencing an offender for any sexually 2946  
oriented offense, if the offender is a tier III sex 2947  
offender/child-victim offender relative to that offense and the 2948  
offender does not serve a prison term or jail term, the court 2949  
may require that the offender be monitored by means of a global 2950  
positioning device. If the court requires such monitoring, the 2951  
cost of monitoring shall be borne by the offender. If the 2952  
offender is indigent, the cost of compliance shall be paid by 2953  
the crime victims reparations fund. 2954

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 2955  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 2956  
(G), (H), or (J) of this section or in division (D) (6) of 2957  
section 2919.25 of the Revised Code and except in relation to an 2958  
offense for which a sentence of ~~death or~~ life imprisonment is to 2959  
be imposed, if the court imposing a sentence upon an offender 2960

for a felony elects or is required to impose a prison term on 2961  
the offender pursuant to this chapter, the court shall impose a 2962  
definite prison term that shall be one of the following: 2963

(1) For a felony of the first degree, the prison term 2964  
shall be three, four, five, six, seven, eight, nine, ten, or 2965  
eleven years. 2966

(2) For a felony of the second degree, the prison term 2967  
shall be two, three, four, five, six, seven, or eight years. 2968

(3) (a) For a felony of the third degree that is a 2969  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 2970  
2907.05 of the Revised Code or that is a violation of section 2971  
2911.02 or 2911.12 of the Revised Code if the offender 2972  
previously has been convicted of or pleaded guilty in two or 2973  
more separate proceedings to two or more violations of section 2974  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 2975  
prison term shall be twelve, eighteen, twenty-four, thirty, 2976  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 2977

(b) For a felony of the third degree that is not an 2978  
offense for which division (A) (3) (a) of this section applies, 2979  
the prison term shall be nine, twelve, eighteen, twenty-four, 2980  
thirty, or thirty-six months. 2981

(4) For a felony of the fourth degree, the prison term 2982  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2983  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2984

(5) For a felony of the fifth degree, the prison term 2985  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2986

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2987  
section, if an offender who is convicted of or pleads guilty to 2988  
a felony also is convicted of or pleads guilty to a 2989

specification of the type described in section 2941.141, 2990  
2941.144, or 2941.145 of the Revised Code, the court shall 2991  
impose on the offender one of the following prison terms: 2992

(i) A prison term of six years if the specification is of 2993  
the type described in section 2941.144 of the Revised Code that 2994  
charges the offender with having a firearm that is an automatic 2995  
firearm or that was equipped with a firearm muffler or silencer 2996  
on or about the offender's person or under the offender's 2997  
control while committing the felony; 2998

(ii) A prison term of three years if the specification is 2999  
of the type described in section 2941.145 of the Revised Code 3000  
that charges the offender with having a firearm on or about the 3001  
offender's person or under the offender's control while 3002  
committing the offense and displaying the firearm, brandishing 3003  
the firearm, indicating that the offender possessed the firearm, 3004  
or using it to facilitate the offense; 3005

(iii) A prison term of one year if the specification is of 3006  
the type described in section 2941.141 of the Revised Code that 3007  
charges the offender with having a firearm on or about the 3008  
offender's person or under the offender's control while 3009  
committing the felony. 3010

(b) If a court imposes a prison term on an offender under 3011  
division (B) (1) (a) of this section, the prison term shall not be 3012  
reduced pursuant to section 2967.19, section 2929.20, section 3013  
2967.193, or any other provision of Chapter 2967. or Chapter 3014  
5120. of the Revised Code. Except as provided in division (B) (1) 3015  
(g) of this section, a court shall not impose more than one 3016  
prison term on an offender under division (B) (1) (a) of this 3017  
section for felonies committed as part of the same act or 3018  
transaction. 3019

(c) Except as provided in division (B) (1) (e) of this 3020  
section, if an offender who is convicted of or pleads guilty to 3021  
a violation of section 2923.161 of the Revised Code or to a 3022  
felony that includes, as an essential element, purposely or 3023  
knowingly causing or attempting to cause the death of or 3024  
physical harm to another, also is convicted of or pleads guilty 3025  
to a specification of the type described in section 2941.146 of 3026  
the Revised Code that charges the offender with committing the 3027  
offense by discharging a firearm from a motor vehicle other than 3028  
a manufactured home, the court, after imposing a prison term on 3029  
the offender for the violation of section 2923.161 of the 3030  
Revised Code or for the other felony offense under division (A), 3031  
(B) (2), or (B) (3) of this section, shall impose an additional 3032  
prison term of five years upon the offender that shall not be 3033  
reduced pursuant to section 2929.20, section 2967.19, section 3034  
2967.193, or any other provision of Chapter 2967. or Chapter 3035  
5120. of the Revised Code. A court shall not impose more than 3036  
one additional prison term on an offender under division (B) (1) 3037  
(c) of this section for felonies committed as part of the same 3038  
act or transaction. If a court imposes an additional prison term 3039  
on an offender under division (B) (1) (c) of this section relative 3040  
to an offense, the court also shall impose a prison term under 3041  
division (B) (1) (a) of this section relative to the same offense, 3042  
provided the criteria specified in that division for imposing an 3043  
additional prison term are satisfied relative to the offender 3044  
and the offense. 3045

(d) If an offender who is convicted of or pleads guilty to 3046  
an offense of violence that is a felony also is convicted of or 3047  
pleads guilty to a specification of the type described in 3048  
section 2941.1411 of the Revised Code that charges the offender 3049  
with wearing or carrying body armor while committing the felony 3050

offense of violence, the court shall impose on the offender a 3051  
prison term of two years. The prison term so imposed, subject to 3052  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3053  
shall not be reduced pursuant to section 2929.20, section 3054  
2967.19, section 2967.193, or any other provision of Chapter 3055  
2967. or Chapter 5120. of the Revised Code. A court shall not 3056  
impose more than one prison term on an offender under division 3057  
(B) (1) (d) of this section for felonies committed as part of the 3058  
same act or transaction. If a court imposes an additional prison 3059  
term under division (B) (1) (a) or (c) of this section, the court 3060  
is not precluded from imposing an additional prison term under 3061  
division (B) (1) (d) of this section. 3062

(e) The court shall not impose any of the prison terms 3063  
described in division (B) (1) (a) of this section or any of the 3064  
additional prison terms described in division (B) (1) (c) of this 3065  
section upon an offender for a violation of section 2923.12 or 3066  
2923.123 of the Revised Code. The court shall not impose any of 3067  
the prison terms described in division (B) (1) (a) or (b) of this 3068  
section upon an offender for a violation of section 2923.122 3069  
that involves a deadly weapon that is a firearm other than a 3070  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3071  
Revised Code. The court shall not impose any of the prison terms 3072  
described in division (B) (1) (a) of this section or any of the 3073  
additional prison terms described in division (B) (1) (c) of this 3074  
section upon an offender for a violation of section 2923.13 of 3075  
the Revised Code unless all of the following apply: 3076

(i) The offender previously has been convicted of 3077  
aggravated murder, murder, or any felony of the first or second 3078  
degree. 3079

(ii) Less than five years have passed since the offender 3080

was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B) (1) (f)

of this section relative to an offense, the court shall not 3112  
impose a prison term under division (B) (1) (a) or (c) of this 3113  
section relative to the same offense. 3114

(g) If an offender is convicted of or pleads guilty to two 3115  
or more felonies, if one or more of those felonies are 3116  
aggravated murder, murder, attempted aggravated murder, 3117  
attempted murder, aggravated robbery, felonious assault, or 3118  
rape, and if the offender is convicted of or pleads guilty to a 3119  
specification of the type described under division (B) (1) (a) of 3120  
this section in connection with two or more of the felonies, the 3121  
sentencing court shall impose on the offender the prison term 3122  
specified under division (B) (1) (a) of this section for each of 3123  
the two most serious specifications of which the offender is 3124  
convicted or to which the offender pleads guilty and, in its 3125  
discretion, also may impose on the offender the prison term 3126  
specified under that division for any or all of the remaining 3127  
specifications. 3128

(2) (a) If division (B) (2) (b) of this section does not 3129  
apply, the court may impose on an offender, in addition to the 3130  
longest prison term authorized or required for the offense, an 3131  
additional definite prison term of one, two, three, four, five, 3132  
six, seven, eight, nine, or ten years if all of the following 3133  
criteria are met: 3134

(i) The offender is convicted of or pleads guilty to a 3135  
specification of the type described in section 2941.149 of the 3136  
Revised Code that the offender is a repeat violent offender. 3137

(ii) The offense of which the offender currently is 3138  
convicted or to which the offender currently pleads guilty is 3139  
aggravated murder and the court does not impose a sentence of 3140  
~~death or~~ life imprisonment without parole, murder, terrorism and 3141

the court does not impose a sentence of life imprisonment 3142  
without parole, any felony of the first degree that is an 3143  
offense of violence and the court does not impose a sentence of 3144  
life imprisonment without parole, or any felony of the second 3145  
degree that is an offense of violence and the trier of fact 3146  
finds that the offense involved an attempt to cause or a threat 3147  
to cause serious physical harm to a person or resulted in 3148  
serious physical harm to a person. 3149

(iii) The court imposes the longest prison term for the 3150  
offense that is not life imprisonment without parole. 3151

(iv) The court finds that the prison terms imposed 3152  
pursuant to division (B) (2) (a) (iii) of this section and, if 3153  
applicable, division (B) (1) or (3) of this section are 3154  
inadequate to punish the offender and protect the public from 3155  
future crime, because the applicable factors under section 3156  
2929.12 of the Revised Code indicating a greater likelihood of 3157  
recidivism outweigh the applicable factors under that section 3158  
indicating a lesser likelihood of recidivism. 3159

(v) The court finds that the prison terms imposed pursuant 3160  
to division (B) (2) (a) (iii) of this section and, if applicable, 3161  
division (B) (1) or (3) of this section are demeaning to the 3162  
seriousness of the offense, because one or more of the factors 3163  
under section 2929.12 of the Revised Code indicating that the 3164  
offender's conduct is more serious than conduct normally 3165  
constituting the offense are present, and they outweigh the 3166  
applicable factors under that section indicating that the 3167  
offender's conduct is less serious than conduct normally 3168  
constituting the offense. 3169

(b) The court shall impose on an offender the longest 3170  
prison term authorized or required for the offense and shall 3171

impose on the offender an additional definite prison term of 3172  
one, two, three, four, five, six, seven, eight, nine, or ten 3173  
years if all of the following criteria are met: 3174

(i) The offender is convicted of or pleads guilty to a 3175  
specification of the type described in section 2941.149 of the 3176  
Revised Code that the offender is a repeat violent offender. 3177

(ii) The offender within the preceding twenty years has 3178  
been convicted of or pleaded guilty to three or more offenses 3179  
described in division (CC)(1) of section 2929.01 of the Revised 3180  
Code, including all offenses described in that division of which 3181  
the offender is convicted or to which the offender pleads guilty 3182  
in the current prosecution and all offenses described in that 3183  
division of which the offender previously has been convicted or 3184  
to which the offender previously pleaded guilty, whether 3185  
prosecuted together or separately. 3186

(iii) The offense or offenses of which the offender 3187  
currently is convicted or to which the offender currently pleads 3188  
guilty is aggravated murder and the court does not impose a 3189  
sentence of ~~death or~~ life imprisonment without parole, murder, 3190  
terrorism and the court does not impose a sentence of life 3191  
imprisonment without parole, any felony of the first degree that 3192  
is an offense of violence and the court does not impose a 3193  
sentence of life imprisonment without parole, or any felony of 3194  
the second degree that is an offense of violence and the trier 3195  
of fact finds that the offense involved an attempt to cause or a 3196  
threat to cause serious physical harm to a person or resulted in 3197  
serious physical harm to a person. 3198

(c) For purposes of division (B)(2)(b) of this section, 3199  
two or more offenses committed at the same time or as part of 3200  
the same act or event shall be considered one offense, and that 3201

one offense shall be the offense with the greatest penalty. 3202

(d) A sentence imposed under division (B) (2) (a) or (b) of 3203  
this section shall not be reduced pursuant to section 2929.20, 3204  
section 2967.19, or section 2967.193, or any other provision of 3205  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3206  
shall serve an additional prison term imposed under this section 3207  
consecutively to and prior to the prison term imposed for the 3208  
underlying offense. 3209

(e) When imposing a sentence pursuant to division (B) (2) 3210  
(a) or (b) of this section, the court shall state its findings 3211  
explaining the imposed sentence. 3212

(3) Except when an offender commits a violation of section 3213  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3214  
for the violation is life imprisonment or commits a violation of 3215  
section 2903.02 of the Revised Code, if the offender commits a 3216  
violation of section 2925.03 or 2925.11 of the Revised Code and 3217  
that section classifies the offender as a major drug offender, 3218  
if the offender commits a felony violation of section 2925.02, 3219  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3220  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3221  
division (C) of section 4729.51, or division (J) of section 3222  
4729.54 of the Revised Code that includes the sale, offer to 3223  
sell, or possession of a schedule I or II controlled substance, 3224  
with the exception of marihuana, and the court imposing sentence 3225  
upon the offender finds that the offender is guilty of a 3226  
specification of the type described in section 2941.1410 of the 3227  
Revised Code charging that the offender is a major drug 3228  
offender, if the court imposing sentence upon an offender for a 3229  
felony finds that the offender is guilty of corrupt activity 3230  
with the most serious offense in the pattern of corrupt activity 3231

being a felony of the first degree, or if the offender is guilty 3232  
of an attempted violation of section 2907.02 of the Revised Code 3233  
and, had the offender completed the violation of section 2907.02 3234  
of the Revised Code that was attempted, the offender would have 3235  
been subject to a sentence of life imprisonment or life 3236  
imprisonment without parole for the violation of section 2907.02 3237  
of the Revised Code, the court shall impose upon the offender 3238  
for the felony violation a mandatory prison term of the maximum 3239  
prison term prescribed for a felony of the first degree that, 3240  
subject to divisions (C) to (I) of section 2967.19 of the 3241  
Revised Code, cannot be reduced pursuant to section 2929.20, 3242  
section 2967.19, or any other provision of Chapter 2967. or 3243  
5120. of the Revised Code. 3244

(4) If the offender is being sentenced for a third or 3245  
fourth degree felony OVI offense under division (G) (2) of 3246  
section 2929.13 of the Revised Code, the sentencing court shall 3247  
impose upon the offender a mandatory prison term in accordance 3248  
with that division. In addition to the mandatory prison term, if 3249  
the offender is being sentenced for a fourth degree felony OVI 3250  
offense, the court, notwithstanding division (A) (4) of this 3251  
section, may sentence the offender to a definite prison term of 3252  
not less than six months and not more than thirty months, and if 3253  
the offender is being sentenced for a third degree felony OVI 3254  
offense, the sentencing court may sentence the offender to an 3255  
additional prison term of any duration specified in division (A) 3256  
(3) of this section. In either case, the additional prison term 3257  
imposed shall be reduced by the sixty or one hundred twenty days 3258  
imposed upon the offender as the mandatory prison term. The 3259  
total of the additional prison term imposed under division (B) 3260  
(4) of this section plus the sixty or one hundred twenty days 3261  
imposed as the mandatory prison term shall equal a definite term 3262

in the range of six months to thirty months for a fourth degree 3263  
felony OVI offense and shall equal one of the authorized prison 3264  
terms specified in division (A) (3) of this section for a third 3265  
degree felony OVI offense. If the court imposes an additional 3266  
prison term under division (B) (4) of this section, the offender 3267  
shall serve the additional prison term after the offender has 3268  
served the mandatory prison term required for the offense. In 3269  
addition to the mandatory prison term or mandatory and 3270  
additional prison term imposed as described in division (B) (4) 3271  
of this section, the court also may sentence the offender to a 3272  
community control sanction under section 2929.16 or 2929.17 of 3273  
the Revised Code, but the offender shall serve all of the prison 3274  
terms so imposed prior to serving the community control 3275  
sanction. 3276

If the offender is being sentenced for a fourth degree 3277  
felony OVI offense under division (G) (1) of section 2929.13 of 3278  
the Revised Code and the court imposes a mandatory term of local 3279  
incarceration, the court may impose a prison term as described 3280  
in division (A) (1) of that section. 3281

(5) If an offender is convicted of or pleads guilty to a 3282  
violation of division (A) (1) or (2) of section 2903.06 of the 3283  
Revised Code and also is convicted of or pleads guilty to a 3284  
specification of the type described in section 2941.1414 of the 3285  
Revised Code that charges that the victim of the offense is a 3286  
peace officer, as defined in section 2935.01 of the Revised 3287  
Code, or an investigator of the bureau of criminal 3288  
identification and investigation, as defined in section 2903.11 3289  
of the Revised Code, the court shall impose on the offender a 3290  
prison term of five years. If a court imposes a prison term on 3291  
an offender under division (B) (5) of this section, the prison 3292  
term, subject to divisions (C) to (I) of section 2967.19 of the 3293

Revised Code, shall not be reduced pursuant to section 2929.20, 3294  
section 2967.19, section 2967.193, or any other provision of 3295  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3296  
shall not impose more than one prison term on an offender under 3297  
division (B) (5) of this section for felonies committed as part 3298  
of the same act. 3299

(6) If an offender is convicted of or pleads guilty to a 3300  
violation of division (A) (1) or (2) of section 2903.06 of the 3301  
Revised Code and also is convicted of or pleads guilty to a 3302  
specification of the type described in section 2941.1415 of the 3303  
Revised Code that charges that the offender previously has been 3304  
convicted of or pleaded guilty to three or more violations of 3305  
division (A) or (B) of section 4511.19 of the Revised Code or an 3306  
equivalent offense, as defined in section 2941.1415 of the 3307  
Revised Code, or three or more violations of any combination of 3308  
those divisions and offenses, the court shall impose on the 3309  
offender a prison term of three years. If a court imposes a 3310  
prison term on an offender under division (B) (6) of this 3311  
section, the prison term, subject to divisions (C) to (I) of 3312  
section 2967.19 of the Revised Code, shall not be reduced 3313  
pursuant to section 2929.20, section 2967.19, section 2967.193, 3314  
or any other provision of Chapter 2967. or Chapter 5120. of the 3315  
Revised Code. A court shall not impose more than one prison term 3316  
on an offender under division (B) (6) of this section for 3317  
felonies committed as part of the same act. 3318

(7) (a) If an offender is convicted of or pleads guilty to 3319  
a felony violation of section 2905.01, 2905.02, 2907.21, 3320  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3321  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3322  
the Revised Code and also is convicted of or pleads guilty to a 3323  
specification of the type described in section 2941.1422 of the 3324

Revised Code that charges that the offender knowingly committed 3325  
the offense in furtherance of human trafficking, the court shall 3326  
impose on the offender a mandatory prison term that is one of 3327  
the following: 3328

(i) If the offense is a felony of the first degree, a 3329  
definite prison term of not less than five years and not greater 3330  
than ten years; 3331

(ii) If the offense is a felony of the second or third 3332  
degree, a definite prison term of not less than three years and 3333  
not greater than the maximum prison term allowed for the offense 3334  
by division (A) of section 2929.14 of the Revised Code; 3335

(iii) If the offense is a felony of the fourth or fifth 3336  
degree, a definite prison term that is the maximum prison term 3337  
allowed for the offense by division (A) of section 2929.14 of 3338  
the Revised Code. 3339

(b) Subject to divisions (C) to (I) of section 2967.19 of 3340  
the Revised Code, the prison term imposed under division (B) (7) 3341  
(a) of this section shall not be reduced pursuant to section 3342  
2929.20, section 2967.19, section 2967.193, or any other 3343  
provision of Chapter 2967. of the Revised Code. A court shall 3344  
not impose more than one prison term on an offender under 3345  
division (B) (7) (a) of this section for felonies committed as 3346  
part of the same act, scheme, or plan. 3347

(8) If an offender is convicted of or pleads guilty to a 3348  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3349  
Revised Code and also is convicted of or pleads guilty to a 3350  
specification of the type described in section 2941.1423 of the 3351  
Revised Code that charges that the victim of the violation was a 3352  
woman whom the offender knew was pregnant at the time of the 3353

violation, notwithstanding the range of prison terms prescribed 3354  
in division (A) of this section for felonies of the same degree 3355  
as the violation, the court shall impose on the offender a 3356  
mandatory prison term that is either a definite prison term of 3357  
six months or one of the prison terms prescribed in section 3358  
2929.14 of the Revised Code for felonies of the same degree as 3359  
the violation. 3360

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3361  
if a mandatory prison term is imposed upon an offender pursuant 3362  
to division (B) (1) (a) of this section for having a firearm on or 3363  
about the offender's person or under the offender's control 3364  
while committing a felony, if a mandatory prison term is imposed 3365  
upon an offender pursuant to division (B) (1) (c) of this section 3366  
for committing a felony specified in that division by 3367  
discharging a firearm from a motor vehicle, or if both types of 3368  
mandatory prison terms are imposed, the offender shall serve any 3369  
mandatory prison term imposed under either division 3370  
consecutively to any other mandatory prison term imposed under 3371  
either division or under division (B) (1) (d) of this section, 3372  
consecutively to and prior to any prison term imposed for the 3373  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3374  
this section or any other section of the Revised Code, and 3375  
consecutively to any other prison term or mandatory prison term 3376  
previously or subsequently imposed upon the offender. 3377

(b) If a mandatory prison term is imposed upon an offender 3378  
pursuant to division (B) (1) (d) of this section for wearing or 3379  
carrying body armor while committing an offense of violence that 3380  
is a felony, the offender shall serve the mandatory term so 3381  
imposed consecutively to any other mandatory prison term imposed 3382  
under that division or under division (B) (1) (a) or (c) of this 3383  
section, consecutively to and prior to any prison term imposed 3384

for the underlying felony under division (A), (B) (2), or (B) (3) 3385  
of this section or any other section of the Revised Code, and 3386  
consecutively to any other prison term or mandatory prison term 3387  
previously or subsequently imposed upon the offender. 3388

(c) If a mandatory prison term is imposed upon an offender 3389  
pursuant to division (B) (1) (f) of this section, the offender 3390  
shall serve the mandatory prison term so imposed consecutively 3391  
to and prior to any prison term imposed for the underlying 3392  
felony under division (A), (B) (2), or (B) (3) of this section or 3393  
any other section of the Revised Code, and consecutively to any 3394  
other prison term or mandatory prison term previously or 3395  
subsequently imposed upon the offender. 3396

(d) If a mandatory prison term is imposed upon an offender 3397  
pursuant to division (B) (7) or (8) of this section, the offender 3398  
shall serve the mandatory prison term so imposed consecutively 3399  
to any other mandatory prison term imposed under that division 3400  
or under any other provision of law and consecutively to any 3401  
other prison term or mandatory prison term previously or 3402  
subsequently imposed upon the offender. 3403

(2) If an offender who is an inmate in a jail, prison, or 3404  
other residential detention facility violates section 2917.02, 3405  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3406  
(2) of section 2921.34 of the Revised Code, if an offender who 3407  
is under detention at a detention facility commits a felony 3408  
violation of section 2923.131 of the Revised Code, or if an 3409  
offender who is an inmate in a jail, prison, or other 3410  
residential detention facility or is under detention at a 3411  
detention facility commits another felony while the offender is 3412  
an escapee in violation of division (A) (1) or (2) of section 3413  
2921.34 of the Revised Code, any prison term imposed upon the 3414

offender for one of those violations shall be served by the 3415  
offender consecutively to the prison term or term of 3416  
imprisonment the offender was serving when the offender 3417  
committed that offense and to any other prison term previously 3418  
or subsequently imposed upon the offender. 3419

(3) If a prison term is imposed for a violation of 3420  
division (B) of section 2911.01 of the Revised Code, a violation 3421  
of division (A) of section 2913.02 of the Revised Code in which 3422  
the stolen property is a firearm or dangerous ordnance, or a 3423  
felony violation of division (B) of section 2921.331 of the 3424  
Revised Code, the offender shall serve that prison term 3425  
consecutively to any other prison term or mandatory prison term 3426  
previously or subsequently imposed upon the offender. 3427

(4) If multiple prison terms are imposed on an offender 3428  
for convictions of multiple offenses, the court may require the 3429  
offender to serve the prison terms consecutively if the court 3430  
finds that the consecutive service is necessary to protect the 3431  
public from future crime or to punish the offender and that 3432  
consecutive sentences are not disproportionate to the 3433  
seriousness of the offender's conduct and to the danger the 3434  
offender poses to the public, and if the court also finds any of 3435  
the following: 3436

(a) The offender committed one or more of the multiple 3437  
offenses while the offender was awaiting trial or sentencing, 3438  
was under a sanction imposed pursuant to section 2929.16, 3439  
2929.17, or 2929.18 of the Revised Code, or was under post- 3440  
release control for a prior offense. 3441

(b) At least two of the multiple offenses were committed 3442  
as part of one or more courses of conduct, and the harm caused 3443  
by two or more of the multiple offenses so committed was so 3444

great or unusual that no single prison term for any of the 3445  
offenses committed as part of any of the courses of conduct 3446  
adequately reflects the seriousness of the offender's conduct. 3447

(c) The offender's history of criminal conduct 3448  
demonstrates that consecutive sentences are necessary to protect 3449  
the public from future crime by the offender. 3450

(5) If a mandatory prison term is imposed upon an offender 3451  
pursuant to division (B) (5) or (6) of this section, the offender 3452  
shall serve the mandatory prison term consecutively to and prior 3453  
to any prison term imposed for the underlying violation of 3454  
division (A) (1) or (2) of section 2903.06 of the Revised Code 3455  
pursuant to division (A) of this section or section 2929.142 of 3456  
the Revised Code. If a mandatory prison term is imposed upon an 3457  
offender pursuant to division (B) (5) of this section, and if a 3458  
mandatory prison term also is imposed upon the offender pursuant 3459  
to division (B) (6) of this section in relation to the same 3460  
violation, the offender shall serve the mandatory prison term 3461  
imposed pursuant to division (B) (5) of this section 3462  
consecutively to and prior to the mandatory prison term imposed 3463  
pursuant to division (B) (6) of this section and consecutively to 3464  
and prior to any prison term imposed for the underlying 3465  
violation of division (A) (1) or (2) of section 2903.06 of the 3466  
Revised Code pursuant to division (A) of this section or section 3467  
2929.142 of the Revised Code. 3468

(6) When consecutive prison terms are imposed pursuant to 3469  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 3470  
of this section, the term to be served is the aggregate of all 3471  
of the terms so imposed. 3472

(D) (1) If a court imposes a prison term for a felony of 3473  
the first degree, for a felony of the second degree, for a 3474

felony sex offense, or for a felony of the third degree that is 3475  
not a felony sex offense and in the commission of which the 3476  
offender caused or threatened to cause physical harm to a 3477  
person, it shall include in the sentence a requirement that the 3478  
offender be subject to a period of post-release control after 3479  
the offender's release from imprisonment, in accordance with 3480  
that division. If a court imposes a sentence including a prison 3481  
term of a type described in this division on or after July 11, 3482  
2006, the failure of a court to include a post-release control 3483  
requirement in the sentence pursuant to this division does not 3484  
negate, limit, or otherwise affect the mandatory period of post- 3485  
release control that is required for the offender under division 3486  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3487  
the Revised Code applies if, prior to July 11, 2006, a court 3488  
imposed a sentence including a prison term of a type described 3489  
in this division and failed to include in the sentence pursuant 3490  
to this division a statement regarding post-release control. 3491

(2) If a court imposes a prison term for a felony of the 3492  
third, fourth, or fifth degree that is not subject to division 3493  
(D)(1) of this section, it shall include in the sentence a 3494  
requirement that the offender be subject to a period of post- 3495  
release control after the offender's release from imprisonment, 3496  
in accordance with that division, if the parole board determines 3497  
that a period of post-release control is necessary. Section 3498  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3499  
a court imposed a sentence including a prison term of a type 3500  
described in this division and failed to include in the sentence 3501  
pursuant to this division a statement regarding post-release 3502  
control. 3503

(E) The court shall impose sentence upon the offender in 3504  
accordance with section 2971.03 of the Revised Code, and Chapter 3505

2971. of the Revised Code applies regarding the prison term or 3506  
term of life imprisonment without parole imposed upon the 3507  
offender and the service of that term of imprisonment if any of 3508  
the following apply: 3509

(1) A person is convicted of or pleads guilty to a violent 3510  
sex offense or a designated homicide, assault, or kidnapping 3511  
offense, and, in relation to that offense, the offender is 3512  
adjudicated a sexually violent predator. 3513

(2) A person is convicted of or pleads guilty to a 3514  
violation of division (A) (1) (b) of section 2907.02 of the 3515  
Revised Code committed on or after January 2, 2007, and either 3516  
the court does not impose a sentence of life without parole when 3517  
authorized pursuant to division (B) of section 2907.02 of the 3518  
Revised Code, or division (B) of section 2907.02 of the Revised 3519  
Code provides that the court shall not sentence the offender 3520  
pursuant to section 2971.03 of the Revised Code. 3521

(3) A person is convicted of or pleads guilty to attempted 3522  
rape committed on or after January 2, 2007, and a specification 3523  
of the type described in section 2941.1418, 2941.1419, or 3524  
2941.1420 of the Revised Code. 3525

(4) A person is convicted of or pleads guilty to a 3526  
violation of section 2905.01 of the Revised Code committed on or 3527  
after January 1, 2008, and that section requires the court to 3528  
sentence the offender pursuant to section 2971.03 of the Revised 3529  
Code. 3530

(5) A person is convicted of or pleads guilty to 3531  
aggravated murder committed on or after January 1, 2008, and 3532  
division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e),~~ 3533  
~~(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1)~~ 3534

~~(d) of section 2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 3565  
upon the offender an additional prison term of two years. The 3566  
offender shall serve the additional two years consecutively to 3567  
and prior to the prison term imposed for the underlying offense. 3568

(2) (a) If an offender is convicted of or pleads guilty to 3569  
a felony violation of section 2907.22, 2907.24, 2907.241, or 3570  
2907.25 of the Revised Code and to a specification of the type 3571  
described in section 2941.1421 of the Revised Code and if the 3572  
court imposes a prison term on the offender for the felony 3573  
violation, the court may impose upon the offender an additional 3574  
prison term as follows: 3575

(i) Subject to division (H) (2) (a) (ii) of this section, an 3576  
additional prison term of one, two, three, four, five, or six 3577  
months; 3578

(ii) If the offender previously has been convicted of or 3579  
pleaded guilty to one or more felony or misdemeanor violations 3580  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3581  
the Revised Code and also was convicted of or pleaded guilty to 3582  
a specification of the type described in section 2941.1421 of 3583  
the Revised Code regarding one or more of those violations, an 3584  
additional prison term of one, two, three, four, five, six, 3585  
seven, eight, nine, ten, eleven, or twelve months. 3586

(b) In lieu of imposing an additional prison term under 3587  
division (H) (2) (a) of this section, the court may directly 3588  
impose on the offender a sanction that requires the offender to 3589  
wear a real-time processing, continual tracking electronic 3590  
monitoring device during the period of time specified by the 3591  
court. The period of time specified by the court shall equal the 3592  
duration of an additional prison term that the court could have 3593  
imposed upon the offender under division (H) (2) (a) of this 3594

section. A sanction imposed under this division shall commence 3595  
on the date specified by the court, provided that the sanction 3596  
shall not commence until after the offender has served the 3597  
prison term imposed for the felony violation of section 2907.22, 3598  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3599  
residential sanction imposed for the violation under section 3600  
2929.16 of the Revised Code. A sanction imposed under this 3601  
division shall be considered to be a community control sanction 3602  
for purposes of section 2929.15 of the Revised Code, and all 3603  
provisions of the Revised Code that pertain to community control 3604  
sanctions shall apply to a sanction imposed under this division, 3605  
except to the extent that they would by their nature be clearly 3606  
inapplicable. The offender shall pay all costs associated with a 3607  
sanction imposed under this division, including the cost of the 3608  
use of the monitoring device. 3609

(I) At the time of sentencing, the court may recommend the 3610  
offender for placement in a program of shock incarceration under 3611  
section 5120.031 of the Revised Code or for placement in an 3612  
intensive program prison under section 5120.032 of the Revised 3613  
Code, disapprove placement of the offender in a program of shock 3614  
incarceration or an intensive program prison of that nature, or 3615  
make no recommendation on placement of the offender. In no case 3616  
shall the department of rehabilitation and correction place the 3617  
offender in a program or prison of that nature unless the 3618  
department determines as specified in section 5120.031 or 3619  
5120.032 of the Revised Code, whichever is applicable, that the 3620  
offender is eligible for the placement. 3621

If the court disapproves placement of the offender in a 3622  
program or prison of that nature, the department of 3623  
rehabilitation and correction shall not place the offender in 3624  
any program of shock incarceration or intensive program prison. 3625

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

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

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

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 3656  
section 2929.142 of the Revised Code. 3657

**Sec. 2929.20.** (A) As used in this section: 3658

(1) (a) Except as provided in division (A) (1) (b) of this 3659  
section, "eligible offender" means any person who, on or after 3660  
April 7, 2009, is serving a stated prison term that includes one 3661  
or more nonmandatory prison terms. 3662

(b) "Eligible offender" does not include any person who, 3663  
on or after April 7, 2009, is serving a stated prison term for 3664  
any of the following criminal offenses that was a felony and was 3665  
committed while the person held a public office in this state: 3666

(i) A violation of section 2921.02, 2921.03, 2921.05, 3667  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 3668  
Code; 3669

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 3670  
2921.12 of the Revised Code, when the conduct constituting the 3671  
violation was related to the duties of the offender's public 3672  
office or to the offender's actions as a public official holding 3673  
that public office; 3674

(iii) A violation of an existing or former municipal 3675  
ordinance or law of this or any other state or the United States 3676  
that is substantially equivalent to any violation listed in 3677  
division (A) (1) (b) (i) of this section; 3678

(iv) A violation of an existing or former municipal 3679  
ordinance or law of this or any other state or the United States 3680  
that is substantially equivalent to any violation listed in 3681  
division (A) (1) (b) (ii) of this section, when the conduct 3682  
constituting the violation was related to the duties of the 3683  
offender's public office or to the offender's actions as a 3684

public official holding that public office; 3685

(v) A conspiracy to commit, attempt to commit, or 3686  
complicity in committing any offense listed in division (A) (1) 3687  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 3688

(vi) A conspiracy to commit, attempt to commit, or 3689  
complicity in committing any offense listed in division (A) (1) 3690  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 3691  
if the conduct constituting the offense that was the subject of 3692  
the conspiracy, that would have constituted the offense 3693  
attempted, or constituting the offense in which the offender was 3694  
complicit was or would have been related to the duties of the 3695  
offender's public office or to the offender's actions as a 3696  
public official holding that public office. 3697

(2) "Nonmandatory prison term" means a prison term that is 3698  
not a mandatory prison term. 3699

(3) "Public office" means any elected federal, state, or 3700  
local government office in this state. 3701

(4) "Victim's representative" has the same meaning as in 3702  
section 2930.01 of the Revised Code. 3703

(B) On the motion of an eligible offender or upon its own 3704  
motion, the sentencing court may reduce the eligible offender's 3705  
aggregated nonmandatory prison term or terms through a judicial 3706  
release under this section. 3707

(C) An eligible offender may file a motion for judicial 3708  
release with the sentencing court within the following 3709  
applicable periods: 3710

(1) If the aggregated nonmandatory prison term or terms is 3711  
less than two years, the eligible offender may file the motion 3712

not earlier than thirty days after the offender is delivered to 3713  
a state correctional institution or, if the prison term includes 3714  
a mandatory prison term or terms, not earlier than thirty days 3715  
after the expiration of all mandatory prison terms. 3716

(2) If the aggregated nonmandatory prison term or terms is 3717  
at least two years but less than five years, the eligible 3718  
offender may file the motion not earlier than one hundred eighty 3719  
days after the offender is delivered to a state correctional 3720  
institution or, if the prison term includes a mandatory prison 3721  
term or terms, not earlier than one hundred eighty days after 3722  
the expiration of all mandatory prison terms. 3723

(3) If the aggregated nonmandatory prison term or terms is 3724  
five years, the eligible offender may file the motion not 3725  
earlier than four years after the eligible offender is delivered 3726  
to a state correctional institution or, if the prison term 3727  
includes a mandatory prison term or terms, not earlier than four 3728  
years after the expiration of all mandatory prison terms. 3729

(4) If the aggregated nonmandatory prison term or terms is 3730  
more than five years but not more than ten years, the eligible 3731  
offender may file the motion not earlier than five years after 3732  
the eligible offender is delivered to a state correctional 3733  
institution or, if the prison term includes a mandatory prison 3734  
term or terms, not earlier than five years after the expiration 3735  
of all mandatory prison terms. 3736

(5) If the aggregated nonmandatory prison term or terms is 3737  
more than ten years, the eligible offender may file the motion 3738  
not earlier than the later of the date on which the offender has 3739  
served one-half of the offender's stated prison term or the date 3740  
specified in division (C) (4) of this section. 3741

(D) Upon receipt of a timely motion for judicial release 3742  
filed by an eligible offender under division (C) of this section 3743  
or upon the sentencing court's own motion made within the 3744  
appropriate time specified in that division, the court may deny 3745  
the motion without a hearing or schedule a hearing on the 3746  
motion. The court shall not grant the motion without a hearing. 3747  
If a court denies a motion without a hearing, the court later 3748  
may consider judicial release for that eligible offender on a 3749  
subsequent motion filed by that eligible offender unless the 3750  
court denies the motion with prejudice. If a court denies a 3751  
motion with prejudice, the court may later consider judicial 3752  
release on its own motion. If a court denies a motion after a 3753  
hearing, the court shall not consider a subsequent motion for 3754  
that eligible offender. The court shall hold only one hearing 3755  
for any eligible offender. 3756

A hearing under this section shall be conducted in open 3757  
court not less than thirty or more than sixty days after the 3758  
motion is filed, provided that the court may delay the hearing 3759  
for one hundred eighty additional days. If the court holds a 3760  
hearing, the court shall enter a ruling on the motion within ten 3761  
days after the hearing. If the court denies the motion without a 3762  
hearing, the court shall enter its ruling on the motion within 3763  
sixty days after the motion is filed. 3764

(E) If a court schedules a hearing under division (D) of 3765  
this section, the court shall notify the eligible offender and 3766  
the head of the state correctional institution in which the 3767  
eligible offender is confined prior to the hearing. The head of 3768  
the state correctional institution immediately shall notify the 3769  
appropriate person at the department of rehabilitation and 3770  
correction of the hearing, and the department within twenty-four 3771  
hours after receipt of the notice, shall post on the database it 3772

maintains pursuant to section 5120.66 of the Revised Code the 3773  
offender's name and all of the information specified in division 3774  
(A) (1) (c) (i) of that section. If the court schedules a hearing 3775  
for judicial release, the court promptly shall give notice of 3776  
the hearing to the prosecuting attorney of the county in which 3777  
the eligible offender was indicted. Upon receipt of the notice 3778  
from the court, the prosecuting attorney shall do whichever of 3779  
the following is applicable: 3780

(1) Subject to division (E) (2) of this section, notify the 3781  
victim of the offense or the victim's representative pursuant to 3782  
division (B) of section 2930.16 of the Revised Code; 3783

(2) If the offense was an offense of violence that is a 3784  
felony of the first, second, or third degree, except as 3785  
otherwise provided in this division, notify the victim or the 3786  
victim's representative of the hearing regardless of whether the 3787  
victim or victim's representative has requested the 3788  
notification. The notice of the hearing shall not be given under 3789  
this division to a victim or victim's representative if the 3790  
victim or victim's representative has requested pursuant to 3791  
division (B) (2) of section 2930.03 of the Revised Code that the 3792  
victim or the victim's representative not be provided the 3793  
notice. If notice is to be provided to a victim or victim's 3794  
representative under this division, the prosecuting attorney may 3795  
give the notice by any reasonable means, including regular mail, 3796  
telephone, and electronic mail, in accordance with division (D) 3797  
(1) of section 2930.16 of the Revised Code. If the notice is 3798  
based on an offense committed prior to March 22, 2013, the 3799  
notice also shall include the opt-out information described in 3800  
division (D) (1) of section 2930.16 of the Revised Code. The 3801  
prosecuting attorney, in accordance with division (D) (2) of 3802  
section 2930.16 of the Revised Code, shall keep a record of all 3803

attempts to provide the notice, and of all notices provided, 3804  
under this division. Division (E) (2) of this section, and the 3805  
notice-related provisions of division (K) of this section, 3806  
division (D) (1) of section 2930.16, division ~~(H)~~ (G) of section 3807  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 3808  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 3809  
division (A) (2) of section 5149.101 of the Revised Code enacted 3810  
in the act in which division (E) (2) of this section was enacted, 3811  
shall be known as "Roberta's Law." 3812

(F) Upon an offender's successful completion of 3813  
rehabilitative activities, the head of the state correctional 3814  
institution may notify the sentencing court of the successful 3815  
completion of the activities. 3816

(G) Prior to the date of the hearing on a motion for 3817  
judicial release under this section, the head of the state 3818  
correctional institution in which the eligible offender is 3819  
confined shall send to the court an institutional summary report 3820  
on the eligible offender's conduct in the institution and in any 3821  
institution from which the eligible offender may have been 3822  
transferred. Upon the request of the prosecuting attorney of the 3823  
county in which the eligible offender was indicted or of any law 3824  
enforcement agency, the head of the state correctional 3825  
institution, at the same time the person sends the institutional 3826  
summary report to the court, also shall send a copy of the 3827  
report to the requesting prosecuting attorney and law 3828  
enforcement agencies. The institutional summary report shall 3829  
cover the eligible offender's participation in school, 3830  
vocational training, work, treatment, and other rehabilitative 3831  
activities and any disciplinary action taken against the 3832  
eligible offender. The report shall be made part of the record 3833  
of the hearing. A presentence investigation report is not 3834

required for judicial release. 3835

(H) If the court grants a hearing on a motion for judicial 3836  
release under this section, the eligible offender shall attend 3837  
the hearing if ordered to do so by the court. Upon receipt of a 3838  
copy of the journal entry containing the order, the head of the 3839  
state correctional institution in which the eligible offender is 3840  
incarcerated shall deliver the eligible offender to the sheriff 3841  
of the county in which the hearing is to be held. The sheriff 3842  
shall convey the eligible offender to and from the hearing. 3843

(I) At the hearing on a motion for judicial release under 3844  
this section, the court shall afford the eligible offender and 3845  
the eligible offender's attorney an opportunity to present 3846  
written and, if present, oral information relevant to the 3847  
motion. The court shall afford a similar opportunity to the 3848  
prosecuting attorney, the victim or the victim's representative, 3849  
and any other person the court determines is likely to present 3850  
additional relevant information. The court shall consider any 3851  
statement of a victim made pursuant to section 2930.14 or 3852  
2930.17 of the Revised Code, any victim impact statement 3853  
prepared pursuant to section 2947.051 of the Revised Code, and 3854  
any report made under division (G) of this section. The court 3855  
may consider any written statement of any person submitted to 3856  
the court pursuant to division (L) of this section. After ruling 3857  
on the motion, the court shall notify the victim of the ruling 3858  
in accordance with sections 2930.03 and 2930.16 of the Revised 3859  
Code. 3860

(J) (1) A court shall not grant a judicial release under 3861  
this section to an eligible offender who is imprisoned for a 3862  
felony of the first or second degree, or to an eligible offender 3863  
who committed an offense under Chapter 2925. or 3719. of the 3864

Revised Code and for whom there was a presumption under section 3865  
2929.13 of the Revised Code in favor of a prison term, unless 3866  
the court, with reference to factors under section 2929.12 of 3867  
the Revised Code, finds both of the following: 3868

(a) That a sanction other than a prison term would 3869  
adequately punish the offender and protect the public from 3870  
future criminal violations by the eligible offender because the 3871  
applicable factors indicating a lesser likelihood of recidivism 3872  
outweigh the applicable factors indicating a greater likelihood 3873  
of recidivism; 3874

(b) That a sanction other than a prison term would not 3875  
demean the seriousness of the offense because factors indicating 3876  
that the eligible offender's conduct in committing the offense 3877  
was less serious than conduct normally constituting the offense 3878  
outweigh factors indicating that the eligible offender's conduct 3879  
was more serious than conduct normally constituting the offense. 3880

(2) A court that grants a judicial release to an eligible 3881  
offender under division (J)(1) of this section shall specify on 3882  
the record both findings required in that division and also 3883  
shall list all the factors described in that division that were 3884  
presented at the hearing. 3885

(K) If the court grants a motion for judicial release 3886  
under this section, the court shall order the release of the 3887  
eligible offender, shall place the eligible offender under an 3888  
appropriate community control sanction, under appropriate 3889  
conditions, and under the supervision of the department of 3890  
probation serving the court and shall reserve the right to 3891  
reimpose the sentence that it reduced if the offender violates 3892  
the sanction. If the court reimposes the reduced sentence, it 3893  
may do so either concurrently with, or consecutive to, any new 3894

sentence imposed upon the eligible offender as a result of the 3895  
violation that is a new offense. The period of community control 3896  
shall be no longer than five years. The court, in its 3897  
discretion, may reduce the period of community control by the 3898  
amount of time the eligible offender spent in jail or prison for 3899  
the offense and in prison. If the court made any findings 3900  
pursuant to division (J) (1) of this section, the court shall 3901  
serve a copy of the findings upon counsel for the parties within 3902  
fifteen days after the date on which the court grants the motion 3903  
for judicial release. 3904

If the court grants a motion for judicial release, the 3905  
court shall notify the appropriate person at the department of 3906  
rehabilitation and correction, and the department shall post 3907  
notice of the release on the database it maintains pursuant to 3908  
section 5120.66 of the Revised Code. The court also shall notify 3909  
the prosecuting attorney of the county in which the eligible 3910  
offender was indicted that the motion has been granted. Unless 3911  
the victim or the victim's representative has requested pursuant 3912  
to division (B) (2) of section 2930.03 of the Revised Code that 3913  
the victim or victim's representative not be provided the 3914  
notice, the prosecuting attorney shall notify the victim or the 3915  
victim's representative of the judicial release in any manner, 3916  
and in accordance with the same procedures, pursuant to which 3917  
the prosecuting attorney is authorized to provide notice of the 3918  
hearing pursuant to division (E) (2) of this section. If the 3919  
notice is based on an offense committed prior to March 22, 2013, 3920  
the notice to the victim or victim's representative also shall 3921  
include the opt-out information described in division (D) (1) of 3922  
section 2930.16 of the Revised Code. 3923

(L) In addition to and independent of the right of a 3924  
victim to make a statement pursuant to section 2930.14, 2930.17, 3925

or 2946.051 of the Revised Code and any right of a person to 3926  
present written information or make a statement pursuant to 3927  
division (I) of this section, any person may submit to the 3928  
court, at any time prior to the hearing on the offender's motion 3929  
for judicial release, a written statement concerning the effects 3930  
of the offender's crime or crimes, the circumstances surrounding 3931  
the crime or crimes, the manner in which the crime or crimes 3932  
were perpetrated, and the person's opinion as to whether the 3933  
offender should be released. 3934

(M) The changes to this section that are made on September 3935  
30, 2011, apply to any judicial release decision made on or 3936  
after September 30, 2011, for any eligible offender. 3937

**Sec. 2929.61.** (A) Persons charged with an offense that 3938  
formerly was a capital offense and that was committed prior to 3939  
January 1, 1974, shall be prosecuted under the law as it existed 3940  
at the time the offense was committed, and, if convicted, shall 3941  
be imprisoned for life, except that whenever the statute under 3942  
which any such person is prosecuted provides for a lesser 3943  
penalty under the circumstances of the particular case, such 3944  
lesser penalty shall be imposed. 3945

(B) Persons charged with an offense, other than an offense 3946  
that formerly was a capital offense, that was committed prior to 3947  
January 1, 1974, shall be prosecuted under the law as it existed 3948  
at the time the offense was committed. Persons convicted or 3949  
sentenced on or after January 1, 1974, for an offense committed 3950  
prior to January 1, 1974, shall be sentenced according to the 3951  
penalty for commission of the substantially equivalent offense 3952  
under Amended Substitute House Bill 511 of the 109th General 3953  
Assembly. If the offense for which sentence is being imposed 3954  
does not have a substantial equivalent under that act, or if 3955

that act provides a more severe penalty than that originally 3956  
prescribed for the offense of which the person is convicted, 3957  
then sentence shall be imposed under the law as it existed prior 3958  
to January 1, 1974. 3959

(C) Persons charged with an offense that is a felony of 3960  
the third or fourth degree and that was committed on or after 3961  
January 1, 1974, and before July 1, 1983, shall be prosecuted 3962  
under the law as it existed at the time the offense was 3963  
committed. Persons convicted or sentenced on or after July 1, 3964  
1983, for an offense that is a felony of the third or fourth 3965  
degree and that was committed on or after January 1, 1974, and 3966  
before July 1, 1983, shall be notified by the court sufficiently 3967  
in advance of sentencing that they may choose to be sentenced 3968  
pursuant to either the law in effect at the time of the 3969  
commission of the offense or the law in effect at the time of 3970  
sentencing. This notice shall be written and shall include the 3971  
differences between and possible effects of the alternative 3972  
sentence forms and the effect of the person's refusal to choose. 3973  
The person to be sentenced shall then inform the court in 3974  
writing of ~~his~~ the person's choice, and shall be sentenced 3975  
accordingly. Any person choosing to be sentenced pursuant to the 3976  
law in effect at the time of the commission of an offense that 3977  
is a felony of the third or fourth degree shall then be eligible 3978  
for parole, and this person cannot at a later date have ~~his~~ the 3979  
person's sentence converted to a definite sentence. If the 3980  
person refuses to choose between the two possible sentences, the 3981  
person shall be sentenced pursuant to the law in effect at the 3982  
time of the commission of the offense. 3983

(D) Persons charged with an offense that was a felony of 3984  
the first or second degree at the time it was committed, that 3985  
was committed on or after January 1, 1974, and that was 3986

committed prior to July 1, 1983, shall be prosecuted for that 3987  
offense and, if convicted, shall be sentenced under the law as 3988  
it existed at the time the offense was committed. 3989

**Sec. 2930.03.** (A) A person or entity required or 3990  
authorized under this chapter to give notice to a victim shall 3991  
give the notice to the victim by any means reasonably calculated 3992  
to provide prompt actual notice. Except when a provision 3993  
requires that notice is to be given in a specific manner, a 3994  
notice may be oral or written. 3995

(B) (1) Except for receipt of the initial information and 3996  
notice required to be given to a victim under divisions (A) and 3997  
(B) of section 2930.04, section 2930.05, and divisions (A) and 3998  
(B) of section 2930.06 of the Revised Code and the notice 3999  
required to be given to a victim under division (D) of section 4000  
2930.16 of the Revised Code, a victim who wishes to receive any 4001  
notice authorized by this chapter shall make a request for the 4002  
notice to the prosecutor or the custodial agency that is to 4003  
provide the notice, as specified in this chapter. If the victim 4004  
does not make a request as described in this division, the 4005  
prosecutor or custodial agency is not required to provide any 4006  
notice described in this chapter other than the initial 4007  
information and notice required to be given to a victim under 4008  
divisions (A) and (B) of section 2930.04, section 2930.05, and 4009  
divisions (A) and (B) of section 2930.06 of the Revised Code and 4010  
the notice required to be given to a victim under division (D) 4011  
of section 2930.16 of the Revised Code. 4012

(2) A victim who does not wish to receive any of the 4013  
notices required to be given to a victim under division (E) (2) 4014  
or (K) of section 2929.20, division (D) of section 2930.16, 4015  
division ~~(H)~~ (G) of section 2967.12, division (E) (1) (b) of 4016

section 2967.19, division (A) (3) (b) of section 2967.26, division 4017  
(D) (1) of section 2967.28, or division (A) (2) of section 4018  
5149.101 of the Revised Code shall make a request to the 4019  
prosecutor or custodial agency that is to provide the particular 4020  
notice that the notice not be provided to the victim. Unless the 4021  
victim makes a request as described in this division, the 4022  
prosecutor or custodial agency shall provide the notices 4023  
required to be given to a victim under division (E) (2) or (K) of 4024  
section 2929.20, division (D) of section 2930.16, division (H) 4025  
of section 2967.12, division (E) (1) (b) of section 2967.19, 4026  
division (A) (3) (b) of section 2967.26, division (D) (1) of 4027  
section 2967.28, or division (A) (2) of section 5149.101 of the 4028  
Revised Code in any manner, and in accordance with the 4029  
procedures, specified in the particular division. This division 4030  
also applies to a victim's representative or a member of a 4031  
victim's immediate family that is authorized to receive any of 4032  
the notices specified in this division. 4033

(C) A person or agency that is required to furnish notice 4034  
under this chapter shall give the notice to the victim at the 4035  
address or telephone number provided to the person or agency by 4036  
the victim. A victim who requests to receive notice under this 4037  
chapter as described in division (B) of this section shall 4038  
inform the person or agency of the name, address, or telephone 4039  
number of the victim and of any change to that information. 4040

(D) A person or agency that has furnished information to a 4041  
victim in accordance with any requirement or authorization under 4042  
this chapter shall notify the victim promptly of any significant 4043  
changes to that information. 4044

(E) Divisions (A) to (D) of this section do not apply 4045  
regarding a notice that a prosecutor is required to provide 4046

under section 2930.061 of the Revised Code. A prosecutor 4047  
required to provide notice under that section shall provide the 4048  
notice as specified in that section. 4049

**Sec. 2930.06.** (A) The prosecutor in a case, to the extent 4050  
practicable, shall confer with the victim in the case before 4051  
pretrial diversion is granted to the defendant or alleged 4052  
juvenile offender in the case, before amending or dismissing an 4053  
indictment, information, or complaint against that defendant or 4054  
alleged juvenile offender, before agreeing to a negotiated plea 4055  
for that defendant or alleged juvenile offender, before a trial 4056  
of that defendant by judge or jury, or before the juvenile court 4057  
conducts an adjudicatory hearing for that alleged juvenile 4058  
offender. If the juvenile court disposes of a case prior to the 4059  
prosecutor's involvement in the case, the court or a court 4060  
employee shall notify the victim in the case that the alleged 4061  
juvenile offender will be granted pretrial diversion, the 4062  
complaint against that alleged juvenile offender will be amended 4063  
or dismissed, or the court will conduct an adjudicatory hearing 4064  
for that alleged juvenile offender. If the prosecutor fails to 4065  
confer with the victim at any of those times, the court, if 4066  
informed of the failure, shall note on the record the failure 4067  
and the prosecutor's reasons for the failure. A prosecutor's 4068  
failure to confer with a victim as required by this division and 4069  
a court's failure to provide the notice as required by this 4070  
division do not affect the validity of an agreement between the 4071  
prosecutor and the defendant or alleged juvenile offender in the 4072  
case, a pretrial diversion of the defendant or alleged juvenile 4073  
offender, an amendment or dismissal of an indictment, 4074  
information, or complaint filed against the defendant or alleged 4075  
juvenile offender, a plea entered by the defendant or alleged 4076  
juvenile defender, an admission entered by the defendant or 4077

alleged juvenile offender, or any other disposition in the case. 4078  
A court shall not dismiss a criminal complaint, charge, 4079  
information, or indictment or a delinquent child complaint 4080  
solely at the request of the victim and over the objection of 4081  
the prosecuting attorney, village solicitor, city director of 4082  
law, or other chief legal officer responsible for the 4083  
prosecution of the case. 4084

(B) After a prosecution in a case has been commenced, the 4085  
prosecutor or a designee of the prosecutor other than a court or 4086  
court employee, to the extent practicable, promptly shall give 4087  
the victim all of the following information, except that, if the 4088  
juvenile court disposes of a case prior to the prosecutor's 4089  
involvement in the case, the court or a court employee, to the 4090  
extent practicable, promptly shall give the victim all of the 4091  
following information: 4092

(1) The name of the crime or specified delinquent act with 4093  
which the defendant or alleged juvenile offender in the case has 4094  
been charged and the name of the defendant or alleged juvenile 4095  
offender; 4096

(2) The file number of the case; 4097

(3) A brief statement regarding the procedural steps in a 4098  
criminal prosecution or delinquency proceeding involving a crime 4099  
or specified delinquent act similar to the crime or specified 4100  
delinquent act with which the defendant or alleged juvenile 4101  
offender has been charged and the right of the victim to be 4102  
present during all proceedings held throughout the prosecution 4103  
of the case; 4104

(4) A summary of the rights of a victim under this 4105  
chapter; 4106

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

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

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

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

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

(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from

the prosecutor or, if it is a delinquency proceeding and a 4136  
prosecutor is not involved in the case, the court under this 4137  
chapter shall keep the prosecutor or the court informed of the 4138  
victim's current address and telephone number until the case is 4139  
dismissed or terminated, the defendant is acquitted or 4140  
sentenced, the delinquent child complaint is dismissed, the 4141  
defendant is adjudicated a delinquent child, or the appellate 4142  
process is completed, whichever is the final disposition in the 4143  
case. 4144

(E) If a defendant is charged with the commission of a 4145  
misdemeanor offense that is not identified in division (A) (2) of 4146  
section 2930.01 of the Revised Code and if a police report or a 4147  
complaint, indictment, or information that charges the 4148  
commission of that offense and provides the basis for a criminal 4149  
prosecution of that defendant identifies one or more individuals 4150  
as individuals against whom that offense was committed, after a 4151  
prosecution in the case has been commenced, the prosecutor or a 4152  
designee of the prosecutor other than a court or court employee, 4153  
to the extent practicable, promptly shall notify each of the 4154  
individuals so identified in the report, complaint, indictment, 4155  
or information that, if the defendant is convicted of or pleads 4156  
guilty to the offense, the individual may make an oral or 4157  
written statement to the court hearing the case regarding the 4158  
sentence to be imposed upon the defendant and that the court 4159  
must consider any statement so made that is relevant. Before 4160  
imposing sentence in the case, the court shall permit the 4161  
individuals so identified in the report, complaint, indictment, 4162  
or information to make an oral or written statement. Division 4163  
(A) of section 2930.14 of the Revised Code applies regarding any 4164  
statement so made. The court shall consider a statement so made, 4165  
in accordance with division (B) of that section and division (D) 4166

of section 2929.22 of the Revised Code. 4167

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 4168  
in a case who has requested to receive notice under this section 4169  
shall be given notice of the incarceration of the defendant. If 4170  
an alleged juvenile offender is committed to the temporary 4171  
custody of a school, camp, institution, or other facility 4172  
operated for the care of delinquent children or to the legal 4173  
custody of the department of youth services, a victim in a case 4174  
who has requested to receive notice under this section shall be 4175  
given notice of the commitment. Promptly after sentence is 4176  
imposed upon the defendant or the commitment of the alleged 4177  
juvenile offender is ordered, the prosecutor in the case shall 4178  
notify the victim of the date on which the defendant will be 4179  
released from confinement or the prosecutor's reasonable 4180  
estimate of that date or the date on which the alleged juvenile 4181  
offender will have served the minimum period of commitment or 4182  
the prosecutor's reasonable estimate of that date. The 4183  
prosecutor also shall notify the victim of the name of the 4184  
custodial agency of the defendant or alleged juvenile offender 4185  
and tell the victim how to contact that custodial agency. If the 4186  
custodial agency is the department of rehabilitation and 4187  
correction, the prosecutor shall notify the victim of the 4188  
services offered by the office of victims' services pursuant to 4189  
section 5120.60 of the Revised Code. If the custodial agency is 4190  
the department of youth services, the prosecutor shall notify 4191  
the victim of the services provided by the office of victims' 4192  
services within the release authority of the department pursuant 4193  
to section 5139.55 of the Revised Code and the victim's right 4194  
pursuant to section 5139.56 of the Revised Code to submit a 4195  
written request to the release authority to be notified of 4196  
actions the release authority takes with respect to the alleged 4197

juvenile offender. The victim shall keep the custodial agency 4198  
informed of the victim's current address and telephone number. 4199

(B) (1) Upon the victim's request or in accordance with 4200  
division (D) of this section, the prosecutor promptly shall 4201  
notify the victim of any hearing for judicial release of the 4202  
defendant pursuant to section 2929.20 of the Revised Code, of 4203  
any hearing for release of the defendant pursuant to section 4204  
2967.19 of the Revised Code, or of any hearing for judicial 4205  
release or early release of the alleged juvenile offender 4206  
pursuant to section 2151.38 of the Revised Code and of the 4207  
victim's right to make a statement under those sections. The 4208  
court shall notify the victim of its ruling in each of those 4209  
hearings and on each of those applications. 4210

(2) If an offender is sentenced to a prison term pursuant 4211  
to division (A) (3) or (B) of section 2971.03 of the Revised 4212  
Code, upon the request of the victim of the crime or in 4213  
accordance with division (D) of this section, the prosecutor 4214  
promptly shall notify the victim of any hearing to be conducted 4215  
pursuant to section 2971.05 of the Revised Code to determine 4216  
whether to modify the requirement that the offender serve the 4217  
entire prison term in a state correctional facility in 4218  
accordance with division (C) of that section, whether to 4219  
continue, revise, or revoke any existing modification of that 4220  
requirement, or whether to terminate the prison term in 4221  
accordance with division (D) of that section. The court shall 4222  
notify the victim of any order issued at the conclusion of the 4223  
hearing. 4224

(C) Upon the victim's request made at any time before the 4225  
particular notice would be due or in accordance with division 4226  
(D) of this section, the custodial agency of a defendant or 4227

alleged juvenile offender shall give the victim any of the 4228  
following notices that is applicable: 4229

(1) At least sixty days before the adult parole authority 4230  
recommends a pardon or commutation of sentence for the defendant 4231  
or at least sixty days prior to a hearing before the adult 4232  
parole authority regarding a grant of parole to the defendant, 4233  
notice of the victim's right to submit a statement regarding the 4234  
impact of the defendant's release in accordance with section 4235  
2967.12 of the Revised Code and, if applicable, of the victim's 4236  
right to appear at a full board hearing of the parole board to 4237  
give testimony as authorized by section 5149.101 of the Revised 4238  
Code; 4239

(2) At least sixty days before the defendant is 4240  
transferred to transitional control under section 2967.26 of the 4241  
Revised Code, notice of the pendency of the transfer and of the 4242  
victim's right under that section to submit a statement 4243  
regarding the impact of the transfer; 4244

(3) At least sixty days before the release authority of 4245  
the department of youth services holds a release review, release 4246  
hearing, or discharge review for the alleged juvenile offender, 4247  
notice of the pendency of the review or hearing, of the victim's 4248  
right to make an oral or written statement regarding the impact 4249  
of the crime upon the victim or regarding the possible release 4250  
or discharge, and, if the notice pertains to a hearing, of the 4251  
victim's right to attend and make statements or comments at the 4252  
hearing as authorized by section 5139.56 of the Revised Code; 4253

(4) Prompt notice of the defendant's or alleged juvenile 4254  
offender's escape from a facility of the custodial agency in 4255  
which the defendant was incarcerated or in which the alleged 4256  
juvenile offender was placed after commitment, of the 4257

defendant's or alleged juvenile offender's absence without leave 4258  
from a mental health or mental retardation and developmental 4259  
disabilities facility or from other custody, and of the capture 4260  
of the defendant or alleged juvenile offender after an escape or 4261  
absence; 4262

(5) Notice of the defendant's or alleged juvenile 4263  
offender's death while in confinement or custody; 4264

(6) Notice of the filing of a petition by the director of 4265  
rehabilitation and correction pursuant to section 2967.19 of the 4266  
Revised Code requesting the early release under that section of 4267  
the defendant; 4268

(7) Notice of the defendant's or alleged juvenile 4269  
offender's release from confinement or custody and the terms and 4270  
conditions of the release. 4271

(D) (1) If a defendant is incarcerated for the commission 4272  
of aggravated murder, murder, or an offense of violence that is 4273  
a felony of the first, second, or third degree or is under a 4274  
sentence of life imprisonment or if an alleged juvenile offender 4275  
has been charged with the commission of an act that would be 4276  
aggravated murder, murder, or an offense of violence that is a 4277  
felony of the first, second, or third degree or be subject to a 4278  
sentence of life imprisonment if committed by an adult, except 4279  
as otherwise provided in this division, the notices described in 4280  
divisions (B) and (C) of this section shall be given regardless 4281  
of whether the victim has requested the notification. The 4282  
notices described in divisions (B) and (C) of this section shall 4283  
not be given under this division to a victim if the victim has 4284  
requested pursuant to division (B) (2) of section 2930.03 of the 4285  
Revised Code that the victim not be provided the notice. 4286  
Regardless of whether the victim has requested that the notices 4287

described in division (C) of this section be provided or not be 4288  
provided, the custodial agency shall give notice similar to 4289  
those notices to the prosecutor in the case, to the sentencing 4290  
court, to the law enforcement agency that arrested the defendant 4291  
or alleged juvenile offender if any officer of that agency was a 4292  
victim of the offense, and to any member of the victim's 4293  
immediate family who requests notification. If the notice given 4294  
under this division to the victim is based on an offense 4295  
committed prior to ~~the effective date of this amendment~~ March 4296  
22, 2013, and if the prosecutor or custodial agency has not 4297  
previously successfully provided any notice to the victim under 4298  
this division or division (B) or (C) of this section with 4299  
respect to that offense and the offender who committed it, the 4300  
notice also shall inform the victim that the victim may request 4301  
that the victim not be provided any further notices with respect 4302  
to that offense and the offender who committed it and shall 4303  
describe the procedure for making that request. If the notice 4304  
given under this division to the victim pertains to a hearing 4305  
regarding a grant of a parole to the defendant, the notice also 4306  
shall inform the victim that the victim, a member of the 4307  
victim's immediate family, or the victim's representative may 4308  
request a victim conference, as described in division (E) of 4309  
this section, and shall provide an explanation of a victim 4310  
conference. 4311

The prosecutor or custodial agency may give the notices to 4312  
which this division applies by any reasonable means, including 4313  
regular mail, telephone, and electronic mail. If the prosecutor 4314  
or custodial agency attempts to provide notice to a victim under 4315  
this division but the attempt is unsuccessful because the 4316  
prosecutor or custodial agency is unable to locate the victim, 4317  
is unable to provide the notice by its chosen method because it 4318

cannot determine the mailing address, telephone number, or 4319  
electronic mail address at which to provide the notice, or, if 4320  
the notice is sent by mail, the notice is returned, the 4321  
prosecutor or custodial agency shall make another attempt to 4322  
provide the notice to the victim. If the second attempt is 4323  
unsuccessful, the prosecutor or custodial agency shall make at 4324  
least one more attempt to provide the notice. If the notice is 4325  
based on an offense committed prior to ~~the effective date of~~ 4326  
~~this amendment~~ March 22, 2013, in each attempt to provide the 4327  
notice to the victim, the notice shall include the opt-out 4328  
information described in the preceding paragraph. The prosecutor 4329  
or custodial agency, in accordance with division (D) (2) of this 4330  
section, shall keep a record of all attempts to provide the 4331  
notice, and of all notices provided, under this division. 4332

Division (D) (1) of this section, and the notice-related 4333  
provisions of divisions (E) (2) and (K) of section 2929.20, 4334  
division ~~(H)~~ (G) of section 2967.12, division (E) (1) (b) of 4335  
section 2967.19, division (A) (3) (b) of section 2967.26, division 4336  
(D) (1) of section 2967.28, and division (A) (2) of section 4337  
5149.101 of the Revised Code enacted in the act in which 4338  
division (D) (1) of this section was enacted, shall be known as 4339  
"Roberta's Law." 4340

(2) Each prosecutor and custodial agency that attempts to 4341  
give any notice to which division (D) (1) of this section applies 4342  
shall keep a record of all attempts to give the notice. The 4343  
record shall indicate the person who was to be the recipient of 4344  
the notice, the date on which the attempt was made, the manner 4345  
in which the attempt was made, and the person who made the 4346  
attempt. If the attempt is successful and the notice is given, 4347  
the record shall indicate that fact. The record shall be kept in 4348  
a manner that allows public inspection of attempts and notices 4349

given to persons other than victims without revealing the names, 4350  
addresses, or other identifying information relating to victims. 4351  
The record of attempts and notices given to victims is not a 4352  
public record, but the prosecutor or custodial agency shall 4353  
provide upon request a copy of that record to a prosecuting 4354  
attorney, judge, law enforcement agency, or member of the 4355  
general assembly. The record of attempts and notices given to 4356  
persons other than victims is a public record. A record kept 4357  
under this division may be indexed by offender name, or in any 4358  
other manner determined by the prosecutor or the custodial 4359  
agency. Each prosecutor or custodial agency that is required to 4360  
keep a record under this division shall determine the procedures 4361  
for keeping the record and the manner in which it is to be kept, 4362  
subject to the requirements of this division. 4363

(E) The adult parole authority shall adopt rules under 4364  
Chapter 119. of the Revised Code providing for a victim 4365  
conference, upon request of the victim, a member of the victim's 4366  
immediate family, or the victim's representative, prior to a 4367  
parole hearing in the case of a prisoner who is incarcerated for 4368  
the commission of aggravated murder, murder, or an offense of 4369  
violence that is a felony of the first, second, or third degree 4370  
or is under a sentence of life imprisonment. The rules shall 4371  
provide for, but not be limited to, all of the following: 4372

(1) Subject to division (E) (3) of this section, attendance 4373  
by the victim, members of the victim's immediate family, the 4374  
victim's representative, and, if practicable, other individuals; 4375

(2) Allotment of up to one hour for the conference; 4376

(3) A specification of the number of persons specified in 4377  
division (E) (1) of this section who may be present at any single 4378  
victim conference, if limited by the department pursuant to 4379

division (F) of this section. 4380

(F) The department may limit the number of persons 4381  
specified in division (E) (1) of this section who may be present 4382  
at any single victim conference, provided that the department 4383  
shall not limit the number of persons who may be present at any 4384  
single conference to fewer than three. If the department limits 4385  
the number of persons who may be present at any single victim 4386  
conference, the department shall permit and schedule, upon 4387  
request of the victim, a member of the victim's immediate 4388  
family, or the victim's representative, multiple victim 4389  
conferences for the persons specified in division (E) (1) of this 4390  
section. 4391

(G) As used in this section, "victim's immediate family" 4392  
has the same meaning as in section 2967.12 of the Revised Code. 4393

**Sec. 2937.222.** (A) On the motion of the prosecuting 4394  
attorney or on the judge's own motion, the judge shall hold a 4395  
hearing to determine whether an accused person charged with 4396  
aggravated murder ~~when it is not a capital offense~~, murder, a 4397  
felony of the first or second degree, a violation of section 4398  
2903.06 of the Revised Code, a violation of section 2903.211 of 4399  
the Revised Code that is a felony, or a felony OVI offense shall 4400  
be denied bail. The judge shall order that the accused be 4401  
detained until the conclusion of the hearing. Except for good 4402  
cause, a continuance on the motion of the state shall not exceed 4403  
three court days. Except for good cause, a continuance on the 4404  
motion of the accused shall not exceed five court days unless 4405  
the motion of the accused waives in writing the five-day limit 4406  
and states in writing a specific period for which the accused 4407  
requests a continuance. A continuance granted upon a motion of 4408  
the accused that waives in writing the five-day limit shall not 4409

exceed five court days after the period of continuance requested 4410  
in the motion. 4411

At the hearing, the accused has the right to be 4412  
represented by counsel and, if the accused is indigent, to have 4413  
counsel appointed. The judge shall afford the accused an 4414  
opportunity to testify, to present witnesses and other 4415  
information, and to cross-examine witnesses who appear at the 4416  
hearing. The rules concerning admissibility of evidence in 4417  
criminal trials do not apply to the presentation and 4418  
consideration of information at the hearing. Regardless of 4419  
whether the hearing is being held on the motion of the 4420  
prosecuting attorney or on the court's own motion, the state has 4421  
the burden of proving that the proof is evident or the 4422  
presumption great that the accused committed the offense with 4423  
which the accused is charged, of proving that the accused poses 4424  
a substantial risk of serious physical harm to any person or to 4425  
the community, and of proving that no release conditions will 4426  
reasonably assure the safety of that person and the community. 4427

The judge may reopen the hearing at any time before trial 4428  
if the judge finds that information exists that was not known to 4429  
the movant at the time of the hearing and that that information 4430  
has a material bearing on whether bail should be denied. If a 4431  
municipal court or county court enters an order denying bail, a 4432  
judge of the court of common pleas having jurisdiction over the 4433  
case may continue that order or may hold a hearing pursuant to 4434  
this section to determine whether to continue that order. 4435

(B) No accused person shall be denied bail pursuant to 4436  
this section unless the judge finds by clear and convincing 4437  
evidence that the proof is evident or the presumption great that 4438  
the accused committed the offense described in division (A) of 4439

this section with which the accused is charged, finds by clear 4440  
and convincing evidence that the accused poses a substantial 4441  
risk of serious physical harm to any person or to the community, 4442  
and finds by clear and convincing evidence that no release 4443  
conditions will reasonably assure the safety of that person and 4444  
the community. 4445

(C) The judge, in determining whether the accused person 4446  
described in division (A) of this section poses a substantial 4447  
risk of serious physical harm to any person or to the community 4448  
and whether there are conditions of release that will reasonably 4449  
assure the safety of that person and the community, shall 4450  
consider all available information regarding all of the 4451  
following: 4452

(1) The nature and circumstances of the offense charged, 4453  
including whether the offense is an offense of violence or 4454  
involves alcohol or a drug of abuse; 4455

(2) The weight of the evidence against the accused; 4456

(3) The history and characteristics of the accused, 4457  
including, but not limited to, both of the following: 4458

(a) The character, physical and mental condition, family 4459  
ties, employment, financial resources, length of residence in 4460  
the community, community ties, past conduct, history relating to 4461  
drug or alcohol abuse, and criminal history of the accused; 4462

(b) Whether, at the time of the current alleged offense or 4463  
at the time of the arrest of the accused, the accused was on 4464  
probation, parole, post-release control, or other release 4465  
pending trial, sentencing, appeal, or completion of sentence for 4466  
the commission of an offense under the laws of this state, 4467  
another state, or the United States or under a municipal 4468

ordinance. 4469

(4) The nature and seriousness of the danger to any person 4470  
or the community that would be posed by the person's release. 4471

(D) (1) An order of the court of common pleas denying bail 4472  
pursuant to this section is a final appealable order. In an 4473  
appeal pursuant to division (D) of this section, the court of 4474  
appeals shall do all of the following: 4475

(a) Give the appeal priority on its calendar; 4476

(b) Liberally modify or dispense with formal requirements 4477  
in the interest of a speedy and just resolution of the appeal; 4478

(c) Decide the appeal expeditiously; 4479

(d) Promptly enter its judgment affirming or reversing the 4480  
order denying bail. 4481

(2) The pendency of an appeal under this section does not 4482  
deprive the court of common pleas of jurisdiction to conduct 4483  
further proceedings in the case or to further consider the order 4484  
denying bail in accordance with this section. If, during the 4485  
pendency of an appeal under division (D) of this section, the 4486  
court of common pleas sets aside or terminates the order denying 4487  
bail, the court of appeals shall dismiss the appeal. 4488

(E) As used in this section: 4489

(1) "Court day" has the same meaning as in section 5122.01 4490  
of the Revised Code. 4491

(2) "Felony OVI offense" means a third degree felony OVI 4492  
offense and a fourth degree felony OVI offense. 4493

(3) "Fourth degree felony OVI offense" and "third degree 4494  
felony OVI offense" have the same meanings as in section 2929.01 4495

of the Revised Code. 4496

**Sec. 2941.021.** Any criminal offense ~~which~~ that is not 4497  
punishable by ~~death or~~ life imprisonment may be prosecuted by 4498  
information filed in the common pleas court by the prosecuting 4499  
attorney if the defendant, ~~after he has~~ having been advised by 4500  
the court of the nature of the charge against ~~him~~ the defendant 4501  
and of ~~his~~ the defendant's rights under the constitution, is 4502  
represented by counsel or has affirmatively waived counsel by 4503  
waiver in writing and in open court, waives in writing and in 4504  
open court prosecution by indictment. 4505

**Sec. 2941.14.** ~~(A)~~—In an indictment for aggravated murder, 4506  
murder, or voluntary or involuntary manslaughter, the manner in 4507  
which, or the means by which the death was caused need not be 4508  
set forth. 4509

~~(B) Imposition of the death penalty for aggravated murder~~ 4510  
~~is precluded unless the indictment or count in the indictment~~ 4511  
~~charging the offense specifies one or more of the aggravating~~ 4512  
~~circumstances listed in division (A) of section 2929.04 of the~~ 4513  
~~Revised Code. If more than one aggravating circumstance is~~ 4514  
~~specified to an indictment or count, each shall be in a~~ 4515  
~~separately numbered specification, and if an aggravating~~ 4516  
~~circumstance is specified to a count in an indictment containing~~ 4517  
~~more than one count, such specification shall be identified as~~ 4518  
~~to the count to which it applies.~~ 4519

~~(C) A specification to an indictment or count in an~~ 4520  
~~indictment charging aggravated murder shall be stated at the end~~ 4521  
~~of the body of the indictment or count, and may be in~~ 4522  
~~substantially the following form:~~ 4523

~~"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE~~ 4524

~~FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand  
Jurors further find and specify that (set forth the applicable  
aggravating circumstance listed in divisions (A) (1) to (10) of  
section 2929.04 of the Revised Code. The aggravating  
circumstance may be stated in the words of the subdivision in  
which it appears, or in words sufficient to give the accused  
notice of the same)."~~ 4525  
4526  
4527  
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4531

**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 4532  
the Revised Code to an offender is precluded unless one of the 4533  
following applies: 4534

(a) The offender is charged with a violent sex offense, 4535  
and the indictment, count in the indictment, or information 4536  
charging the violent sex offense also includes a specification 4537  
that the offender is a sexually violent predator, or the 4538  
offender is charged with a designated homicide, assault, or 4539  
kidnapping offense, and the indictment, count in the indictment, 4540  
or information charging the designated homicide, assault, or 4541  
kidnapping offense also includes both a specification of the 4542  
type described in section 2941.147 of the Revised Code and a 4543  
specification that the offender is a sexually violent predator. 4544

(b) The offender is convicted of or pleads guilty to a 4545  
violation of division (A) (1) (b) of section 2907.02 of the 4546  
Revised Code committed on or after January 2, 2007, and division 4547  
(B) of section 2907.02 of the Revised Code does not prohibit the 4548  
court from sentencing the offender pursuant to section 2971.03 4549  
of the Revised Code. 4550

(c) The offender is convicted of or pleads guilty to 4551  
attempted rape committed on or after January 2, 2007, and to a 4552  
specification of the type described in section 2941.1418, 4553  
2941.1419, or 2941.1420 of the Revised Code. 4554

(d) The offender is convicted of or pleads guilty to a 4555  
violation of section 2905.01 of the Revised Code and to a 4556  
specification of the type described in section 2941.147 of the 4557  
Revised Code, and section 2905.01 of the Revised Code requires a 4558  
court to sentence the offender pursuant to section 2971.03 of 4559  
the Revised Code. 4560

(e) The offender is convicted of or pleads guilty to 4561  
aggravated murder and to a specification of the type described 4562  
in section 2941.147 of the Revised Code, and division ~~(A) (2) (b)~~ 4563  
~~(ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C)~~ 4564  
~~(2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section~~ 4565  
~~2929.03, or division (A) or (B) (C) (1) of section 2929.06~~ 4566  
2929.02 of the Revised Code requires a court to sentence the 4567  
offender pursuant to division (B) (3) of section 2971.03 of the 4568  
Revised Code. 4569

(f) The offender is convicted of or pleads guilty to 4570  
murder and to a specification of the type described in section 4571  
2941.147 of the Revised Code, and division ~~(B) (2) (C) (1)~~ of 4572  
section 2929.02 of the Revised Code requires a court to sentence 4573  
the offender pursuant to section 2971.03 of the Revised Code. 4574

(2) A specification required under division (A) (1) (a) of 4575  
this section that an offender is a sexually violent predator 4576  
shall be stated at the end of the body of the indictment, count, 4577  
or information and shall be stated in substantially the 4578  
following form: 4579

"Specification (or, specification to the first count). The 4580  
grand jury (or insert the person's or prosecuting attorney's 4581  
name when appropriate) further find and specify that the 4582  
offender is a sexually violent predator." 4583

(B) In determining for purposes of this section whether a person is a sexually violent predator, all of the factors set forth in divisions (H) (1) to (6) of section 2971.01 of the Revised Code that apply regarding the person may be considered as evidence tending to indicate that it is likely that the person will engage in the future in one or more sexually violent offenses.

(C) As used in this section, "designated homicide, assault, or kidnapping offense," "violent sex offense," and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

**Sec. 2941.401.** When a person has entered upon a term of imprisonment in a correctional institution of this state, and when during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the prisoner, ~~he~~ the prisoner shall be brought to trial within one hundred eighty days after ~~he~~ the prisoner causes to be delivered to the prosecuting attorney and the appropriate court in which the matter is pending, written notice of the place of ~~his~~ the prisoner's imprisonment and a request for a final disposition to be made of the matter, except that for good cause shown in open court, with the prisoner or ~~his~~ the prisoner's counsel present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden or superintendent having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time served and remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the adult parole authority relating to the prisoner.

The written notice and request for final disposition shall 4615  
be given or sent by the prisoner to the warden or superintendent 4616  
having custody of ~~him~~ the prisoner, who shall promptly forward 4617  
it with the certificate to the appropriate prosecuting attorney 4618  
and court by registered or certified mail, return receipt 4619  
requested. 4620

The warden or superintendent having custody of the 4621  
prisoner shall promptly inform ~~him~~ the prisoner in writing of 4622  
the source and contents of any untried indictment, information, 4623  
or complaint against ~~him~~ the prisoner, concerning which the 4624  
warden or superintendent has knowledge, and of ~~his~~ the 4625  
prisoner's right to make a request for final disposition 4626  
thereof. 4627

Escape from custody by the prisoner, subsequent to ~~his~~ the 4628  
prisoner's execution of the request for final disposition, voids 4629  
the request. 4630

If the action is not brought to trial within the time 4631  
provided, subject to continuance allowed pursuant to this 4632  
section, no court any longer has jurisdiction thereof, the 4633  
indictment, information, or complaint is void, and the court 4634  
shall enter an order dismissing the action with prejudice. 4635

This section does not apply to any person adjudged to be 4636  
mentally ill or who is under sentence of life imprisonment ~~or~~ 4637  
~~death, or to any prisoner under sentence of death.~~ 4638

**Sec. 2941.43.** If the convict referred to in section 4639  
2941.40 of the Revised Code is acquitted, ~~he~~ the convict shall 4640  
be forthwith returned by the sheriff to the state correctional 4641  
institution to serve out the remainder of ~~his~~ the convict's 4642  
sentence. If ~~he~~ the convict is sentenced to imprisonment in a 4643

state correctional institution, ~~he~~ the convict shall be returned 4644  
to the state correctional institution by the sheriff to serve 4645  
~~his new~~ the convict's term. ~~If he is sentenced to death, the~~ 4646  
~~death sentence shall be executed as if he were not under~~ 4647  
~~sentence of imprisonment in a state correctional institution.~~ 4648

**Sec. 2941.51.** (A) Counsel appointed to a case or selected 4649  
by an indigent person under division (E) of section 120.16 or 4650  
division (E) of section 120.26 of the Revised Code, or otherwise 4651  
appointed by the court, except for counsel appointed by the 4652  
court to provide legal representation for a person charged with 4653  
a violation of an ordinance of a municipal corporation, shall be 4654  
paid for their services by the county the compensation and 4655  
expenses that the trial court approves. Each request for payment 4656  
shall be accompanied by a financial disclosure form and an 4657  
affidavit of indigency that are completed by the indigent person 4658  
on forms prescribed by the state public defender. Compensation 4659  
and expenses shall not exceed the amounts fixed by the board of 4660  
county commissioners pursuant to division (B) of this section. 4661

(B) The board of county commissioners shall establish a 4662  
schedule of fees by case or on an hourly basis to be paid by the 4663  
county for legal services provided by appointed counsel. Prior 4664  
to establishing such schedule, the board shall request the bar 4665  
association or associations of the county to submit a proposed 4666  
schedule. The schedule submitted shall be subject to the review, 4667  
amendment, and approval of the board of county commissioners. 4668

(C) In a case where counsel have been appointed to conduct 4669  
an appeal under Chapter 120. of the Revised Code, such 4670  
compensation shall be fixed by the court of appeals or the 4671  
supreme court, as provided in divisions (A) and (B) of this 4672  
section. 4673

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

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, ~~separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code.~~ The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall review the report and, in accordance with the standards, guidelines, and maximums established

pursuant to divisions (B) (7) and (8) of section 120.04 of the 4705  
Revised Code, pay fifty per cent of the total cost, ~~other than~~ 4706  
~~costs and expenses that are reimbursable under section 120.35 of~~ 4707  
~~the Revised Code, if any,~~ of paying appointed counsel in each 4708  
county and ~~pay fifty per cent of costs and expenses that are~~ 4709  
~~reimbursable under section 120.35 of the Revised Code, if any,~~ 4710  
to the board. 4711

(F) If any county system for paying appointed counsel 4712  
fails to maintain the standards for the conduct of the system 4713  
established by the rules of the Ohio public defender commission 4714  
pursuant to divisions (B) and (C) of section 120.03 of the 4715  
Revised Code or the standards established by the state public 4716  
defender pursuant to division (B) (7) of section 120.04 of the 4717  
Revised Code, the commission shall notify the board of county 4718  
commissioners of the county that the county system for paying 4719  
appointed counsel has failed to comply with its rules. Unless 4720  
the board corrects the conduct of its appointed counsel system 4721  
to comply with the rules within ninety days after the date of 4722  
the notice, the state public defender may deny all or part of 4723  
the county's reimbursement from the state provided for in this 4724  
section. 4725

**Sec. 2945.06.** In any case in which a defendant waives his 4726  
right to trial by jury and elects to be tried by the court under 4727  
section 2945.05 of the Revised Code, any judge of the court in 4728  
which the cause is pending shall proceed to hear, try, and 4729  
determine the cause in accordance with the rules and in like 4730  
manner as if the cause were being tried before a jury. ~~If the~~ 4731  
~~accused is charged with an offense punishable with death, he~~ 4732  
~~shall be tried by a court to be composed of three judges,~~ 4733  
~~consisting of the judge presiding at the time in the trial of~~ 4734  
~~criminal cases and two other judges to be designated by the~~ 4735

~~presiding judge or chief justice of that court, and in case 4736  
there is neither a presiding judge nor a chief justice, by the 4737  
chief justice of the supreme court. The judges or a majority of 4738  
them may decide all questions of fact and law arising upon the 4739  
trial; however the accused shall not be found guilty or not 4740  
guilty of any offense unless the judges unanimously find the 4741  
accused guilty or not guilty. If the accused pleads guilty of 4742  
aggravated murder, a court composed of three judges shall 4743  
examine the witnesses, determine whether the accused is guilty 4744  
of aggravated murder or any other offense, and pronounce 4745  
sentence accordingly. The court shall follow the procedures 4746  
contained in sections 2929.03 and 2929.04 of the Revised Code in 4747  
all cases in which the accused is charged with an offense 4748  
punishable by death. If in the composition of the court it is 4749  
necessary that a judge from another county be assigned by the 4750  
chief justice, the judge from another county shall be 4751  
compensated for his services as provided by section 141.07 of 4752  
the Revised Code. 4753~~

**Sec. 2945.13.** When two or more persons are jointly 4754  
indicted for a felony, ~~except a capital offense,~~ they shall be 4755  
tried jointly unless the court, for good cause shown on 4756  
application therefor by the prosecuting attorney or one or more 4757  
of said defendants, orders one or more of said defendants to be 4758  
tried separately. 4759

**Sec. 2945.21.** (A) (1) In criminal cases in which there is 4760  
only one defendant, each party, in addition to the challenges 4761  
for cause authorized by law, may peremptorily challenge three of 4762  
the jurors in misdemeanor cases and four of the jurors in felony 4763  
cases ~~other than capital cases.~~ If there is more than one 4764  
defendant, each defendant may peremptorily challenge the same 4765  
number of jurors as if ~~he~~ the defendant were the sole defendant. 4766

(2) ~~Notwithstanding Criminal Rule 24, in capital cases in which there is only one defendant, each party, in addition to the challenges for cause authorized by law, may peremptorily challenge twelve of the jurors. If there is more than one defendant, each defendant may peremptorily challenge the same number of jurors as if he were the sole defendant.~~ 4767  
4768  
4769  
4770  
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4772

~~(3)~~ In any case in which there are multiple defendants, 4773  
the prosecuting attorney may peremptorily challenge a number of 4774  
jurors equal to the total number of peremptory challenges 4775  
allowed to all of the defendants. 4776

(B) If any indictments, informations, or complaints are 4777  
consolidated for trial, the consolidated cases shall be 4778  
considered, for purposes of exercising peremptory challenges, as 4779  
though the defendants or offenses had been joined in the same 4780  
indictment, information, or complaint. 4781

(C) The exercise of peremptory challenges authorized by 4782  
this section shall be in accordance with the procedures of 4783  
Criminal Rule 24. 4784

**Sec. 2945.25.** A person called as a juror in a criminal 4785  
case may be challenged for the following causes: 4786

(A) That ~~he~~ the person was a member of the grand jury that 4787  
found the indictment in the case; 4788

(B) That ~~he~~ the person is possessed of a state of mind 4789  
evinced enmity or bias toward the defendant or the state; but 4790  
no person summoned as a juror shall be disqualified by reason of 4791  
a previously formed or expressed opinion with reference to the 4792  
guilt or innocence of the accused, if the court is satisfied, 4793  
from examination of the juror or from other evidence, that ~~he~~ 4794  
the juror will render an impartial verdict according to the law 4795

and the evidence submitted to the jury at the trial; 4796

~~(C) In the trial of a capital offense, that~~ 4797  
~~he unequivocally states that under no circumstances will he~~ 4798  
~~follow the instructions of a trial judge and consider fairly the~~ 4799  
~~imposition of a sentence of death in a particular case. A~~ 4800  
~~prospective juror's conscientious or religious opposition to the~~ 4801  
~~death penalty in and of itself is not grounds for a challenge~~ 4802  
~~for cause. All parties shall be given wide latitude in voir dire~~ 4803  
~~questioning in this regard.~~ 4804

~~(D)~~ That he the person is related by consanguinity or 4805  
affinity within the fifth degree to the person alleged to be 4806  
injured or attempted to be injured by the offense charged, or to 4807  
the person on whose complaint the prosecution was instituted, or 4808  
to the defendant; 4809

~~(E)~~ ~~(D)~~ That he the person served on a petit jury drawn in 4810  
the same cause against the same defendant, and that jury was 4811  
discharged after hearing the evidence or rendering a verdict on 4812  
the evidence that was set aside; 4813

~~(F)~~ ~~(E)~~ That he the person served as a juror in a civil 4814  
case brought against the defendant for the same act; 4815

~~(G)~~ ~~(F)~~ That he the person has been subpoenaed in good 4816  
faith as a witness in the case; 4817

~~(H)~~ ~~(G)~~ That he the person is a chronic alcoholic, or drug 4818  
dependent person; 4819

~~(I)~~ ~~(H)~~ That he the person has been convicted of a crime 4820  
that by law disqualifies ~~him~~ the person from serving on a jury; 4821

~~(J)~~ ~~(I)~~ That he the person has an action pending between 4822  
him the person and the state or the defendant; 4823

~~(K)~~(J) That ~~he~~ the person or ~~his~~ the person's spouse is a party to another action then pending in any court in which an attorney in the cause then on trial is an attorney, either for or against ~~him~~ the person;

~~(L)~~(K) That ~~he~~ the person is the person alleged to be injured or attempted to be injured by the offense charged, or is the person on whose complaint the prosecution was instituted, or the defendant;

~~(M)~~(L) That ~~he~~ the person is the employer or employee, or the spouse, parent, son, or daughter of the employer or employee, or the counselor, agent, or attorney of any person included in division (L) of this section;

~~(N)~~(M) That English is not ~~his~~ the person's native language, and ~~his~~ the person's knowledge of English is insufficient to permit ~~him~~ the person to understand the facts and law in the case;

~~(O)~~(N) That ~~he~~ the person otherwise is unsuitable for any other cause to serve as a juror.

The validity of each challenge listed in this section shall be determined by the court.

**Sec. 2945.33.** When a cause is finally submitted the jurors must be kept together in a convenient place under the charge of an officer until they agree upon a verdict, or are discharged by the court. The court, ~~except in cases where the offense charged may be punishable by death,~~ may permit the jurors to separate during the adjournment of court overnight, under proper cautions, or under supervision of an officer. Such officer shall not permit a communication to be made to them, nor make any ~~himself~~ communication to them except to ask if they have agreed

upon a verdict, unless ~~he~~ the officer does so by order of the 4853  
court. Such officer shall not communicate to any person, before 4854  
the verdict is delivered, any matter in relation to their 4855  
deliberation. Upon the trial of any prosecution for misdemeanor, 4856  
the court may permit the jury to separate during their 4857  
deliberation, or upon adjournment of the court overnight. 4858

~~In cases where the offense charged may be punished by~~ 4859  
~~death, after the case is finally submitted to the jury, the~~ 4860  
~~jurors shall be kept in charge of the proper officer and proper~~ 4861  
~~arrangements for their care and maintenance shall be made as~~ 4862  
~~under section 2945.31 of the Revised Code.~~ 4863

**Sec. 2945.38.** (A) If the issue of a defendant's competence 4864  
to stand trial is raised and if the court, upon conducting the 4865  
hearing provided for in section 2945.37 of the Revised Code, 4866  
finds that the defendant is competent to stand trial, the 4867  
defendant shall be proceeded against as provided by law. If the 4868  
court finds the defendant competent to stand trial and the 4869  
defendant is receiving psychotropic drugs or other medication, 4870  
the court may authorize the continued administration of the 4871  
drugs or medication or other appropriate treatment in order to 4872  
maintain the defendant's competence to stand trial, unless the 4873  
defendant's attending physician advises the court against 4874  
continuation of the drugs, other medication, or treatment. 4875

(B) (1) (a) If, after taking into consideration all relevant 4876  
reports, information, and other evidence, the court finds that 4877  
the defendant is incompetent to stand trial and that there is a 4878  
substantial probability that the defendant will become competent 4879  
to stand trial within one year if the defendant is provided with 4880  
a course of treatment, the court shall order the defendant to 4881  
undergo treatment. If the defendant has been charged with a 4882

felony offense and if, after taking into consideration all 4883  
relevant reports, information, and other evidence, the court 4884  
finds that the defendant is incompetent to stand trial, but the 4885  
court is unable at that time to determine whether there is a 4886  
substantial probability that the defendant will become competent 4887  
to stand trial within one year if the defendant is provided with 4888  
a course of treatment, the court shall order continuing 4889  
evaluation and treatment of the defendant for a period not to 4890  
exceed four months to determine whether there is a substantial 4891  
probability that the defendant will become competent to stand 4892  
trial within one year if the defendant is provided with a course 4893  
of treatment. 4894

(b) The court order for the defendant to undergo treatment 4895  
or continuing evaluation and treatment under division (B) (1) (a) 4896  
of this section shall specify that the defendant, if determined 4897  
to require mental health treatment or continuing evaluation and 4898  
treatment, either shall be committed to the department of mental 4899  
health and addiction services for treatment or continuing 4900  
evaluation and treatment at a hospital, facility, or agency, as 4901  
determined to be clinically appropriate by the department of 4902  
mental health and addiction services or shall be committed to a 4903  
facility certified by the department of mental health and 4904  
addiction services as being qualified to treat mental illness, 4905  
to a public or community mental health facility, or to a 4906  
psychiatrist or another mental health professional for treatment 4907  
or continuing evaluation and treatment. Prior to placing the 4908  
defendant, the department of mental health and addiction 4909  
services shall obtain court approval for that placement 4910  
following a hearing. The court order for the defendant to 4911  
undergo treatment or continuing evaluation and treatment under 4912  
division (B) (1) (a) of this section shall specify that the 4913

defendant, if determined to require treatment or continuing 4914  
evaluation and treatment for mental retardation, shall receive 4915  
treatment or continuing evaluation and treatment at an 4916  
institution or facility operated by the department of 4917  
developmental disabilities, at a facility certified by the 4918  
department of developmental disabilities as being qualified to 4919  
treat mental retardation, at a public or private mental 4920  
retardation facility, or by a psychiatrist or another mental 4921  
retardation professional. In any case, the order may restrict 4922  
the defendant's freedom of movement as the court considers 4923  
necessary. The prosecutor in the defendant's case shall send to 4924  
the chief clinical officer of the hospital, facility, or agency 4925  
where the defendant is placed by the department of mental health 4926  
and addiction services, or to the managing officer of the 4927  
institution, the director of the program or facility, or the 4928  
person to which the defendant is committed, copies of relevant 4929  
police reports and other background information that pertains to 4930  
the defendant and is available to the prosecutor unless the 4931  
prosecutor determines that the release of any of the information 4932  
in the police reports or any of the other background information 4933  
to unauthorized persons would interfere with the effective 4934  
prosecution of any person or would create a substantial risk of 4935  
harm to any person. 4936

In determining the place of commitment, the court shall 4937  
consider the extent to which the person is a danger to the 4938  
person and to others, the need for security, and the type of 4939  
crime involved and shall order the least restrictive alternative 4940  
available that is consistent with public safety and treatment 4941  
goals. In weighing these factors, the court shall give 4942  
preference to protecting public safety. 4943

(c) If the defendant is found incompetent to stand trial, 4944

if the chief clinical officer of the hospital, facility, or 4945  
agency where the defendant is placed, or the managing officer of 4946  
the institution, the director of the program or facility, or the 4947  
person to which the defendant is committed for treatment or 4948  
continuing evaluation and treatment under division (B)(1)(b) of 4949  
this section determines that medication is necessary to restore 4950  
the defendant's competency to stand trial, and if the defendant 4951  
lacks the capacity to give informed consent or refuses 4952  
medication, the chief clinical officer of the hospital, 4953  
facility, or agency where the defendant is placed, or the 4954  
managing officer of the institution, the director of the program 4955  
or facility, or the person to which the defendant is committed 4956  
for treatment or continuing evaluation and treatment may 4957  
petition the court for authorization for the involuntary 4958  
administration of medication. The court shall hold a hearing on 4959  
the petition within five days of the filing of the petition if 4960  
the petition was filed in a municipal court or a county court 4961  
regarding an incompetent defendant charged with a misdemeanor or 4962  
within ten days of the filing of the petition if the petition 4963  
was filed in a court of common pleas regarding an incompetent 4964  
defendant charged with a felony offense. Following the hearing, 4965  
the court may authorize the involuntary administration of 4966  
medication or may dismiss the petition. 4967

(2) If the court finds that the defendant is incompetent 4968  
to stand trial and that, even if the defendant is provided with 4969  
a course of treatment, there is not a substantial probability 4970  
that the defendant will become competent to stand trial within 4971  
one year, the court shall order the discharge of the defendant, 4972  
unless upon motion of the prosecutor or on its own motion, the 4973  
court either seeks to retain jurisdiction over the defendant 4974  
pursuant to section 2945.39 of the Revised Code or files an 4975

affidavit in the probate court for the civil commitment of the 4976  
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 4977  
alleging that the defendant is a mentally ill person subject to 4978  
court order or a mentally retarded person subject to 4979  
institutionalization by court order. If an affidavit is filed in 4980  
the probate court, the trial court shall send to the probate 4981  
court copies of all written reports of the defendant's mental 4982  
condition that were prepared pursuant to section 2945.371 of the 4983  
Revised Code. 4984

The trial court may issue the temporary order of detention 4985  
that a probate court may issue under section 5122.11 or 5123.71 4986  
of the Revised Code, to remain in effect until the probable 4987  
cause or initial hearing in the probate court. Further 4988  
proceedings in the probate court are civil proceedings governed 4989  
by Chapter 5122. or 5123. of the Revised Code. 4990

(C) No defendant shall be required to undergo treatment, 4991  
including any continuing evaluation and treatment, under 4992  
division (B) (1) of this section for longer than whichever of the 4993  
following periods is applicable: 4994

(1) One year, if the most serious offense with which the 4995  
defendant is charged is one of the following offenses: 4996

(a) Aggravated murder, murder, or an offense of violence 4997  
for which a sentence of ~~death or~~ life imprisonment may be 4998  
imposed; 4999

(b) An offense of violence that is a felony of the first 5000  
or second degree; 5001

(c) A conspiracy to commit, an attempt to commit, or 5002  
complicity in the commission of an offense described in division 5003  
(C) (1) (a) or (b) of this section if the conspiracy, attempt, or 5004

complicity is a felony of the first or second degree. 5005

(2) Six months, if the most serious offense with which the 5006  
defendant is charged is a felony other than a felony described 5007  
in division (C) (1) of this section; 5008

(3) Sixty days, if the most serious offense with which the 5009  
defendant is charged is a misdemeanor of the first or second 5010  
degree; 5011

(4) Thirty days, if the most serious offense with which 5012  
the defendant is charged is a misdemeanor of the third or fourth 5013  
degree, a minor misdemeanor, or an unclassified misdemeanor. 5014

(D) Any defendant who is committed pursuant to this 5015  
section shall not voluntarily admit the defendant or be 5016  
voluntarily admitted to a hospital or institution pursuant to 5017  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 5018  
Code. 5019

(E) Except as otherwise provided in this division, a 5020  
defendant who is charged with an offense and is committed by the 5021  
court under this section to the department of mental health and 5022  
addiction services or is committed to an institution or facility 5023  
for the treatment of mental retardation shall not be granted 5024  
unsupervised on-grounds movement, supervised off-grounds 5025  
movement, or nonsecured status except in accordance with the 5026  
court order. The court may grant a defendant supervised off- 5027  
grounds movement to obtain medical treatment or specialized 5028  
habilitation treatment services if the person who supervises the 5029  
treatment or the continuing evaluation and treatment of the 5030  
defendant ordered under division (B) (1) (a) of this section 5031  
informs the court that the treatment or continuing evaluation 5032  
and treatment cannot be provided at the hospital or facility 5033

where the defendant is placed by the department of mental health 5034  
and addiction services or the institution or facility to which 5035  
the defendant is committed. The chief clinical officer of the 5036  
hospital or facility where the defendant is placed by the 5037  
department of mental health and addiction services or the 5038  
managing officer of the institution or director of the facility 5039  
to which the defendant is committed, or a designee of any of 5040  
those persons, may grant a defendant movement to a medical 5041  
facility for an emergency medical situation with appropriate 5042  
supervision to ensure the safety of the defendant, staff, and 5043  
community during that emergency medical situation. The chief 5044  
clinical officer of the hospital or facility where the defendant 5045  
is placed by the department of mental health and addiction 5046  
services or the managing officer of the institution or director 5047  
of the facility to which the defendant is committed shall notify 5048  
the court within twenty-four hours of the defendant's movement 5049  
to the medical facility for an emergency medical situation under 5050  
this division. 5051

(F) The person who supervises the treatment or continuing 5052  
evaluation and treatment of a defendant ordered to undergo 5053  
treatment or continuing evaluation and treatment under division 5054  
(B) (1) (a) of this section shall file a written report with the 5055  
court at the following times: 5056

(1) Whenever the person believes the defendant is capable 5057  
of understanding the nature and objective of the proceedings 5058  
against the defendant and of assisting in the defendant's 5059  
defense; 5060

(2) For a felony offense, fourteen days before expiration 5061  
of the maximum time for treatment as specified in division (C) 5062  
of this section and fourteen days before the expiration of the 5063

maximum time for continuing evaluation and treatment as 5064  
specified in division (B) (1) (a) of this section, and, for a 5065  
misdemeanor offense, ten days before the expiration of the 5066  
maximum time for treatment, as specified in division (C) of this 5067  
section; 5068

(3) At a minimum, after each six months of treatment; 5069

(4) Whenever the person who supervises the treatment or 5070  
continuing evaluation and treatment of a defendant ordered under 5071  
division (B) (1) (a) of this section believes that there is not a 5072  
substantial probability that the defendant will become capable 5073  
of understanding the nature and objective of the proceedings 5074  
against the defendant or of assisting in the defendant's defense 5075  
even if the defendant is provided with a course of treatment. 5076

(G) A report under division (F) of this section shall 5077  
contain the examiner's findings, the facts in reasonable detail 5078  
on which the findings are based, and the examiner's opinion as 5079  
to the defendant's capability of understanding the nature and 5080  
objective of the proceedings against the defendant and of 5081  
assisting in the defendant's defense. If, in the examiner's 5082  
opinion, the defendant remains incapable of understanding the 5083  
nature and objective of the proceedings against the defendant 5084  
and of assisting in the defendant's defense and there is a 5085  
substantial probability that the defendant will become capable 5086  
of understanding the nature and objective of the proceedings 5087  
against the defendant and of assisting in the defendant's 5088  
defense if the defendant is provided with a course of treatment, 5089  
if in the examiner's opinion the defendant remains mentally ill 5090  
or mentally retarded, and if the maximum time for treatment as 5091  
specified in division (C) of this section has not expired, the 5092  
report also shall contain the examiner's recommendation as to 5093

the least restrictive placement or commitment alternative that 5094  
is consistent with the defendant's treatment needs for 5095  
restoration to competency and with the safety of the community. 5096  
The court shall provide copies of the report to the prosecutor 5097  
and defense counsel. 5098

(H) If a defendant is committed pursuant to division (B) 5099  
(1) of this section, within ten days after the treating 5100  
physician of the defendant or the examiner of the defendant who 5101  
is employed or retained by the treating facility advises that 5102  
there is not a substantial probability that the defendant will 5103  
become capable of understanding the nature and objective of the 5104  
proceedings against the defendant or of assisting in the 5105  
defendant's defense even if the defendant is provided with a 5106  
course of treatment, within ten days after the expiration of the 5107  
maximum time for treatment as specified in division (C) of this 5108  
section, within ten days after the expiration of the maximum 5109  
time for continuing evaluation and treatment as specified in 5110  
division (B) (1) (a) of this section, within thirty days after a 5111  
defendant's request for a hearing that is made after six months 5112  
of treatment, or within thirty days after being advised by the 5113  
treating physician or examiner that the defendant is competent 5114  
to stand trial, whichever is the earliest, the court shall 5115  
conduct another hearing to determine if the defendant is 5116  
competent to stand trial and shall do whichever of the following 5117  
is applicable: 5118

(1) If the court finds that the defendant is competent to 5119  
stand trial, the defendant shall be proceeded against as 5120  
provided by law. 5121

(2) If the court finds that the defendant is incompetent 5122  
to stand trial, but that there is a substantial probability that 5123

the defendant will become competent to stand trial if the 5124  
defendant is provided with a course of treatment, and the 5125  
maximum time for treatment as specified in division (C) of this 5126  
section has not expired, the court, after consideration of the 5127  
examiner's recommendation, shall order that treatment be 5128  
continued, may change the facility or program at which the 5129  
treatment is to be continued, and shall specify whether the 5130  
treatment is to be continued at the same or a different facility 5131  
or program. 5132

(3) If the court finds that the defendant is incompetent 5133  
to stand trial, if the defendant is charged with an offense 5134  
listed in division (C)(1) of this section, and if the court 5135  
finds that there is not a substantial probability that the 5136  
defendant will become competent to stand trial even if the 5137  
defendant is provided with a course of treatment, or if the 5138  
maximum time for treatment relative to that offense as specified 5139  
in division (C) of this section has expired, further proceedings 5140  
shall be as provided in sections 2945.39, 2945.401, and 2945.402 5141  
of the Revised Code. 5142

(4) If the court finds that the defendant is incompetent 5143  
to stand trial, if the most serious offense with which the 5144  
defendant is charged is a misdemeanor or a felony other than a 5145  
felony listed in division (C)(1) of this section, and if the 5146  
court finds that there is not a substantial probability that the 5147  
defendant will become competent to stand trial even if the 5148  
defendant is provided with a course of treatment, or if the 5149  
maximum time for treatment relative to that offense as specified 5150  
in division (C) of this section has expired, the court shall 5151  
dismiss the indictment, information, or complaint against the 5152  
defendant. A dismissal under this division is not a bar to 5153  
further prosecution based on the same conduct. The court shall 5154

discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment pursuant to Chapter 5122. or 5123. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the defendant for ten days pending civil commitment. All of the following provisions apply to persons charged with a misdemeanor or a felony other than a felony listed in division (C)(1) of this section who are committed by the probate court subsequent to the court's or prosecutor's filing of an affidavit for civil commitment under authority of this division:

(a) The chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall do all of the following:

(i) Notify the prosecutor, in writing, of the discharge of the defendant, send the notice at least ten days prior to the discharge unless the discharge is by the probate court, and state in the notice the date on which the defendant will be discharged;

(ii) Notify the prosecutor, in writing, when the defendant is absent without leave or is granted unsupervised, off-grounds movement, and send this notice promptly after the discovery of the absence without leave or prior to the granting of the unsupervised, off-grounds movement, whichever is applicable;

(iii) Notify the prosecutor, in writing, of the change of the defendant's commitment or admission to voluntary status, send the notice promptly upon learning of the change to voluntary status, and state in the notice the date on which the defendant was committed or admitted on a voluntary status.

(b) Upon receiving notice that the defendant will be 5184  
granted unsupervised, off-grounds movement, the prosecutor 5185  
either shall re-indict the defendant or promptly notify the 5186  
court that the prosecutor does not intend to prosecute the 5187  
charges against the defendant. 5188

(I) If a defendant is convicted of a crime and sentenced 5189  
to a jail or workhouse, the defendant's sentence shall be 5190  
reduced by the total number of days the defendant is confined 5191  
for evaluation to determine the defendant's competence to stand 5192  
trial or treatment under this section and sections 2945.37 and 5193  
2945.371 of the Revised Code or by the total number of days the 5194  
defendant is confined for evaluation to determine the 5195  
defendant's mental condition at the time of the offense charged. 5196

**Sec. 2949.02.** (A) If a person is convicted of anyailable 5197  
offense, including, but not limited to, a violation of an 5198  
ordinance of a municipal corporation, in a municipal or county 5199  
court or in a court of common pleas and if the person gives to 5200  
the trial judge or magistrate a written notice of the person's 5201  
intention to file or apply for leave to file an appeal to the 5202  
court of appeals, the trial judge or magistrate may suspend, 5203  
subject to division (A) (2) (b) of section 2953.09 of the Revised 5204  
Code, execution of the sentence or judgment imposed for any 5205  
fixed time that will give the person time either to prepare and 5206  
file, or to apply for leave to file, the appeal. In allailable 5207  
cases, except as provided in division (B) of this section, the 5208  
trial judge or magistrate may release the person on bail in 5209  
accordance with Criminal Rule 46, and the bail shall at least be 5210  
conditioned that the person will appeal without delay and abide 5211  
by the judgment and sentence of the court. 5212

(B) Notwithstanding any provision of Criminal Rule 46 to 5213

the contrary, a trial judge of a court of common pleas shall not 5214  
release on bail pursuant to division (A) of this section a 5215  
person who is convicted of a bailable offense if the person is 5216  
sentenced to imprisonment for life or if that offense is a 5217  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 5218  
2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 5219  
2911.02, or 2911.11 of the Revised Code or is felonious sexual 5220  
penetration in violation of former section 2907.12 of the 5221  
Revised Code. 5222

(C) If a trial judge of a court of common pleas is 5223  
prohibited by division (B) of this section from releasing on 5224  
bail pursuant to division (A) of this section a person who is 5225  
convicted of a bailable offense and not sentenced to 5226  
imprisonment for life, the appropriate court of appeals or two 5227  
judges of it, upon motion of such a person and for good cause 5228  
shown, may release the person on bail in accordance with 5229  
Appellate Rule 8 and Criminal Rule 46, and the bail shall at 5230  
least be conditioned as described in division (A) of this 5231  
section. 5232

**Sec. 2949.03.** If a judgment of conviction by a court of 5233  
common pleas, municipal court, or county court is affirmed by a 5234  
court of appeals and remanded to the trial court for execution 5235  
of the sentence or judgment imposed, and the person so convicted 5236  
gives notice of ~~his~~ the person's intention to file a notice of 5237  
appeal to the supreme court, the trial court, on the filing of a 5238  
motion by such person within three days after the rendition by 5239  
the court of appeals of the judgment of affirmation, may further 5240  
suspend, ~~subject to division (A) (2) (b) of section 2953.09 of the~~ 5241  
~~Revised Code,~~ the execution of the sentence or judgment imposed 5242  
for a time sufficient to give such person an opportunity to file 5243  
a notice of appeal to the supreme court, but the sentence or 5244

judgment imposed shall not be suspended more than thirty days 5245  
for that purpose. 5246

~~Sec. 2953.02. In a capital case in which a sentence of~~ 5247  
~~death is imposed for an offense committed before January 1,~~ 5248  
1995, and in any other criminal case, including a conviction for 5249  
the violation of an ordinance of a municipal corporation, the 5250  
judgment or final order of a court of record inferior to the 5251  
court of appeals may be reviewed in the court of appeals. A 5252  
final order of an administrative officer or agency may be 5253  
reviewed in the court of common pleas. A judgment or final order 5254  
of the court of appeals involving a question arising under the 5255  
Constitution of the United States or of this state may be 5256  
appealed to the supreme court as a matter of right. This right 5257  
of appeal from judgments and final orders of the court of 5258  
appeals shall extend to ~~cases in which a sentence of death is~~ 5259  
~~imposed for an offense committed before January 1, 1995, and in~~ 5260  
~~which the death penalty has been affirmed,~~ felony cases in which 5261  
the supreme court has directed the court of appeals to certify 5262  
its record, and in all other criminal cases of public or general 5263  
interest wherein the supreme court has granted a motion to 5264  
certify the record of the court of appeals. ~~In a capital case in~~ 5265  
~~which a sentence of death is imposed for an offense committed on~~ 5266  
~~or after January 1, 1995, the judgment or final order may be~~ 5267  
~~appealed from the trial court directly to the supreme court as a~~ 5268  
~~matter of right.~~ The supreme court in criminal cases shall not 5269  
be required to determine as to the weight of the evidence, 5270  
except that, in cases in which a sentence of death is imposed 5271  
for an offense committed on or after January 1, 1995, and in 5272  
which the question of the weight of the evidence to support the 5273  
judgment has been raised on appeal, the supreme court shall 5274  
determine as to the weight of the evidence to support the 5275

~~judgment and shall determine as to the weight of the evidence to support the sentence of death as provided in section 2929.05 of the Revised Code.~~ 5276  
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**Sec. 2953.07.** ~~(A) Upon the hearing of an appeal other than an appeal from a mayor's court, the appellate court may affirm the judgment or reverse it, in whole or in part, or modify it, and order the accused to be discharged or grant a new trial. The appellate court may remand the accused for the sole purpose of correcting a sentence imposed contrary to law, provided that, on an appeal of a sentence imposed upon a person who is convicted of or pleads guilty to a felony that is brought under section 2953.08 of the Revised Code, division (G) of that section applies to the court. If the judgment is reversed, the appellant shall recover from the appellee all court costs incurred to secure the reversal, including the cost of transcripts. In capital cases, when the judgment is affirmed and the day fixed for the execution is passed, the appellate court shall appoint a day for it, and the clerk of the appellate court shall issue a warrant under the seal of the appellate court, to the sheriff of the proper county, or the warden of the appropriate state correctional institution, commanding the sheriff or warden to carry the sentence into execution on the day so appointed. The sheriff or warden shall execute and return the warrant as in other cases, and the clerk shall record the warrant and return.~~ 5279  
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~~(B) As used in this section, "appellate court" means, for a case in which a sentence of death is imposed for an offense committed before January 1, 1995, both the court of appeals and the supreme court, and for a case in which a sentence of death is imposed for an offense committed on or after January 1, 1995, the supreme court.~~ 5300  
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**Sec. 2953.08.** (A) In addition to any other right to appeal 5306  
and except as provided in division (D) of this section, a 5307  
defendant who is convicted of or pleads guilty to a felony may 5308  
appeal as a matter of right the sentence imposed upon the 5309  
defendant on one of the following grounds: 5310

(1) The sentence consisted of or included the maximum 5311  
prison term allowed for the offense by division (A) of section 5312  
2929.14 or section 2929.142 of the Revised Code, the maximum 5313  
prison term was not required for the offense pursuant to Chapter 5314  
2925. or any other provision of the Revised Code, and the court 5315  
imposed the sentence under one of the following circumstances: 5316

(a) The sentence was imposed for only one offense. 5317

(b) The sentence was imposed for two or more offenses 5318  
arising out of a single incident, and the court imposed the 5319  
maximum prison term for the offense of the highest degree. 5320

(2) The sentence consisted of or included a prison term 5321  
and the offense for which it was imposed is a felony of the 5322  
fourth or fifth degree or is a felony drug offense that is a 5323  
violation of a provision of Chapter 2925. of the Revised Code 5324  
and that is specified as being subject to division (B) of 5325  
section 2929.13 of the Revised Code for purposes of sentencing. 5326  
If the court specifies that it found one or more of the factors 5327  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 5328  
apply relative to the defendant, the defendant is not entitled 5329  
under this division to appeal as a matter of right the sentence 5330  
imposed upon the offender. 5331

(3) The person was convicted of or pleaded guilty to a 5332  
violent sex offense or a designated homicide, assault, or 5333  
kidnapping offense, was adjudicated a sexually violent predator 5334

in relation to that offense, and was sentenced pursuant to 5335  
division (A) (3) of section 2971.03 of the Revised Code, if the 5336  
minimum term of the indefinite term imposed pursuant to division 5337  
(A) (3) of section 2971.03 of the Revised Code is the longest 5338  
term available for the offense from among the range of terms 5339  
listed in section 2929.14 of the Revised Code. As used in this 5340  
division, "designated homicide, assault, or kidnapping offense" 5341  
and "violent sex offense" have the same meanings as in section 5342  
2971.01 of the Revised Code. As used in this division, 5343  
"adjudicated a sexually violent predator" has the same meaning 5344  
as in section 2929.01 of the Revised Code, and a person is 5345  
"adjudicated a sexually violent predator" in the same manner and 5346  
the same circumstances as are described in that section. 5347

(4) The sentence is contrary to law. 5348

(5) The sentence consisted of an additional prison term of 5349  
ten years imposed pursuant to division (B) (2) (a) of section 5350  
2929.14 of the Revised Code. 5351

(B) In addition to any other right to appeal and except as 5352  
provided in division (D) of this section, a prosecuting 5353  
attorney, a city director of law, village solicitor, or similar 5354  
chief legal officer of a municipal corporation, or the attorney 5355  
general, if one of those persons prosecuted the case, may appeal 5356  
as a matter of right a sentence imposed upon a defendant who is 5357  
convicted of or pleads guilty to a felony or, in the 5358  
circumstances described in division (B) (3) of this section the 5359  
modification of a sentence imposed upon such a defendant, on any 5360  
of the following grounds: 5361

(1) The sentence did not include a prison term despite a 5362  
presumption favoring a prison term for the offense for which it 5363  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 5364

the Revised Code. 5365

(2) The sentence is contrary to law. 5366

(3) The sentence is a modification under section 2929.20 5367  
of the Revised Code of a sentence that was imposed for a felony 5368  
of the first or second degree. 5369

(C) (1) In addition to the right to appeal a sentence 5370  
granted under division (A) or (B) of this section, a defendant 5371  
who is convicted of or pleads guilty to a felony may seek leave 5372  
to appeal a sentence imposed upon the defendant on the basis 5373  
that the sentencing judge has imposed consecutive sentences 5374  
under division (C) (3) of section 2929.14 of the Revised Code and 5375  
that the consecutive sentences exceed the maximum prison term 5376  
allowed by division (A) of that section for the most serious 5377  
offense of which the defendant was convicted. Upon the filing of 5378  
a motion under this division, the court of appeals may grant 5379  
leave to appeal the sentence if the court determines that the 5380  
allegation included as the basis of the motion is true. 5381

(2) A defendant may seek leave to appeal an additional 5382  
sentence imposed upon the defendant pursuant to division (B) (2) 5383  
(a) or (b) of section 2929.14 of the Revised Code if the 5384  
additional sentence is for a definite prison term that is longer 5385  
than five years. 5386

(D) (1) A sentence imposed upon a defendant is not subject 5387  
to review under this section if the sentence is authorized by 5388  
law, has been recommended jointly by the defendant and the 5389  
prosecution in the case, and is imposed by a sentencing judge. 5390

(2) Except as provided in division (C) (2) of this section, 5391  
a sentence imposed upon a defendant is not subject to review 5392  
under this section if the sentence is imposed pursuant to 5393

division (B) (2) (b) of section 2929.14 of the Revised Code. 5394  
Except as otherwise provided in this division, a defendant 5395  
retains all rights to appeal as provided under this chapter or 5396  
any other provision of the Revised Code. A defendant has the 5397  
right to appeal under this chapter or any other provision of the 5398  
Revised Code the court's application of division (B) (2) (c) of 5399  
section 2929.14 of the Revised Code. 5400

(3) A sentence imposed for aggravated murder or murder 5401  
pursuant to ~~sections~~ section 2929.02 ~~to 2929.06~~ of the Revised 5402  
Code is not subject to review under this section. 5403

(E) A defendant, prosecuting attorney, city director of 5404  
law, village solicitor, or chief municipal legal officer shall 5405  
file an appeal of a sentence under this section to a court of 5406  
appeals within the time limits specified in Rule 4(B) of the 5407  
Rules of Appellate Procedure, provided that if the appeal is 5408  
pursuant to division (B) (3) of this section, the time limits 5409  
specified in that rule shall not commence running until the 5410  
court grants the motion that makes the sentence modification in 5411  
question. A sentence appeal under this section shall be 5412  
consolidated with any other appeal in the case. If no other 5413  
appeal is filed, the court of appeals may review only the 5414  
portions of the trial record that pertain to sentencing. 5415

(F) On the appeal of a sentence under this section, the 5416  
record to be reviewed shall include all of the following, as 5417  
applicable: 5418

(1) Any presentence, psychiatric, or other investigative 5419  
report that was submitted to the court in writing before the 5420  
sentence was imposed. An appellate court that reviews a 5421  
presentence investigation report prepared pursuant to section 5422  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 5423

connection with the appeal of a sentence under this section 5424  
shall comply with division (D) (3) of section 2951.03 of the 5425  
Revised Code when the appellate court is not using the 5426  
presentence investigation report, and the appellate court's use 5427  
of a presentence investigation report of that nature in 5428  
connection with the appeal of a sentence under this section does 5429  
not affect the otherwise confidential character of the contents 5430  
of that report as described in division (D) (1) of section 5431  
2951.03 of the Revised Code and does not cause that report to 5432  
become a public record, as defined in section 149.43 of the 5433  
Revised Code, following the appellate court's use of the report. 5434

(2) The trial record in the case in which the sentence was 5435  
imposed; 5436

(3) Any oral or written statements made to or by the court 5437  
at the sentencing hearing at which the sentence was imposed; 5438

(4) Any written findings that the court was required to 5439  
make in connection with the modification of the sentence 5440  
pursuant to a judicial release under division (I) of section 5441  
2929.20 of the Revised Code. 5442

(G) (1) If the sentencing court was required to make the 5443  
findings required by division (B) or (D) of section 2929.13 or 5444  
division (I) of section 2929.20 of the Revised Code, or to state 5445  
the findings of the trier of fact required by division (B) (2) (e) 5446  
of section 2929.14 of the Revised Code, relative to the 5447  
imposition or modification of the sentence, and if the 5448  
sentencing court failed to state the required findings on the 5449  
record, the court hearing an appeal under division (A), (B), or 5450  
(C) of this section shall remand the case to the sentencing 5451  
court and instruct the sentencing court to state, on the record, 5452  
the required findings. 5453

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

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

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

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

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

**Sec. 2953.09.** (A) (1) Upon filing an appeal in the supreme  
court, the execution of the sentence or judgment imposed in  
cases of felony is suspended.

(2) ~~(a)~~ If a notice of appeal is filed pursuant to the  
Rules of Appellate Procedure by a defendant who is convicted in  
a municipal or county court or a court of common pleas of a  
felony or misdemeanor under the Revised Code or an ordinance of  
a municipal corporation, the filing of the notice of appeal does

not suspend execution of the sentence or judgment imposed. 5483  
However, consistent with divisions (A) (2) (b), (B), and (C) of 5484  
this section, Appellate Rule 8, and Criminal Rule 46, the 5485  
municipal or county court, court of common pleas, or court of 5486  
appeals may suspend execution of the sentence or judgment 5487  
imposed during the pendency of the appeal and shall determine 5488  
whether that defendant is entitled to bail and the amount and 5489  
nature of any bail that is required. The bail shall at least be 5490  
conditioned that the defendant will prosecute the appeal without 5491  
delay and abide by the judgment and sentence of the court. 5492

~~(b) (i) A court of common pleas or court of appeals may 5493  
suspend the execution of a sentence of death imposed for an 5494  
offense committed before January 1, 1995, only if no date for 5495  
execution has been set by the supreme court, good cause is shown 5496  
for the suspension, the defendant files a motion requesting the 5497  
suspension, and notice has been given to the prosecuting 5498  
attorney of the appropriate county. 5499~~

~~(ii) A court of common pleas may suspend the execution of 5500  
a sentence of death imposed for an offense committed on or after 5501  
January 1, 1995, only if no date for execution has been set by 5502  
the supreme court, good cause is shown, the defendant files a 5503  
motion requesting the suspension, and notice has been given to 5504  
the prosecuting attorney of the appropriate county. 5505~~

~~(iii) A court of common pleas or court of appeals may 5506  
suspend the execution of the sentence or judgment imposed for a 5507  
felony in a capital case in which a sentence of death is not 5508  
imposed only if no date for execution of the sentence has been 5509  
set by the supreme court, good cause is shown for the 5510  
suspension, the defendant files a motion requesting the 5511  
suspension, and only after notice has been given to the 5512~~

~~prosecuting attorney of the appropriate county.~~ 5513

(B) Notwithstanding any provision of Criminal Rule 46 to 5514  
the contrary, a trial judge of a court of common pleas shall not 5515  
release on bail pursuant to division (A)(2)(a) of this section a 5516  
defendant who is convicted of a bailable offense if the 5517  
defendant is sentenced to imprisonment for life or if that 5518  
offense is a violation of section 2903.01, 2903.02, 2903.03, 5519  
2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 5520  
2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious 5521  
sexual penetration in violation of former section 2907.12 of the 5522  
Revised Code. 5523

(C) If a trial judge of a court of common pleas is 5524  
prohibited by division (B) of this section from releasing on 5525  
bail pursuant to division (A)(2)(a) of this section a defendant 5526  
who is convicted of a bailable offense and not sentenced to 5527  
imprisonment for life, the appropriate court of appeals or two 5528  
judges of it, upon motion of the defendant and for good cause 5529  
shown, may release the defendant on bail in accordance with 5530  
division (A)(2) of this section. 5531

**Sec. 2953.10.** When an appeal is taken from a court of 5532  
appeals to the supreme court, the supreme court has the same 5533  
power and authority to suspend the execution of sentence during 5534  
the pendency of the appeal and admit the defendant to bail as 5535  
does the court of appeals unless another section of the Revised 5536  
Code or the Rules of Practice of the Supreme Court specify a 5537  
distinct bail or suspension of sentence authority. 5538

~~When an appeal in a case in which a sentence of death is~~ 5539  
~~imposed for an offense committed on or after January 1, 1995, is~~ 5540  
~~taken directly from the trial court to the supreme court, the~~ 5541  
~~supreme court has the same power and authority to suspend the~~ 5542

~~execution of the sentence during the pendency of the appeal and~~ 5543  
~~admit the defendant to bail as does the court of appeals for~~ 5544  
~~cases in which a sentence of death is imposed for an offense~~ 5545  
~~committed before January 1, 1995, unless another section of the~~ 5546  
~~Revised Code or the Rules of Practice of the Supreme Court~~ 5547  
~~specify a distinct bail or suspension of sentence authority.~~ 5548

**Sec. 2953.21.** (A) (1) (a) Any person who has been convicted 5549  
of a criminal offense or adjudicated a delinquent child and who 5550  
claims that there was such a denial or infringement of the 5551  
person's rights as to render the judgment void or voidable under 5552  
the Ohio Constitution or the Constitution of the United States, 5553  
and any person who has been convicted of a criminal offense that 5554  
is a felony and who is an offender for whom DNA testing that was 5555  
performed under sections 2953.71 to 2953.81 of the Revised Code 5556  
or under former section 2953.82 of the Revised Code and analyzed 5557  
in the context of and upon consideration of all available 5558  
admissible evidence related to the person's case as described in 5559  
division (D) of section 2953.74 of the Revised Code provided 5560  
results that establish, by clear and convincing evidence, actual 5561  
innocence of that felony offense ~~or, if the person was sentenced~~ 5562  
~~to death, establish, by clear and convincing evidence, actual~~ 5563  
~~innocence of the aggravating circumstance or circumstances the~~ 5564  
~~person was found guilty of committing and that is or are the~~ 5565  
~~basis of that sentence of death,~~ may file a petition in the 5566  
court that imposed sentence, stating the grounds for relief 5567  
relied upon, and asking the court to vacate or set aside the 5568  
judgment or sentence or to grant other appropriate relief. The 5569  
petitioner may file a supporting affidavit and other documentary 5570  
evidence in support of the claim for relief. 5571

(b) As used in division (A) (1) (a) of this section, "actual 5572  
innocence" means that, had the results of the DNA testing 5573

conducted under sections 2953.71 to 2953.81 of the Revised Code 5574  
or under former section 2953.82 of the Revised Code been 5575  
presented at trial, and had those results been analyzed in the 5576  
context of and upon consideration of all available admissible 5577  
evidence related to the person's case as described in division 5578  
(D) of section 2953.74 of the Revised Code, no reasonable 5579  
factfinder would have found the petitioner guilty of the offense 5580  
of which the petitioner was convicted, ~~or, if the person was~~ 5581  
~~sentenced to death, no reasonable factfinder would have found~~ 5582  
~~the petitioner guilty of the aggravating circumstance or~~ 5583  
~~circumstances the petitioner was found guilty of committing and~~ 5584  
~~that is or are the basis of that sentence of death.~~ 5585

(c) As used in divisions (A) (1) (a) and (b) of this 5586  
section, "former section 2953.82 of the Revised Code" means 5587  
section 2953.82 of the Revised Code as it existed prior to ~~the~~ 5588  
~~effective date of this amendment~~ July 6, 2010. 5589

(2) Except as otherwise provided in section 2953.23 of the 5590  
Revised Code, a petition under division (A) (1) of this section 5591  
shall be filed no later than one hundred eighty days after the 5592  
date on which the trial transcript is filed in the court of 5593  
appeals in the direct appeal of the judgment of conviction or 5594  
adjudication ~~or, if the direct appeal involves a sentence of~~ 5595  
~~death, the date on which the trial transcript is filed in the~~ 5596  
~~supreme court~~. If no appeal is taken, except as otherwise 5597  
provided in section 2953.23 of the Revised Code, the petition 5598  
shall be filed no later than one hundred eighty days after the 5599  
expiration of the time for filing the appeal. 5600

(3) ~~In a petition filed under division (A) of this~~ 5601  
~~section, a person who has been sentenced to death may ask the~~ 5602  
~~court to render void or voidable the judgment with respect to~~ 5603

~~the conviction of aggravated murder or the specification of an  
aggravating circumstance or the sentence of death.~~ 5604  
5605

~~(4)~~ A petitioner shall state in the original or amended 5606  
petition filed under division (A) of this section all grounds 5607  
for relief claimed by the petitioner. Except as provided in 5608  
section 2953.23 of the Revised Code, any ground for relief that 5609  
is not so stated in the petition is waived. 5610

~~(5)~~(4) If the petitioner in a petition filed under 5611  
division (A) of this section was convicted of or pleaded guilty 5612  
to a felony, the petition may include a claim that the 5613  
petitioner was denied the equal protection of the laws in 5614  
violation of the Ohio Constitution or the United States 5615  
Constitution because the sentence imposed upon the petitioner 5616  
for the felony was part of a consistent pattern of disparity in 5617  
sentencing by the judge who imposed the sentence, with regard to 5618  
the petitioner's race, gender, ethnic background, or religion. 5619  
If the supreme court adopts a rule requiring a court of common 5620  
pleas to maintain information with regard to an offender's race, 5621  
gender, ethnic background, or religion, the supporting evidence 5622  
for the petition shall include, but shall not be limited to, a 5623  
copy of that type of information relative to the petitioner's 5624  
sentence and copies of that type of information relative to 5625  
sentences that the same judge imposed upon other persons. 5626

(B) The clerk of the court in which the petition is filed 5627  
shall docket the petition and bring it promptly to the attention 5628  
of the court. The clerk of the court in which the petition is 5629  
filed immediately shall forward a copy of the petition to the 5630  
prosecuting attorney of that county. 5631

(C) The court shall consider a petition that is timely 5632  
filed under division (A) (2) of this section even if a direct 5633

appeal of the judgment is pending. Before granting a hearing on 5634  
a petition filed under division (A) of this section, the court 5635  
shall determine whether there are substantive grounds for 5636  
relief. In making such a determination, the court shall 5637  
consider, in addition to the petition, the supporting 5638  
affidavits, and the documentary evidence, all the files and 5639  
records pertaining to the proceedings against the petitioner, 5640  
including, but not limited to, the indictment, the court's 5641  
journal entries, the journalized records of the clerk of the 5642  
court, and the court reporter's transcript. The court reporter's 5643  
transcript, if ordered and certified by the court, shall be 5644  
taxed as court costs. If the court dismisses the petition, it 5645  
shall make and file findings of fact and conclusions of law with 5646  
respect to such dismissal. 5647

(D) Within ten days after the docketing of the petition, 5648  
or within any further time that the court may fix for good cause 5649  
shown, the prosecuting attorney shall respond by answer or 5650  
motion. Within twenty days from the date the issues are raised, 5651  
either party may move for summary judgment. The right to summary 5652  
judgment shall appear on the face of the record. 5653

(E) Unless the petition and the files and records of the 5654  
case show the petitioner is not entitled to relief, the court 5655  
shall proceed to a prompt hearing on the issues even if a direct 5656  
appeal of the case is pending. If the court notifies the parties 5657  
that it has found grounds for granting relief, either party may 5658  
request an appellate court in which a direct appeal of the 5659  
judgment is pending to remand the pending case to the court. 5660

(F) At any time before the answer or motion is filed, the 5661  
petitioner may amend the petition with or without leave or 5662  
prejudice to the proceedings. The petitioner may amend the 5663

petition with leave of court at any time thereafter. 5664

(G) If the court does not find grounds for granting 5665  
relief, it shall make and file findings of fact and conclusions 5666  
of law and shall enter judgment denying relief on the petition. 5667  
If no direct appeal of the case is pending and the court finds 5668  
grounds for relief or if a pending direct appeal of the case has 5669  
been remanded to the court pursuant to a request made pursuant 5670  
to division (E) of this section and the court finds grounds for 5671  
granting relief, it shall make and file findings of fact and 5672  
conclusions of law and shall enter a judgment that vacates and 5673  
sets aside the judgment in question, and, in the case of a 5674  
petitioner who is a prisoner in custody, shall discharge or 5675  
resentence the petitioner or grant a new trial as the court 5676  
determines appropriate. The court also may make supplementary 5677  
orders to the relief granted, concerning such matters as 5678  
rearraignment, retrial, custody, and bail. If the trial court's 5679  
order granting the petition is reversed on appeal and if the 5680  
direct appeal of the case has been remanded from an appellate 5681  
court pursuant to a request under division (E) of this section, 5682  
the appellate court reversing the order granting the petition 5683  
shall notify the appellate court in which the direct appeal of 5684  
the case was pending at the time of the remand of the reversal 5685  
and remand of the trial court's order. Upon the reversal and 5686  
remand of the trial court's order granting the petition, 5687  
regardless of whether notice is sent or received, the direct 5688  
appeal of the case that was remanded is reinstated. 5689

~~(H) Upon the filing of a petition pursuant to division (A)~~ 5690  
~~of this section by a person sentenced to death, only the supreme~~ 5691  
~~court may stay execution of the sentence of death.~~ 5692

~~(I) (1) If a person sentenced to death intends to file a~~ 5693

~~petition under this section, the court shall appoint counsel to~~ 5694  
~~represent the person upon a finding that the person is indigent~~ 5695  
~~and that the person either accepts the appointment of counsel or~~ 5696  
~~is unable to make a competent decision whether to accept or~~ 5697  
~~reject the appointment of counsel. The court may decline to~~ 5698  
~~appoint counsel for the person only upon a finding, after a~~ 5699  
~~hearing if necessary, that the person rejects the appointment of~~ 5700  
~~counsel and understands the legal consequences of that decision~~ 5701  
~~or upon a finding that the person is not indigent.~~ 5702

~~(2) The court shall not appoint as counsel under division~~ 5703  
~~(I)(1) of this section an attorney who represented the~~ 5704  
~~petitioner at trial in the case to which the petition relates~~ 5705  
~~unless the person and the attorney expressly request the~~ 5706  
~~appointment. The court shall appoint as counsel under division~~ 5707  
~~(I)(1) of this section only an attorney who is certified under~~ 5708  
~~Rule 20 of the Rules of Superintendence for the Courts of Ohio~~ 5709  
~~to represent indigent defendants charged with or convicted of an~~ 5710  
~~offense for which the death penalty can be or has been imposed.~~ 5711  
~~The ineffectiveness or incompetence of counsel during~~ 5712  
~~proceedings under this section does not constitute grounds for~~ 5713  
~~relief in a proceeding under this section, in an appeal of any~~ 5714  
~~action under this section, or in an application to reopen a~~ 5715  
~~direct appeal.~~ 5716

~~(3) Division (I) of this section does not preclude~~ 5717  
~~attorneys who represent the state of Ohio from invoking the~~ 5718  
~~provisions of 28 U.S.C. 154 with respect to capital cases that~~ 5719  
~~were pending in federal habeas corpus proceedings prior to July~~ 5720  
~~1, 1996, insofar as the petitioners in those cases were~~ 5721  
~~represented in proceedings under this section by one or more~~ 5722  
~~counsel appointed by the court under this section or section~~ 5723  
~~120.06, 120.16, 120.26, or 120.33 of the Revised Code and those~~ 5724

~~appointed counsel meet the requirements of division (I) (2) of  
this section.~~ 5725  
5726

~~(J)~~ Subject to the appeal of a sentence for a felony that 5727  
is authorized by section 2953.08 of the Revised Code, the remedy 5728  
set forth in this section is the exclusive remedy by which a 5729  
person may bring a collateral challenge to the validity of a 5730  
conviction or sentence in a criminal case or to the validity of 5731  
an adjudication of a child as a delinquent child for the 5732  
commission of an act that would be a criminal offense if 5733  
committed by an adult or the validity of a related order of 5734  
disposition. 5735

**Sec. 2953.23.** (A) Whether a hearing is or is not held on a 5736  
petition filed pursuant to section 2953.21 of the Revised Code, 5737  
a court may not entertain a petition filed after the expiration 5738  
of the period prescribed in division (A) of that section or a 5739  
second petition or successive petitions for similar relief on 5740  
behalf of a petitioner unless division (A) (1) or (2) of this 5741  
section applies: 5742

(1) Both of the following apply: 5743

(a) Either the petitioner shows that the petitioner was 5744  
unavoidably prevented from discovery of the facts upon which the 5745  
petitioner must rely to present the claim for relief, or, 5746  
subsequent to the period prescribed in division (A) (2) of 5747  
section 2953.21 of the Revised Code or to the filing of an 5748  
earlier petition, the United States Supreme Court recognized a 5749  
new federal or state right that applies retroactively to persons 5750  
in the petitioner's situation, and the petition asserts a claim 5751  
based on that right. 5752

(b) The petitioner shows by clear and convincing evidence 5753

that, but for constitutional error at trial, no reasonable 5754  
factfinder would have found the petitioner guilty of the offense 5755  
of which the petitioner was convicted ~~or, if the claim~~ 5756  
~~challenges a sentence of death that, but for constitutional~~ 5757  
~~error at the sentencing hearing, no reasonable factfinder would~~ 5758  
~~have found the petitioner eligible for the death sentence.~~ 5759

(2) The petitioner was convicted of a felony, the 5760  
petitioner is an offender for whom DNA testing was performed 5761  
under sections 2953.71 to 2953.81 of the Revised Code or under 5762  
former section 2953.82 of the Revised Code and analyzed in the 5763  
context of and upon consideration of all available admissible 5764  
evidence related to the inmate's case as described in division 5765  
(D) of section 2953.74 of the Revised Code, and the results of 5766  
the DNA testing establish, by clear and convincing evidence, 5767  
actual innocence of that felony offense ~~or, if the person was~~ 5768  
~~sentenced to death, establish, by clear and convincing evidence,~~ 5769  
~~actual innocence of the aggravating circumstance or~~ 5770  
~~circumstances the person was found guilty of committing and that~~ 5771  
~~is or are the basis of that sentence of death.~~ 5772

As used in this division, "actual innocence" has the same 5773  
meaning as in division (A) (1) (b) of section 2953.21 of the 5774  
Revised Code, and "former section 2953.82 of the Revised Code" 5775  
has the same meaning as in division (A) (1) (c) of section 2953.21 5776  
of the Revised Code. 5777

(B) An order awarding or denying relief sought in a 5778  
petition filed pursuant to section 2953.21 of the Revised Code 5779  
is a final judgment and may be appealed pursuant to Chapter 5780  
2953. of the Revised Code. 5781

**Sec. 2953.71.** As used in sections 2953.71 to 2953.83 of 5782  
the Revised Code: 5783

(A) "Application" or "application for DNA testing" means a request through postconviction relief for the state to do DNA testing on biological material from the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing under sections 2953.71 to 2953.81 of the Revised Code.

(B) "Biological material" means any product of a human body containing DNA.

(C) "Chain of custody" means a record or other evidence that tracks a subject sample of biological material from the time the biological material was first obtained until the time it currently exists in its place of storage and, in relation to a DNA sample, a record or other evidence that tracks the DNA sample from the time it was first obtained until it currently exists in its place of storage. For purposes of this division, examples of when biological material or a DNA sample is first obtained include, but are not limited to, obtaining the material or sample at the scene of a crime, from a victim, from an offender, or in any other manner or time as is appropriate in the facts and circumstances present.

(D) "Custodial agency" means the group or entity that has the responsibility to maintain biological material in question.

(E) "Custodian" means the person who is the primary representative of a custodial agency.

(F) "Eligible offender" means an offender who is eligible under division (C) of section 2953.72 of the Revised Code to request DNA testing to be conducted under sections 2953.71 to 2953.81 of the Revised Code.

(G) "Exclusion" or "exclusion result" means a result of

DNA testing that scientifically precludes or forecloses the 5813  
subject offender as a contributor of biological material 5814  
recovered from the crime scene or victim in question, in 5815  
relation to the offense for which the offender is an eligible 5816  
offender and for which the ~~sentence of death or prison~~ term was 5817  
imposed upon the offender. 5818

(H) "Extracting personnel" means medically approved 5819  
personnel who are employed to physically obtain an offender's 5820  
DNA specimen for purposes of DNA testing under sections 2953.71 5821  
to 2953.81 of the Revised Code. 5822

(I) "Inclusion" or "inclusion result" means a result of 5823  
DNA testing that scientifically cannot exclude, or that holds 5824  
accountable, the subject offender as a contributor of biological 5825  
material recovered from the crime scene or victim in question, 5826  
in relation to the offense for which the offender is an eligible 5827  
offender and for which the ~~sentence of death or prison~~ term was 5828  
imposed upon the offender. 5829

(J) "Inconclusive" or "inconclusive result" means a result 5830  
of DNA testing that is rendered when a scientifically 5831  
appropriate and definitive DNA analysis or result, or both, 5832  
cannot be determined. 5833

(K) "Offender" means a criminal offender who was sentenced 5834  
by a court, or by a jury and a court, of this state. 5835

(L) "Outcome determinative" means that had the results of 5836  
DNA testing of the subject offender been presented at the trial 5837  
of the subject offender requesting DNA testing and been found 5838  
relevant and admissible with respect to the felony offense for 5839  
which the offender is an eligible offender and is requesting the 5840  
DNA testing, and had those results been analyzed in the context 5841

of and upon consideration of all available admissible evidence 5842  
related to the offender's case as described in division (D) of 5843  
section 2953.74 of the Revised Code, there is a strong 5844  
probability that no reasonable factfinder would have found the 5845  
offender guilty of that offense ~~or, if the offender was~~ 5846  
~~sentenced to death relative to that offense, would have found~~ 5847  
~~the offender guilty of the aggravating circumstance or~~ 5848  
~~circumstances the offender was found guilty of committing and~~ 5849  
~~that is or are the basis of that sentence of death.~~ 5850

(M) "Parent sample" means the biological material first 5851  
obtained from a crime scene or a victim of an offense for which 5852  
an offender is an eligible offender, and from which a sample 5853  
will be presently taken to do a DNA comparison to the DNA of the 5854  
subject offender under sections 2953.71 to 2953.81 of the 5855  
Revised Code. 5856

(N) "Prison" and "community control sanction" have the 5857  
same meanings as in section 2929.01 of the Revised Code. 5858

(O) "Prosecuting attorney" means the prosecuting attorney 5859  
who, or whose office, prosecuted the case in which the subject 5860  
offender was convicted of the offense for which the offender is 5861  
an eligible offender and is requesting the DNA testing. 5862

(P) "Prosecuting authority" means the prosecuting attorney 5863  
or the attorney general. 5864

(Q) "Reasonable diligence" means a degree of diligence 5865  
that is comparable to the diligence a reasonable person would 5866  
employ in searching for information regarding an important 5867  
matter in the person's own life. 5868

(R) "Testing authority" means a laboratory at which DNA 5869  
testing will be conducted under sections 2953.71 to 2953.81 of 5870

the Revised Code. 5871

(S) "Parole" and "post-release control" have the same 5872  
meanings as in section 2967.01 of the Revised Code. 5873

(T) "Sexually oriented offense" and "child-victim oriented 5874  
offense" have the same meanings as in section 2950.01 of the 5875  
Revised Code. 5876

(U) "Definitive DNA test" means a DNA test that clearly 5877  
establishes that biological material from the perpetrator of the 5878  
crime was recovered from the crime scene and also clearly 5879  
establishes whether or not the biological material is that of 5880  
the eligible offender. A prior DNA test is not definitive if the 5881  
eligible offender proves by a preponderance of the evidence that 5882  
because of advances in DNA technology there is a possibility of 5883  
discovering new biological material from the perpetrator that 5884  
the prior DNA test may have failed to discover. Prior testing 5885  
may have been a prior "definitive DNA test" as to some 5886  
biological evidence but may not have been a prior "definitive 5887  
DNA test" as to other biological evidence. 5888

**Sec. 2953.72.** (A) Any eligible offender who wishes to 5889  
request DNA testing under sections 2953.71 to 2953.81 of the 5890  
Revised Code shall submit an application for the testing to the 5891  
court of common pleas specified in section 2953.73 of the 5892  
Revised Code, on a form prescribed by the attorney general for 5893  
this purpose. The eligible offender shall submit the application 5894  
in accordance with the procedures set forth in section 2953.73 5895  
of the Revised Code. The eligible offender shall specify on the 5896  
application the offense or offenses for which the offender is an 5897  
eligible offender and is requesting the DNA testing. Along with 5898  
the application, the eligible offender shall submit an 5899  
acknowledgment that is on a form prescribed by the attorney 5900

general for this purpose and that is signed by the offender. The 5901  
acknowledgment shall set forth all of the following: 5902

(1) That sections 2953.71 to 2953.81 of the Revised Code 5903  
contemplate applications for DNA testing of an eligible offender 5904  
at a stage of a prosecution or case after the offender has been 5905  
sentenced, that any exclusion or inclusion result of DNA testing 5906  
rendered pursuant to those sections may be used by a party in 5907  
any proceeding as described in section 2953.81 of the Revised 5908  
Code, and that all requests for any DNA testing made at trial 5909  
will continue to be handled by the prosecuting attorney in the 5910  
case; 5911

(2) That the process of conducting postconviction DNA 5912  
testing for an eligible offender under sections 2953.71 to 5913  
2953.81 of the Revised Code begins when the offender submits an 5914  
application under section 2953.73 of the Revised Code and the 5915  
acknowledgment described in this section; 5916

(3) That the eligible offender must submit the application 5917  
and acknowledgment to the court of common pleas that heard the 5918  
case in which the offender was convicted of the offense for 5919  
which the offender is an eligible offender and is requesting the 5920  
DNA testing; 5921

(4) That the state has established a set of criteria set 5922  
forth in section 2953.74 of the Revised Code by which eligible 5923  
offender applications for DNA testing will be screened and that 5924  
a judge of a court of common pleas upon receipt of a properly 5925  
filed application and accompanying acknowledgment will apply 5926  
those criteria to determine whether to accept or reject the 5927  
application; 5928

(5) That the results of DNA testing conducted under 5929

sections 2953.71 to 2953.81 of the Revised Code will be provided 5930  
as described in section 2953.81 of the Revised Code to all 5931  
parties in the postconviction proceedings and will be reported 5932  
to various courts; 5933

(6) That, if DNA testing is conducted with respect to an 5934  
offender under sections 2953.71 to 2953.81 of the Revised Code, 5935  
the state will not offer the offender a retest if an inclusion 5936  
result is achieved relative to the testing and that, if the 5937  
state were to offer a retest after an inclusion result, the 5938  
policy would create an atmosphere in which endless testing could 5939  
occur and in which postconviction proceedings could be stalled 5940  
for many years; 5941

(7) That, if the court rejects an eligible offender's 5942  
application for DNA testing because the offender does not 5943  
satisfy the acceptance criteria described in division (A) (4) of 5944  
this section, the court will not accept or consider subsequent 5945  
applications; 5946

(8) That the acknowledgment memorializes the provisions of 5947  
sections 2953.71 to 2953.81 of the Revised Code with respect to 5948  
the application of postconviction DNA testing to offenders, that 5949  
those provisions do not give any offender any additional 5950  
constitutional right that the offender did not already have, 5951  
that the court has no duty or obligation to provide 5952  
postconviction DNA testing to offenders, that the court of 5953  
common pleas has the sole discretion subject to an appeal as 5954  
described in this division to determine whether an offender is 5955  
an eligible offender and whether an eligible offender's 5956  
application for DNA testing satisfies the acceptance criteria 5957  
described in division (A) (4) of this section and whether the 5958  
application should be accepted or rejected, that if the court of 5959

common pleas rejects an eligible offender's application, the 5960  
offender may ~~seek leave of the supreme court to appeal the~~ 5961  
~~rejection to that court if the offender was sentenced to death~~ 5962  
~~for the offense for which the offender is requesting the DNA~~ 5963  
~~testing and, if the offender was not sentenced to death for that~~ 5964  
~~offense, may appeal the rejection to the court of appeals, and~~ 5965  
that no determination otherwise made by the court of common 5966  
pleas in the exercise of its discretion regarding the 5967  
eligibility of an offender or regarding postconviction DNA 5968  
testing under those provisions is reviewable by or appealable to 5969  
any court; 5970

(9) That the manner in which sections 2953.71 to 2953.81 5971  
of the Revised Code with respect to the offering of 5972  
postconviction DNA testing to offenders are carried out does not 5973  
confer any constitutional right upon any offender, that the 5974  
state has established guidelines and procedures relative to 5975  
those provisions to ensure that they are carried out with both 5976  
justice and efficiency in mind, and that an offender who 5977  
participates in any phase of the mechanism contained in those 5978  
provisions, including, but not limited to, applying for DNA 5979  
testing and being rejected, having an application for DNA 5980  
testing accepted and not receiving the test, or having DNA 5981  
testing conducted and receiving unfavorable results, does not 5982  
gain as a result of the participation any constitutional right 5983  
to challenge, or, except as provided in division (A)(8) of this 5984  
section, any right to any review or appeal of, the manner in 5985  
which those provisions are carried out; 5986

(10) That the most basic aspect of sections 2953.71 to 5987  
2953.81 of the Revised Code is that, in order for DNA testing to 5988  
occur, there must be an offender sample against which other 5989  
evidence may be compared, that, if an eligible offender's 5990

application is accepted but the offender subsequently refuses to 5991  
submit to the collection of the sample of biological material 5992  
from the offender or hinders the state from obtaining a sample 5993  
of biological material from the offender, the goal of those 5994  
provisions will be frustrated, and that an offender's refusal or 5995  
hindrance shall cause the court to rescind its prior acceptance 5996  
of the application for DNA testing for the offender and deny the 5997  
application. 5998

(B) The attorney general shall prescribe a form to be used 5999  
to make an application for DNA testing under division (A) of 6000  
this section and section 2953.73 of the Revised Code and a form 6001  
to be used to provide the acknowledgment described in division 6002  
(A) of this section. The forms shall include all information 6003  
described in division (A) of this section, spaces for an 6004  
offender to insert all information necessary to complete the 6005  
forms, including, but not limited to, specifying the offense or 6006  
offenses for which the offender is an eligible offender and is 6007  
requesting the DNA testing, and any other information or 6008  
material the attorney general determines is necessary or 6009  
relevant. The attorney general shall distribute copies of the 6010  
prescribed forms to the department of rehabilitation and 6011  
correction, the department shall ensure that each prison in 6012  
which offenders are housed has a supply of copies of the forms, 6013  
and the department shall ensure that copies of the forms are 6014  
provided free of charge to any offender who requests them. 6015

(C) (1) An offender is eligible to request DNA testing to 6016  
be conducted under sections 2953.71 to 2953.81 of the Revised 6017  
Code only if all of the following apply: 6018

(a) The offense for which the offender claims to be an 6019  
eligible offender is a felony, and the offender was convicted by 6020

a judge or jury of that offense. 6021

(b) One of the following applies: 6022

(i) The offender was sentenced to a prison term ~~or~~ 6023  
~~sentence of death~~ for the felony described in division (C) (1) (a) 6024  
of this section, and the offender is in prison serving that 6025  
prison term ~~or under that sentence of death~~, has been paroled or 6026  
is on probation regarding that felony, is under post-release 6027  
control regarding that felony, or has been released from that 6028  
prison term and is under a community control sanction regarding 6029  
that felony. 6030

(ii) The offender was not sentenced to a prison term ~~or~~ 6031  
~~sentence of death~~ for the felony described in division (C) (1) (a) 6032  
of this section, but was sentenced to a community control 6033  
sanction for that felony and is under that community control 6034  
sanction. 6035

(iii) The felony described in division (C) (1) (a) of this 6036  
section was a sexually oriented offense or child-victim oriented 6037  
offense, and the offender has a duty to comply with sections 6038  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 6039  
relative to that felony. 6040

(2) An offender is not an eligible offender under division 6041  
(C) (1) of this section regarding any offense to which the 6042  
offender pleaded guilty or no contest. 6043

(3) An offender is not an eligible offender under division 6044  
(C) (1) of this section regarding any offense if the offender 6045  
dies prior to submitting an application for DNA testing related 6046  
to that offense under section 2953.73 of the Revised Code. 6047

**Sec. 2953.73.** (A) An eligible offender who wishes to 6048  
request DNA testing to be conducted under sections 2953.71 to 6049

2953.81 of the Revised Code shall submit an application for DNA testing on a form prescribed by the attorney general for this purpose and shall submit the form to the court of common pleas that sentenced the offender for the offense for which the offender is an eligible offender and is requesting DNA testing.

(B) If an eligible offender submits an application for DNA testing under division (A) of this section, upon the submission of the application, all of the following apply:

(1) The eligible offender shall serve a copy of the application on the prosecuting attorney and the attorney general.

(2) The application shall be assigned to the judge of that court of common pleas who was the trial judge in the case in which the eligible offender was convicted of the offense for which the offender is requesting DNA testing, or, if that judge no longer is a judge of that court, it shall be assigned according to court rules. The judge to whom the application is assigned shall decide the application. The application shall become part of the file in the case.

(C) If an eligible offender submits an application for DNA testing under division (A) of this section, regardless of whether the offender has commenced any federal habeas corpus proceeding relative to the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting DNA testing, any response to the application by the prosecuting attorney or the attorney general shall be filed not later than forty-five days after the date on which the eligible offender submits the application. The prosecuting attorney or the attorney general, or both, may, but are not required to, file a response to the application. If the

prosecuting attorney or the attorney general files a response 6080  
under this division, the prosecuting attorney or attorney 6081  
general, whoever filed the response, shall serve a copy of the 6082  
response on the eligible offender. 6083

(D) If an eligible offender submits an application for DNA 6084  
testing under division (A) of this section, the court shall make 6085  
the determination as to whether the application should be 6086  
accepted or rejected. The court shall expedite its review of the 6087  
application. The court shall make the determination in 6088  
accordance with the criteria and procedures set forth in 6089  
sections 2953.74 to 2953.81 of the Revised Code and, in making 6090  
the determination, shall consider the application, the 6091  
supporting affidavits, and the documentary evidence and, in 6092  
addition to those materials, shall consider all the files and 6093  
records pertaining to the proceedings against the applicant, 6094  
including, but not limited to, the indictment, the court's 6095  
journal entries, the journalized records of the clerk of the 6096  
court, and the court reporter's transcript and all responses to 6097  
the application filed under division (C) of this section by a 6098  
prosecuting attorney or the attorney general, unless the 6099  
application and the files and records show the applicant is not 6100  
entitled to DNA testing, in which case the application may be 6101  
denied. The court is not required to conduct an evidentiary 6102  
hearing in conducting its review of, and in making its 6103  
determination as to whether to accept or reject, the 6104  
application. Upon making its determination, the court shall 6105  
enter a judgment and order that either accepts or rejects the 6106  
application and that includes within the judgment and order the 6107  
reasons for the acceptance or rejection as applied to the 6108  
criteria and procedures set forth in sections 2953.71 to 2953.81 6109  
of the Revised Code. The court shall send a copy of the judgment 6110

and order to the eligible offender who filed it, the prosecuting attorney, and the attorney general. 6111  
6112

(E) A judgment and order of a court entered under division 6113  
(D) of this section is appealable only as provided in this 6114  
division. If an eligible offender submits an application for DNA 6115  
testing under section 2953.73 of the Revised Code and the court 6116  
of common pleas rejects the application under division (D) of 6117  
this section, ~~one of the following applies:~~ 6118

~~(1) If the offender was sentenced to death for the offense~~ 6119  
~~for which the offender claims to be an eligible offender and is~~ 6120  
~~requesting DNA testing, the offender may seek leave of the~~ 6121  
~~supreme court to appeal the rejection to the supreme court.~~ 6122  
~~Courts of appeals do not have jurisdiction to review any~~ 6123  
~~rejection if the offender was sentenced to death for the offense~~ 6124  
~~for which the offender claims to be an eligible offender and is~~ 6125  
~~requesting DNA testing.~~ 6126

~~(2) If the offender was not sentenced to death for the~~ 6127  
~~offense for which the offender claims to be an eligible offender~~ 6128  
~~and is requesting DNA testing,~~ the rejection is a final 6129  
appealable order, and the offender may appeal it to the court of 6130  
appeals of the district in which is located that court of common 6131  
pleas. 6132

(F) Notwithstanding any provision of law regarding fees 6133  
and costs, no filing fee shall be required of, and no court 6134  
costs shall be assessed against, an eligible offender who is 6135  
indigent and who submits an application under this section. 6136

(G) If a court rejects an eligible offender's application 6137  
for DNA testing under division (D) of this section, unless the 6138  
rejection is overturned on appeal, no court shall require the 6139

state to administer a DNA test under sections 2953.71 to 2953.81 6140  
of the Revised Code on the eligible offender. 6141

**Sec. 2953.81.** If an eligible offender submits an 6142  
application for DNA testing under section 2953.73 of the Revised 6143  
Code and if DNA testing is performed based on that application, 6144  
upon completion of the testing, all of the following apply: 6145

(A) The court or a designee of the court shall require the 6146  
state to maintain the results of the testing and to maintain and 6147  
preserve both the parent sample of the biological material used 6148  
and the offender sample of the biological material used. The 6149  
testing authority may be designated as the person to maintain 6150  
the results of the testing or to maintain and preserve some or 6151  
all of the samples, or both. The results of the testing remain 6152  
state's evidence. The samples shall be preserved during the 6153  
entire period of time for which the offender is imprisoned or 6154  
confined relative to the sentence in question, is on parole or 6155  
probation relative to that sentence, is under post-release 6156  
control or a community control sanction relative to that 6157  
sentence, or has a duty to comply with sections 2950.04, 6158  
2950.041, 2950.05, and 2950.06 of the Revised Code relative to 6159  
that sentence. Additionally, if the prison term or confinement 6160  
under the sentence in question expires, ~~if the sentence in~~ 6161  
~~question is a sentence of death and the offender is executed,~~ or 6162  
if the parole or probation period, the period of post-release 6163  
control, the community control sanction, or the duty to comply 6164  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 6165  
Revised Code under the sentence in question ends, the samples 6166  
shall be preserved for a reasonable period of time of not less 6167  
than twenty-four months after the term or confinement expires, ~~—~~ 6168  
~~the offender is executed,~~ or the parole or probation period, the 6169  
period of post-release control, the community control sanction, 6170

or the duty to comply with sections 2950.04, 2950.041, 2950.05, 6171  
and 2950.06 of the Revised Code ends, whichever is applicable. 6172  
The court shall determine the period of time that is reasonable 6173  
for purposes of this division, provided that the period shall 6174  
not be less than twenty-four months after the term or 6175  
confinement expires, ~~the offender is executed,~~ or the parole or 6176  
probation period, the period of post-release control, the 6177  
community control sanction, or the duty to comply with sections 6178  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 6179  
ends, whichever is applicable. 6180

(B) The results of the testing are a public record. 6181

(C) The court or the testing authority shall provide a 6182  
copy of the results of the testing to the prosecuting attorney, 6183  
the attorney general, and the subject offender. 6184

(D) If the postconviction proceeding in question is 6185  
pending at that time in a court of this state, the court of 6186  
common pleas that decided the DNA application or the testing 6187  
authority shall provide a copy of the results of the testing to 6188  
any court of this state, and, if it is pending in a federal 6189  
court, the court of common pleas that decided the DNA 6190  
application or the testing authority shall provide a copy of the 6191  
results of the testing to that federal court. 6192

(E) The testing authority shall provide a copy of the 6193  
results of the testing to the court of common pleas that decided 6194  
the DNA application. 6195

(F) The offender or the state may enter the results of the 6196  
testing into any proceeding. 6197

**Sec. 2967.03.** The adult parole authority may exercise its 6198  
functions and duties in relation to the pardon, commutation of 6199

sentence, or reprieve of a convict upon direction of the 6200  
governor or upon its own initiative. It may exercise its 6201  
functions and duties in relation to the parole of a prisoner who 6202  
is eligible for parole upon the initiative of the head of the 6203  
institution in which the prisoner is confined or upon its own 6204  
initiative. When a prisoner becomes eligible for parole, the 6205  
head of the institution in which the prisoner is confined shall 6206  
notify the authority in the manner prescribed by the authority. 6207  
The authority may investigate and examine, or cause the 6208  
investigation and examination of, prisoners confined in state 6209  
correctional institutions concerning their conduct in the 6210  
institutions, their mental and moral qualities and 6211  
characteristics, their knowledge of a trade or profession, their 6212  
former means of livelihood, their family relationships, and any 6213  
other matters affecting their fitness to be at liberty without 6214  
being a threat to society. 6215

The authority may recommend to the governor the pardon, 6216  
commutation of sentence, or reprieve of any convict or prisoner 6217  
or grant a parole to any prisoner for whom parole is authorized, 6218  
if in its judgment there is reasonable ground to believe that 6219  
granting a pardon, commutation, or reprieve to the convict or 6220  
paroling the prisoner would further the interests of justice and 6221  
be consistent with the welfare and security of society. However, 6222  
the authority shall not recommend a pardon or commutation of 6223  
sentence, or grant a parole to, any convict or prisoner until 6224  
the authority has complied with the applicable notice 6225  
requirements of sections 2930.16 and 2967.12 of the Revised Code 6226  
and until it has considered any statement made by a victim or a 6227  
victim's representative that is relevant to the convict's or 6228  
prisoner's case and that was sent to the authority pursuant to 6229  
section 2930.17 of the Revised Code, any other statement made by 6230

a victim or a victim's representative that is relevant to the 6231  
convict's or prisoner's case and that was received by the 6232  
authority after it provided notice of the pendency of the action 6233  
under sections 2930.16 and 2967.12 of the Revised Code, and any 6234  
written statement of any person submitted to the court pursuant 6235  
to division ~~(I)~~(H) of section 2967.12 of the Revised Code. If a 6236  
victim, victim's representative, or the victim's spouse, parent, 6237  
sibling, or child appears at a full board hearing of the parole 6238  
board and gives testimony as authorized by section 5149.101 of 6239  
the Revised Code, the authority shall consider the testimony in 6240  
determining whether to grant a parole. The trial judge and 6241  
prosecuting attorney of the trial court in which a person was 6242  
convicted shall furnish to the authority, at the request of the 6243  
authority, a summarized statement of the facts proved at the 6244  
trial and of all other facts having reference to the propriety 6245  
of recommending a pardon or commutation or granting a parole, 6246  
together with a recommendation for or against a pardon, 6247  
commutation, or parole, and the reasons for the recommendation. 6248  
The trial judge, the prosecuting attorney, specified law 6249  
enforcement agency members, and a representative of the prisoner 6250  
may appear at a full board hearing of the parole board and give 6251  
testimony in regard to the grant of a parole to the prisoner as 6252  
authorized by section 5149.101 of the Revised Code. All state 6253  
and local officials shall furnish information to the authority, 6254  
when so requested by it in the performance of its duties. 6255

The adult parole authority shall exercise its functions 6256  
and duties in relation to the release of prisoners who are 6257  
serving a stated prison term in accordance with section 2967.28 6258  
of the Revised Code. 6259

**Sec. 2967.05.** (A) As used in this section: 6260

(1) "Imminent danger of death" means that the inmate has a medically diagnosable condition that will cause death to occur within a short period of time.

As used in division (A)(1) of this section, "within a short period of time" means generally within six months.

(2)(a) "Medically incapacitated" means any diagnosable medical condition, including mental dementia and severe, permanent medical or cognitive disability, that prevents the inmate from completing activities of daily living without significant assistance, that incapacitates the inmate to the extent that institutional confinement does not offer additional restrictions, that is likely to continue throughout the entire period of parole, and that is unlikely to improve noticeably.

(b) "Medically incapacitated" does not include conditions related solely to mental illness unless the mental illness is accompanied by injury, disease, or organic defect.

(3)(a) "Terminal illness" means a condition that satisfies all of the following criteria:

(i) The condition is irreversible and incurable and is caused by disease, illness, or injury from which the inmate is unlikely to recover.

(ii) In accordance with reasonable medical standards and a reasonable degree of medical certainty, the condition is likely to cause death to the inmate within twelve months.

(iii) Institutional confinement of the inmate does not offer additional protections for public safety or against the inmate's risk to reoffend.

(b) The department of rehabilitation and correction shall

adopt rules pursuant to Chapter 119. of the Revised Code to 6289  
implement the definition of "terminal illness" in division (A) 6290  
(3) (a) of this section. 6291

(B) Upon the recommendation of the director of 6292  
rehabilitation and correction, accompanied by a certificate of 6293  
the attending physician that an inmate is terminally ill, 6294  
medically incapacitated, or in imminent danger of death, the 6295  
governor may order the inmate's release as if on parole, 6296  
reserving the right to return the inmate to the institution 6297  
pursuant to this section. If, subsequent to the inmate's 6298  
release, the inmate's health improves so that the inmate is no 6299  
longer terminally ill, medically incapacitated, or in imminent 6300  
danger of death, the inmate shall be returned, by order of the 6301  
governor, to the institution from which the inmate was released. 6302  
If the inmate violates any rules or conditions applicable to the 6303  
inmate, the inmate may be returned to an institution under the 6304  
control of the department of rehabilitation and correction. The 6305  
governor may direct the adult parole authority to investigate or 6306  
cause to be investigated the inmate and make a recommendation. 6307  
An inmate released under this section shall be subject to 6308  
supervision by the adult parole authority in accordance with any 6309  
recommendation of the adult parole authority that is approved by 6310  
the governor. The adult parole authority shall adopt rules 6311  
pursuant to section 119.03 of the Revised Code to establish the 6312  
procedure for medical release of an inmate when an inmate is 6313  
terminally ill, medically incapacitated, or in imminent danger 6314  
of death. 6315

(C) No inmate is eligible for release under this section 6316  
if the inmate is serving ~~a death sentence,~~ a sentence of life 6317  
without parole, a sentence under Chapter 2971. of the Revised 6318  
Code for a felony of the first or second degree, a sentence for 6319

aggravated murder or murder, or a mandatory prison term for an 6320  
offense of violence or any specification described in Chapter 6321  
2941. of the Revised Code. 6322

**Sec. 2967.12.** (A) Except as provided in division (G) of 6323  
this section, at least sixty days before the adult parole 6324  
authority recommends any pardon or commutation of sentence, or 6325  
grants any parole, the authority shall provide a notice of the 6326  
pendency of the pardon, commutation, or parole, setting forth 6327  
the name of the person on whose behalf it is made, the offense 6328  
of which the person was convicted or to which the person pleaded 6329  
guilty, the time of conviction or the guilty plea, and the term 6330  
of the person's sentence, to the prosecuting attorney and the 6331  
judge of the court of common pleas of the county in which the 6332  
indictment against the person was found. If there is more than 6333  
one judge of that court of common pleas, the authority shall 6334  
provide the notice to the presiding judge. Upon the request of 6335  
the prosecuting attorney or of any law enforcement agency, the 6336  
authority shall provide to the requesting prosecuting attorney 6337  
and law enforcement agencies an institutional summary report 6338  
that covers the subject person's participation while confined in 6339  
a state correctional institution in training, work, and other 6340  
rehabilitative activities and any disciplinary action taken 6341  
against the person while so confined. The department of 6342  
rehabilitation and correction may utilize electronic means to 6343  
provide this notice. The department of rehabilitation and 6344  
correction, at the same time that it provides the notice to the 6345  
prosecuting attorney and judge under this division, also shall 6346  
post on the database it maintains pursuant to section 5120.66 of 6347  
the Revised Code the offender's name and all of the information 6348  
specified in division (A) (1) (c) (iii) of that section. 6349

(B) If a request for notification has been made pursuant 6350

to section 2930.16 of the Revised Code or if division (H) of 6351  
this section applies, the office of victim services or the adult 6352  
parole authority also shall provide notice to the victim or the 6353  
victim's representative at least sixty days prior to 6354  
recommending any pardon or commutation of sentence for, or 6355  
granting any parole to, the person. The notice shall include the 6356  
information required by division (A) of this section and may be 6357  
provided by telephone or through electronic means. The notice 6358  
also shall inform the victim or the victim's representative that 6359  
the victim or representative may send a written statement 6360  
relative to the victimization and the pending action to the 6361  
adult parole authority and that, if the authority receives any 6362  
written statement prior to recommending a pardon or commutation 6363  
or granting a parole for a person, the authority will consider 6364  
the statement before it recommends a pardon or commutation or 6365  
grants a parole. If the person is being considered for parole, 6366  
the notice shall inform the victim or the victim's 6367  
representative that a full board hearing of the parole board may 6368  
be held and that the victim or victim's representative may 6369  
contact the office of victims' services for further information. 6370  
If the person being considered for parole was convicted of or 6371  
pleaded guilty to a violation of section 2903.01 or 2903.02 of 6372  
the Revised Code, an offense of violence that is a felony of the 6373  
first, second, or third degree, or an offense punished by a 6374  
sentence of life imprisonment, the notice shall inform the 6375  
victim of that offense, the victim's representative, or a member 6376  
of the victim's immediate family that the victim, the victim's 6377  
representative, and the victim's immediate family have the right 6378  
to give testimony at a full board hearing of the parole board 6379  
and that the victim or victim's representative may contact the 6380  
office of victims' services for further information. 6381

(C) When notice of the pendency of any pardon, commutation  
of sentence, or parole has been provided to a judge or  
prosecutor or posted on the database as required in division (A)  
of this section and a hearing on the pardon, commutation, or  
parole is continued to a date certain, the authority shall  
provide notice of the further consideration of the pardon,  
commutation, or parole at least sixty days before the further  
consideration. The notice of the further consideration shall be  
provided to the proper judge and prosecuting attorney at least  
sixty days before the further consideration, and may be provided  
using electronic means, and, if the initial notice was posted on  
the database as provided in division (A) of this section, the  
notice of the further consideration shall be posted on the  
database at least sixty days before the further consideration.  
If the prosecuting attorney or a law enforcement agency was  
provided a copy of the institutional summary report relative to  
the subject person under division (A) of this section, the  
authority shall include with the notice of the further  
consideration sent to the prosecuting attorney any new  
information with respect to the person that relates to  
activities and actions of the person that are of a type covered  
by the report and shall send to the law enforcement agency a  
report that provides notice of the further consideration and  
includes any such new information with respect to the person.  
When notice of the pendency of any pardon, commutation, or  
parole has been given as provided in division (B) of this  
section and the hearing on it is continued to a date certain,  
the authority shall give notice of the further consideration to  
the victim or the victim's representative in accordance with  
section 2930.03 of the Revised Code.

~~(D) In case of an application for the pardon or~~

~~commutation of sentence of a person sentenced to capital  
punishment, the governor may modify the requirements of  
notification and publication if there is not sufficient time for  
compliance with the requirements before the date fixed for the  
execution of sentence.~~

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

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

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

~~(H)~~ (G) If a defendant is incarcerated for the commission  
of aggravated murder, murder, or an offense of violence that is  
a felony of the first, second, or third degree or is under a  
sentence of life imprisonment, except as otherwise provided in  
this division, the notice described in division (B) of this  
section shall be given to the victim or victim's representative  
regardless of whether the victim or victim's representative has

made a request for notification. The notice described in 6443  
division (B) of this section shall not be given under this 6444  
division to a victim or victim's representative if the victim or 6445  
victim's representative has requested pursuant to division (B) 6446  
(2) of section 2930.03 of the Revised Code that the victim or 6447  
the victim's representative not be provided the notice. The 6448  
notice described in division (B) of this section does not have 6449  
to be given under this division to a victim or victim's 6450  
representative if notice was given to the victim or victim's 6451  
representative with respect to at least two prior considerations 6452  
of pardon, commutation, or parole of a person and the victim or 6453  
victim's representative did not provide any written statement 6454  
relative to the victimization and the pending action, did not 6455  
attend any hearing conducted relative to the pending action, and 6456  
did not otherwise respond to the office with respect to the 6457  
pending action. Regardless of whether the victim or victim's 6458  
representative has requested that the notice described in 6459  
division (B) of this section be provided or not be provided, the 6460  
office of victim services or adult parole authority shall give 6461  
similar notice to the law enforcement agency that arrested the 6462  
defendant if any officer of that agency was a victim of the 6463  
offense and to any member of the victim's immediate family who 6464  
requests notification. If notice is to be given under this 6465  
division, the office or authority may give the notice by any 6466  
reasonable means, including regular mail, telephone, and 6467  
electronic mail, in accordance with division (D) (1) of section 6468  
2930.16 of the Revised Code. If the notice is based on an 6469  
offense committed prior to ~~the effective date of this amendment~~ 6470  
March 22, 2013, the notice to the victim or victim's 6471  
representative also shall include the opt-out information 6472  
described in division (D) (1) of section 2930.16 of the Revised 6473  
Code. The office or authority, in accordance with division (D) 6474

(2) of section 2930.16 of the Revised Code, shall keep a record 6475  
of all attempts to provide the notice, and of all notices 6476  
provided, under this division. 6477

Division ~~(H)~~(G) of this section, and the notice-related 6478  
provisions of divisions (E) (2) and (K) of section 2929.20, 6479  
division (D) (1) of section 2930.16, division (E) (1) (b) of 6480  
section 2967.19, division (A) (3) (b) of section 2967.26, division 6481  
(D) (1) of section 2967.28, and division (A) (2) of section 6482  
5149.101 of the Revised Code enacted in the act in which 6483  
division ~~(H)~~(G) of this section was enacted, shall be known as 6484  
"Roberta's Law." 6485

~~(I)~~(H) In addition to and independent of the right of a 6486  
victim to make a statement as described in division (A) of this 6487  
section or pursuant to section 2930.17 of the Revised Code or to 6488  
otherwise make a statement, the authority for a judge or 6489  
prosecuting attorney to furnish statements and information, make 6490  
recommendations, and give testimony as described in division (A) 6491  
of this section, the right of a prosecuting attorney, judge, or 6492  
victim to give testimony or submit a statement at a full parole 6493  
board hearing pursuant to section 5149.101 of the Revised Code, 6494  
and any other right or duty of a person to present information 6495  
or make a statement, any person may send to the adult parole 6496  
authority at any time prior to the authority's recommending a 6497  
pardon or commutation or granting a parole for the offender a 6498  
written statement relative to the offense and the pending 6499  
action. 6500

~~(J)~~(I) As used in this section, "victim's immediate 6501  
family" means the mother, father, spouse, sibling, or child of 6502  
the victim, provided that in no case does "victim's immediate 6503  
family" include the offender with respect to whom the notice in 6504

question applies. 6505

**Sec. 2967.13.** (A) Except as provided in division (G) of 6506  
this section, a prisoner serving a sentence of imprisonment for 6507  
life for an offense committed on or after July 1, 1996, is not 6508  
entitled to any earned credit under section 2967.193 of the 6509  
Revised Code and becomes eligible for parole as follows: 6510

(1) If a sentence of imprisonment for life was imposed for 6511  
the offense of murder, at the expiration of the prisoner's 6512  
minimum term; 6513

(2) If a sentence of imprisonment for life with parole 6514  
eligibility after serving twenty years of imprisonment was 6515  
imposed pursuant to section 2929.02 or former section 2929.022 6516  
or 2929.03 of the Revised Code, after serving a term of twenty 6517  
years; 6518

(3) If a sentence of imprisonment for life with parole 6519  
eligibility after serving twenty-five full years of imprisonment 6520  
was imposed pursuant to section 2929.02 or former section 6521  
2929.022 or 2929.03 of the Revised Code, after serving a term of 6522  
twenty-five full years; 6523

(4) If a sentence of imprisonment for life with parole 6524  
eligibility after serving thirty full years of imprisonment was 6525  
imposed pursuant to section 2929.02 or former section 2929.022 6526  
or 2929.03 of the Revised Code, after serving a term of thirty 6527  
full years; 6528

(5) If a sentence of imprisonment for life was imposed for 6529  
rape, after serving a term of ten full years' imprisonment; 6530

(6) If a sentence of imprisonment for life with parole 6531  
eligibility after serving fifteen years of imprisonment was 6532  
imposed for a violation of section 2927.24 of the Revised Code, 6533

after serving a term of fifteen years. 6534

(B) Except as provided in division (G) of this section, a 6535  
prisoner serving a sentence of imprisonment for life with parole 6536  
eligibility after serving twenty years of imprisonment or a 6537  
sentence of imprisonment for life with parole eligibility after 6538  
serving twenty-five full years or thirty full years of 6539  
imprisonment imposed pursuant to section 2929.02 or former 6540  
section 2929.022 or 2929.03 of the Revised Code for an offense 6541  
committed on or after July 1, 1996, consecutively to any other 6542  
term of imprisonment, becomes eligible for parole after serving 6543  
twenty years, twenty full years, or thirty full years, as 6544  
applicable, as to each such sentence of life imprisonment, which 6545  
shall not be reduced for earned credits under section 2967.193 6546  
of the Revised Code, plus the term or terms of the other 6547  
sentences consecutively imposed or, if one of the other 6548  
sentences is another type of life sentence with parole 6549  
eligibility, the number of years before parole eligibility for 6550  
that sentence. 6551

(C) Except as provided in division (G) of this section, a 6552  
prisoner serving consecutively two or more sentences in which an 6553  
indefinite term of imprisonment is imposed becomes eligible for 6554  
parole upon the expiration of the aggregate of the minimum terms 6555  
of the sentences. 6556

(D) Except as provided in division (G) of this section, a 6557  
prisoner serving a term of imprisonment who is described in 6558  
division (A) of section 2967.021 of the Revised Code becomes 6559  
eligible for parole as described in that division or, if the 6560  
prisoner is serving a definite term of imprisonment, shall be 6561  
released as described in that division. 6562

(E) A prisoner serving a sentence of life imprisonment 6563

without parole imposed pursuant to section 2907.02 or 2929.02 or 6564  
former section 2929.03 or 2929.06 of the Revised Code is not 6565  
eligible for parole and shall be imprisoned until death. 6566

(F) A prisoner serving a stated prison term shall be 6567  
released in accordance with section 2967.28 of the Revised Code. 6568

(G) A prisoner serving a prison term or term of life 6569  
imprisonment without parole imposed pursuant to section 2971.03 6570  
of the Revised Code never becomes eligible for parole during 6571  
that term of imprisonment. 6572

**Sec. 2967.19.** (A) As used in this section: 6573

(1) "Deadly weapon" and "dangerous ordnance" have the same 6574  
meanings as in section 2923.11 of the Revised Code. 6575

(2) "Disqualifying prison term" means any of the 6576  
following: 6577

(a) A prison term imposed for aggravated murder, murder, 6578  
voluntary manslaughter, involuntary manslaughter, felonious 6579  
assault, kidnapping, rape, aggravated arson, aggravated 6580  
burglary, or aggravated robbery; 6581

(b) A prison term imposed for complicity in, an attempt to 6582  
commit, or conspiracy to commit any offense listed in division 6583  
(A) (2) (a) of this section; 6584

(c) A prison term of life imprisonment, including any term 6585  
of life imprisonment that has parole eligibility; 6586

(d) A prison term imposed for any felony other than 6587  
carrying a concealed weapon an essential element of which is any 6588  
conduct or failure to act expressly involving any deadly weapon 6589  
or dangerous ordnance; 6590

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;

(h) A prison term imposed for any sexually oriented offense.

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.

(4) "Restricting prison term" means any of the following:

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division;

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense;

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

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

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

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

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

(B) The director of the department of rehabilitation and correction may recommend in writing to the sentencing court that the court consider releasing from prison any offender who, on or after September 30, 2011, is confined in a state correctional institution, who is serving a stated prison term of one year or more, and who is eligible under division (C) of this section for a release under this section. If the director wishes to recommend that the sentencing court consider releasing an offender under this section, the director shall notify the sentencing court in writing of the offender's eligibility not earlier than ninety days prior to the date on which the offender becomes eligible as described in division (C) of this section. The director's submission of the written notice constitutes a recommendation by the director that the court strongly consider release of the offender consistent with the purposes and

principles of sentencing set forth in sections 2929.11 and 6649  
2929.13 of the Revised Code. Only an offender recommended by the 6650  
director under division (B) of this section may be considered 6651  
for early release under this section. 6652

(C) (1) An offender serving a stated prison term of one 6653  
year or more and who has commenced service of that stated prison 6654  
term becomes eligible for release from prison under this section 6655  
only as described in this division. An offender serving a stated 6656  
prison term that includes a disqualifying prison term is not 6657  
eligible for release from prison under this section. An offender 6658  
serving a stated prison term that consists solely of one or more 6659  
restricting prison terms is not eligible for release under this 6660  
section. An offender serving a stated prison term of one year or 6661  
more that includes one or more restricting prison terms and one 6662  
or more eligible prison terms becomes eligible for release under 6663  
this section after having fully served all restricting prison 6664  
terms and having served eighty per cent of the stated prison 6665  
term that remains to be served after all restricting prison 6666  
terms have been fully served. An offender serving a stated 6667  
prison term that consists solely of one or more eligible prison 6668  
terms becomes eligible for release under this section after 6669  
having served eighty per cent of that stated prison term. For 6670  
purposes of determining an offender's eligibility for release 6671  
under this section, if the offender's stated prison term 6672  
includes consecutive prison terms, any restricting prison terms 6673  
shall be deemed served prior to any eligible prison terms that 6674  
run consecutively to the restricting prison terms, and the 6675  
eligible prison terms are deemed to commence after all of the 6676  
restricting prison terms have been fully served. 6677

An offender serving a stated prison term of one year or 6678  
more that includes a mandatory prison term that is not a 6679

disqualifying prison term and is not a restricting prison term 6680  
is not automatically ineligible as a result of the offender's 6681  
service of that mandatory term for release from prison under 6682  
this section, and the offender's eligibility for release from 6683  
prison under this section is determined in accordance with this 6684  
division. 6685

(2) If an offender confined in a state correctional 6686  
institution under a stated prison term is eligible for release 6687  
under this section as described in division (C) (1) of this 6688  
section, the director of the department of rehabilitation and 6689  
correction may recommend in writing that the sentencing court 6690  
consider releasing the offender from prison under this section 6691  
by submitting to the sentencing court the written notice 6692  
described in division (B) of this section. 6693

(D) The director shall include with any notice submitted 6694  
to the sentencing court under division (B) of this section an 6695  
institutional summary report that covers the offender's 6696  
participation while confined in a state correctional institution 6697  
in school, training, work, treatment, and other rehabilitative 6698  
activities and any disciplinary action taken against the 6699  
offender while so confined. The director shall include with the 6700  
notice any other documentation requested by the court, if 6701  
available. 6702

(E) (1) When the director submits a written notice to a 6703  
sentencing court that an offender is eligible to be considered 6704  
for early release under this section, the department promptly 6705  
shall provide to the prosecuting attorney of the county in which 6706  
the offender was indicted a copy of the written notice, a copy 6707  
of the institutional summary report, and any other information 6708  
provided to the court and shall provide a copy of the 6709

institutional summary report to any law enforcement agency that 6710  
requests the report. The department also promptly shall do 6711  
whichever of the following is applicable: 6712

(a) Subject to division (E) (1) (b) of this section, give 6713  
written notice of the submission to any victim of the offender 6714  
or victim's representative of any victim of the offender who is 6715  
registered with the office of victim's services. 6716

(b) If the offense was aggravated murder, murder, an 6717  
offense of violence that is a felony of the first, second, or 6718  
third degree, or an offense punished by a sentence of life 6719  
imprisonment, except as otherwise provided in this division, 6720  
notify the victim or the victim's representative of the filing 6721  
of the petition regardless of whether the victim or victim's 6722  
representative has registered with the office of victim's 6723  
services. The notice of the filing of the petition shall not be 6724  
given under this division to a victim or victim's representative 6725  
if the victim or victim's representative has requested pursuant 6726  
to division (B) (2) of section 2930.03 of the Revised Code that 6727  
the victim or the victim's representative not be provided the 6728  
notice. If notice is to be provided to a victim or victim's 6729  
representative under this division, the department may give the 6730  
notice by any reasonable means, including regular mail, 6731  
telephone, and electronic mail, in accordance with division (D) 6732  
(1) of section 2930.16 of the Revised Code. If the notice is 6733  
based on an offense committed prior to ~~the effective date of~~ 6734  
~~this amendment~~ March 22, 2013, the notice also shall include the 6735  
opt-out information described in division (D) (1) of section 6736  
2930.16 of the Revised Code. The department, in accordance with 6737  
division (D) (2) of section 2930.16 of the Revised Code, shall 6738  
keep a record of all attempts to provide the notice, and of all 6739  
notices provided, under this division. 6740

Division (E) (1) (b) of this section, and the notice-related 6741  
provisions of divisions (E) (2) and (K) of section 2929.20, 6742  
division (D) (1) of section 2930.16, division ~~(H)~~ (G) of section 6743  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 6744  
of section 2967.28, and division (A) (2) of section 5149.101 of 6745  
the Revised Code enacted in the act in which division (E) (2) of 6746  
this section was enacted, shall be known as "Roberta's Law." 6747

(2) When the director submits a petition under this 6748  
section, the department also promptly shall post a copy of the 6749  
written notice on the database it maintains under section 6750  
5120.66 of the Revised Code and include information on where a 6751  
person may send comments regarding the recommendation of early 6752  
release. 6753

The information provided to the court, the prosecutor, and 6754  
the victim or victim's representative under divisions (D) and 6755  
(E) of this section shall include the name and contact 6756  
information of a specific department of rehabilitation and 6757  
correction employee who is available to answer questions about 6758  
the offender who is the subject of the written notice submitted 6759  
by the director, including, but not limited to, the offender's 6760  
institutional conduct and rehabilitative activities while 6761  
incarcerated. 6762

(F) Upon receipt of a written notice submitted by the 6763  
director under division (B) of this section, the court either 6764  
shall, on its own motion, schedule a hearing to consider 6765  
releasing the offender who is the subject of the notice or shall 6766  
inform the department that it will not be conducting a hearing 6767  
relative to the offender. The court shall not grant an early 6768  
release to an offender without holding a hearing. If a court 6769  
declines to hold a hearing relative to an offender with respect 6770

to a written notice submitted by the director, the court may 6771  
later consider release of that offender under this section on 6772  
its own motion by scheduling a hearing for that purpose. Within 6773  
thirty days after the written notice is submitted, the court 6774  
shall inform the department whether or not the court is 6775  
scheduling a hearing on the offender who is the subject of the 6776  
notice. 6777

(G) If the court schedules a hearing upon receiving a 6778  
written notice submitted under division (B) of this section or 6779  
upon its own motion under division (F) of this section, the 6780  
court shall notify the head of the state correctional 6781  
institution in which the offender is confined of the hearing 6782  
prior to the hearing. If the court makes a journal entry 6783  
ordering the offender to be conveyed to the hearing, except as 6784  
otherwise provided in this division, the head of the 6785  
correctional institution shall deliver the offender to the 6786  
sheriff of the county in which the hearing is to be held, and 6787  
the sheriff shall convey the offender to and from the hearing. 6788  
Upon the court's own motion or the motion of the offender or the 6789  
prosecuting attorney of the county in which the offender was 6790  
indicted, the court may permit the offender to appear at the 6791  
hearing by video conferencing equipment if equipment of that 6792  
nature is available and compatible. 6793

Upon receipt of notice from a court of a hearing on the 6794  
release of an offender under this division, the head of the 6795  
state correctional institution in which the offender is confined 6796  
immediately shall notify the appropriate person at the 6797  
department of rehabilitation and correction of the hearing, and 6798  
the department within twenty-four hours after receipt of the 6799  
notice shall post on the database it maintains pursuant to 6800  
section 5120.66 of the Revised Code the offender's name and all 6801

of the information specified in division (A) (1) (c) (i) of that 6802  
section. If the court schedules a hearing under this section, 6803  
the court promptly shall give notice of the hearing to the 6804  
prosecuting attorney of the county in which the offender was 6805  
indicted. Upon receipt of the notice from the court, the 6806  
prosecuting attorney shall notify pursuant to section 2930.16 of 6807  
the Revised Code any victim of the offender or the victim's 6808  
representative of the hearing. 6809

(H) If the court schedules a hearing under this section, 6810  
at the hearing, the court shall afford the offender and the 6811  
offender's attorney an opportunity to present written 6812  
information and, if present, oral information relevant to the 6813  
offender's early release. The court shall afford a similar 6814  
opportunity to the prosecuting attorney, victim or victim's 6815  
representative, as defined in section 2930.01 of the Revised 6816  
Code, and any other person the court determines is likely to 6817  
present additional relevant information. If the court pursuant 6818  
to division (G) of this section permits the offender to appear 6819  
at the hearing by video conferencing equipment, the offender's 6820  
opportunity to present oral information shall be as a part of 6821  
the video conferencing. The court shall consider any statement 6822  
of a victim made under section 2930.14 or 2930.17 of the Revised 6823  
Code, any victim impact statement prepared under section 6824  
2947.051 of the Revised Code, and any report and other 6825  
documentation submitted by the director under division (D) of 6826  
this section. After ruling on whether to grant the offender 6827  
early release, the court shall notify the victim in accordance 6828  
with sections 2930.03 and 2930.16 of the Revised Code. 6829

(I) If the court grants an offender early release under 6830  
this section, it shall order the release of the offender, shall 6831  
place the offender under one or more appropriate community 6832

control sanctions, under appropriate conditions, and under the supervision of the department of probation that serves the court, and shall reserve the right to reimpose the sentence that it reduced and from which the offender was released if the offender violates the sanction. The court shall not make a release under this section effective prior to the date on which the offender becomes eligible as described in division (C) of this section. If the sentence under which the offender is confined in a state correctional institution and from which the offender is being released was imposed for a felony of the first or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

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

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

**Sec. 2967.193.** (A) (1) Except as provided in division (C)

of this section and subject to the maximum aggregate total 6863  
specified in division (A) (2) of this section, a person confined 6864  
in a state correctional institution may provisionally earn one 6865  
day or five days of credit, based on the category set forth in 6866  
division (D) (1), (2), (3), (4), or (5) of this section in which 6867  
the person is included, toward satisfaction of the person's 6868  
stated prison term for each completed month during which the 6869  
person productively participates in an education program, 6870  
vocational training, employment in prison industries, treatment 6871  
for substance abuse, or any other constructive program developed 6872  
by the department with specific standards for performance by 6873  
prisoners. Except as provided in division (C) of this section 6874  
and subject to the maximum aggregate total specified in division 6875  
(A) (2) of this section, a person so confined who successfully 6876  
completes two programs or activities of that type may, in 6877  
addition, provisionally earn up to five days of credit toward 6878  
satisfaction of the person's stated prison term for the 6879  
successful completion of the second program or activity. The 6880  
person shall not be awarded any provisional days of credit for 6881  
the successful completion of the first program or activity or 6882  
for the successful completion of any program or activity that is 6883  
completed after the second program or activity. At the end of 6884  
each calendar month in which a prisoner productively 6885  
participates in a program or activity listed in this division or 6886  
successfully completes a program or activity listed in this 6887  
division, the department of rehabilitation and correction shall 6888  
determine and record the total number of days credit that the 6889  
prisoner provisionally earned in that calendar month. If the 6890  
prisoner violates prison rules, the department may deny the 6891  
prisoner a credit that otherwise could have been provisionally 6892  
awarded to the prisoner or may withdraw one or more credits 6893  
previously provisionally earned by the prisoner. Days of credit 6894

provisionally earned by a prisoner shall be finalized and 6895  
awarded by the department subject to administrative review by 6896  
the department of the prisoner's conduct. 6897

(2) The aggregate days of credit provisionally earned by a 6898  
person for program or activity participation and program and 6899  
activity completion under this section and the aggregate days of 6900  
credit finally credited to a person under this section shall not 6901  
exceed eight per cent of the total number of days in the 6902  
person's stated prison term. 6903

(B) The department of rehabilitation and correction shall 6904  
adopt rules that specify the programs or activities for which 6905  
credit may be earned under this section, the criteria for 6906  
determining productive participation in, or completion of, the 6907  
programs or activities and the criteria for awarding credit, 6908  
including criteria for awarding additional credit for successful 6909  
program or activity completion, and the criteria for denying or 6910  
withdrawing previously provisionally earned credit as a result 6911  
of a violation of prison rules. 6912

(C) No person confined in a state correctional institution 6913  
to whom any of the following applies shall be awarded any days 6914  
of credit under division (A) of this section: 6915

(1) The person is serving a prison term that section 6916  
2929.13 or section 2929.14 of the Revised Code specifies cannot 6917  
be reduced pursuant to this section or this chapter or is 6918  
serving a sentence for which section 2967.13 or division (B) of 6919  
section 2929.143 of the Revised Code specifies that the person 6920  
is not entitled to any earned credit under this section. 6921

(2) The person is ~~sentenced to death or is~~ serving a 6922  
prison term or a term of life imprisonment for aggravated 6923

murder, murder, or a conspiracy or attempt to commit, or 6924  
complicity in committing, aggravated murder or murder. 6925

(3) The person is serving a sentence of life imprisonment 6926  
without parole imposed pursuant to section 2929.02 or former 6927  
section 2929.03 or 2929.06 of the Revised Code, a prison term or 6928  
a term of life imprisonment without parole imposed pursuant to 6929  
section 2971.03 of the Revised Code, or a sentence for a 6930  
sexually oriented offense that was committed on or after 6931  
September 30, 2011. 6932

(D) This division does not apply to a determination of 6933  
whether a person confined in a state correctional institution 6934  
may earn any days of credit under division (A) of this section 6935  
for successful completion of a second program or activity. The 6936  
determination of whether a person confined in a state 6937  
correctional institution may earn one day of credit or five days 6938  
of credit under division (A) of this section for each completed 6939  
month during which the person productively participates in a 6940  
program or activity specified under that division shall be made 6941  
in accordance with the following: 6942

(1) The offender may earn one day of credit under division 6943  
(A) of this section, except as provided in division (C) of this 6944  
section, if the most serious offense for which the offender is 6945  
confined is any of the following that is a felony of the first 6946  
or second degree: 6947

(a) A violation of division (A) of section 2903.04 or of 6948  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 6949  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 6950  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 6951  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 6952  
2927.24 of the Revised Code; 6953

(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 (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(3) 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 offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

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

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D) (2) nor (3) of this section applies to the offender, the offender may earn one day of credit

under division (A) of this section if the offender committed 6984  
that offense prior to September 30, 2011, and the offender may 6985  
earn five days of credit under division (A) of this section if 6986  
the offender committed that offense on or after September 30, 6987  
2011. 6988

(E) The department annually shall seek and consider the 6989  
written feedback of the Ohio prosecuting attorneys association, 6990  
the Ohio judicial conference, the Ohio public defender, the Ohio 6991  
association of criminal defense lawyers, and other organizations 6992  
and associations that have an interest in the operation of the 6993  
corrections system and the earned credits program under this 6994  
section as part of its evaluation of the program and in 6995  
determining whether to modify the program. 6996

(F) As used in this section, "sexually oriented offense" 6997  
has the same meaning as in section 2950.01 of the Revised Code. 6998

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 6999  
correction, by rule, may establish a transitional control 7000  
program for the purpose of closely monitoring a prisoner's 7001  
adjustment to community supervision during the final one hundred 7002  
eighty days of the prisoner's confinement. If the department 7003  
establishes a transitional control program under this division, 7004  
the division of parole and community services of the department 7005  
of rehabilitation and correction may transfer eligible prisoners 7006  
to transitional control status under the program during the 7007  
final one hundred eighty days of their confinement and under the 7008  
terms and conditions established by the department, shall 7009  
provide for the confinement as provided in this division of each 7010  
eligible prisoner so transferred, and shall supervise each 7011  
eligible prisoner so transferred in one or more community 7012  
control sanctions. Each eligible prisoner who is transferred to 7013

transitional control status under the program shall be confined 7014  
in a suitable facility that is licensed pursuant to division (C) 7015  
of section 2967.14 of the Revised Code, or shall be confined in 7016  
a residence the department has approved for this purpose and be 7017  
monitored pursuant to an electronic monitoring device, as 7018  
defined in section 2929.01 of the Revised Code. If the 7019  
department establishes a transitional control program under this 7020  
division, the rules establishing the program shall include 7021  
criteria that define which prisoners are eligible for the 7022  
program, criteria that must be satisfied to be approved as a 7023  
residence that may be used for confinement under the program of 7024  
a prisoner that is transferred to it and procedures for the 7025  
department to approve residences that satisfy those criteria, 7026  
and provisions of the type described in division (C) of this 7027  
section. At a minimum, the criteria that define which prisoners 7028  
are eligible for the program shall provide all of the following: 7029

(a) That a prisoner is eligible for the program if the 7030  
prisoner is serving a prison term or term of imprisonment for an 7031  
offense committed prior to March 17, 1998, and if, at the time 7032  
at which eligibility is being determined, the prisoner would 7033  
have been eligible for a furlough under this section as it 7034  
existed immediately prior to March 17, 1998, or would have been 7035  
eligible for conditional release under former section 2967.23 of 7036  
the Revised Code as that section existed immediately prior to 7037  
March 17, 1998; 7038

(b) That no prisoner who is serving a mandatory prison 7039  
term is eligible for the program until after expiration of the 7040  
mandatory term; 7041

(c) That no prisoner who is serving a prison term or term 7042  
of life imprisonment without parole imposed pursuant to section 7043

2971.03 of the Revised Code is eligible for the program. 7044

(2) At least sixty days prior to transferring to 7045  
transitional control under this section a prisoner who is 7046  
serving a term of imprisonment or prison term of two years or 7047  
less for an offense committed on or after July 1, 1996, the 7048  
division of parole and community services of the department of 7049  
rehabilitation and correction shall give notice of the pendency 7050  
of the transfer to transitional control to the court of common 7051  
pleas of the county in which the indictment against the prisoner 7052  
was found and of the fact that the court may disapprove the 7053  
transfer of the prisoner to transitional control and shall 7054  
include the institutional summary report prepared by the head of 7055  
the state correctional institution in which the prisoner is 7056  
confined. The head of the state correctional institution in 7057  
which the prisoner is confined, upon the request of the division 7058  
of parole and community services, shall provide to the division 7059  
for inclusion in the notice sent to the court under this 7060  
division an institutional summary report on the prisoner's 7061  
conduct in the institution and in any institution from which the 7062  
prisoner may have been transferred. The institutional summary 7063  
report shall cover the prisoner's participation in school, 7064  
vocational training, work, treatment, and other rehabilitative 7065  
activities and any disciplinary action taken against the 7066  
prisoner. If the court disapproves of the transfer of the 7067  
prisoner to transitional control, the court shall notify the 7068  
division of the disapproval within thirty days after receipt of 7069  
the notice. If the court timely disapproves the transfer of the 7070  
prisoner to transitional control, the division shall not proceed 7071  
with the transfer. If the court does not timely disapprove the 7072  
transfer of the prisoner to transitional control, the division 7073  
may transfer the prisoner to transitional control. 7074

(3) (a) If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address or if division (A) (3) (b) of this section applies, the division of parole and community services, at least sixty days prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the division regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the division, the division shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(b) If a prisoner is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (A) (3) (a) of this section shall be given regardless of whether the victim has requested the notification. The notice described in division (A) (3) (a) of this section shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim not be provided the notice. If notice is to be provided to a victim under this division, the authority may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of

section 2930.16 of the Revised Code. The authority, in 7106  
accordance with division (D) (2) of section 2930.16 of the 7107  
Revised Code, shall keep a record of all attempts to provide the 7108  
notice, and of all notices provided, under this division. 7109

Division (A) (3) (b) of this section, and the notice-related 7110  
provisions of divisions (E) (2) and (K) of section 2929.20, 7111  
division (D) (1) of section 2930.16, division ~~(H)~~ (G) of section 7112  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 7113  
of section 2967.28, and division (A) (2) of section 5149.101 of 7114  
the Revised Code enacted in the act in which division (A) (3) (b) 7115  
of this section was enacted, shall be known as "Roberta's Law." 7116

(4) The department of rehabilitation and correction, at 7117  
least sixty days prior to transferring a prisoner to 7118  
transitional control pursuant to this section, shall post on the 7119  
database it maintains pursuant to section 5120.66 of the Revised 7120  
Code the prisoner's name and all of the information specified in 7121  
division (A) (1) (c) (iv) of that section. In addition to and 7122  
independent of the right of a victim to submit a statement as 7123  
described in division (A) (3) of this section or to otherwise 7124  
make a statement and in addition to and independent of any other 7125  
right or duty of a person to present information or make a 7126  
statement, any person may send to the division of parole and 7127  
community services at any time prior to the division's transfer 7128  
of the prisoner to transitional control a written statement 7129  
regarding the transfer of the prisoner to transitional control. 7130  
In addition to the information, reports, and statements it 7131  
considers under divisions (A) (2) and (3) of this section or that 7132  
it otherwise considers, the division shall consider each 7133  
statement submitted in accordance with this division in deciding 7134  
whether to transfer the prisoner to transitional control. 7135

(B) Each prisoner transferred to transitional control 7136  
under this section shall be confined in the manner described in 7137  
division (A) of this section during any period of time that the 7138  
prisoner is not actually working at the prisoner's approved 7139  
employment, engaged in a vocational training or another 7140  
educational program, engaged in another program designated by 7141  
the director, or engaged in other activities approved by the 7142  
department. 7143

(C) The department of rehabilitation and correction shall 7144  
adopt rules for transferring eligible prisoners to transitional 7145  
control, supervising and confining prisoners so transferred, 7146  
administering the transitional control program in accordance 7147  
with this section, and using the moneys deposited into the 7148  
transitional control fund established under division (E) of this 7149  
section. 7150

(D) The department of rehabilitation and correction may 7151  
adopt rules for the issuance of passes for the limited purposes 7152  
described in this division to prisoners who are transferred to 7153  
transitional control under this section. If the department 7154  
adopts rules of that nature, the rules shall govern the granting 7155  
of the passes and shall provide for the supervision of prisoners 7156  
who are temporarily released pursuant to one of those passes. 7157  
Upon the adoption of rules under this division, the department 7158  
may issue passes to prisoners who are transferred to 7159  
transitional control status under this section in accordance 7160  
with the rules and the provisions of this division. All passes 7161  
issued under this division shall be for a maximum of forty-eight 7162  
hours and may be issued only for the following purposes: 7163

(1) To visit a relative in imminent danger of death; 7164

(2) To have a private viewing of the body of a deceased 7165

relative; 7166

(3) To visit with family; 7167

(4) To otherwise aid in the rehabilitation of the 7168  
prisoner. 7169

(E) The division of parole and community services may 7170  
require a prisoner who is transferred to transitional control to 7171  
pay to the division the reasonable expenses incurred by the 7172  
division in supervising or confining the prisoner while under 7173  
transitional control. Inability to pay those reasonable expenses 7174  
shall not be grounds for refusing to transfer an otherwise 7175  
eligible prisoner to transitional control. Amounts received by 7176  
the division of parole and community services under this 7177  
division shall be deposited into the transitional control fund, 7178  
which is hereby created in the state treasury and which hereby 7179  
replaces and succeeds the furlough services fund that formerly 7180  
existed in the state treasury. All moneys that remain in the 7181  
furlough services fund on March 17, 1998, shall be transferred 7182  
on that date to the transitional control fund. The transitional 7183  
control fund shall be used solely to pay costs related to the 7184  
operation of the transitional control program established under 7185  
this section. The director of rehabilitation and correction 7186  
shall adopt rules in accordance with section 111.15 of the 7187  
Revised Code for the use of the fund. 7188

(F) A prisoner who violates any rule established by the 7189  
department of rehabilitation and correction under division (A), 7190  
(C), or (D) of this section may be transferred to a state 7191  
correctional institution pursuant to rules adopted under 7192  
division (A), (C), or (D) of this section, but the prisoner 7193  
shall receive credit towards completing the prisoner's sentence 7194  
for the time spent under transitional control. 7195

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

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

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

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

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

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

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

(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B) (2) (c) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (c) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a felony of the first degree or for a felony sex

offense, five years; 7256

(2) For a felony of the second degree that is not a felony sex offense, three years; 7257  
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(3) For a felony of the third degree that is an offense of violence and is not a felony sex offense, three years. 7259  
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division. 7261  
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(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose upon a 7283  
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prisoner described in division (B) of this section, shall impose 7286  
upon a prisoner described in division (C) of this section who is 7287  
to be released before the expiration of the prisoner's stated 7288  
prison term under a risk reduction sentence, may impose upon a 7289  
prisoner described in division (C) of this section who is not to 7290  
be released before the expiration of the prisoner's stated 7291  
prison term under a risk reduction sentence, and shall impose 7292  
upon a prisoner described in division (B) (2) (b) of section 7293  
5120.031 or in division (B) (1) of section 5120.032 of the 7294  
Revised Code, one or more post-release control sanctions to 7295  
apply during the prisoner's period of post-release control. 7296  
Whenever the board or court imposes one or more post-release 7297  
control sanctions upon a prisoner, the board or court, in 7298  
addition to imposing the sanctions, also shall include as a 7299  
condition of the post-release control that the offender not 7300  
leave the state without permission of the court or the 7301  
offender's parole or probation officer and that the offender 7302  
abide by the law. The board or court may impose any other 7303  
conditions of release under a post-release control sanction that 7304  
the board or court considers appropriate, and the conditions of 7305  
release may include any community residential sanction, 7306  
community nonresidential sanction, or financial sanction that 7307  
the sentencing court was authorized to impose pursuant to 7308  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 7309  
Prior to the release of a prisoner for whom it will impose one 7310  
or more post-release control sanctions under this division, the 7311  
parole board or court shall review the prisoner's criminal 7312  
history, results from the single validated risk assessment tool 7313  
selected by the department of rehabilitation and correction 7314  
under section 5120.114 of the Revised Code, all juvenile court 7315  
adjudications finding the prisoner, while a juvenile, to be a 7316  
delinquent child, and the record of the prisoner's conduct while 7317

imprisoned. The parole board or court shall consider any 7318  
recommendation regarding post-release control sanctions for the 7319  
prisoner made by the office of victims' services. After 7320  
considering those materials, the board or court shall determine, 7321  
for a prisoner described in division (B) of this section, 7322  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 7323  
section 5120.032 of the Revised Code and for a prisoner 7324  
described in division (C) of this section who is to be released 7325  
before the expiration of the prisoner's stated prison term under 7326  
a risk reduction sentence, which post-release control sanction 7327  
or combination of post-release control sanctions is reasonable 7328  
under the circumstances or, for a prisoner described in division 7329  
(C) of this section who is not to be released before the 7330  
expiration of the prisoner's stated prison term under a risk 7331  
reduction sentence, whether a post-release control sanction is 7332  
necessary and, if so, which post-release control sanction or 7333  
combination of post-release control sanctions is reasonable 7334  
under the circumstances. In the case of a prisoner convicted of 7335  
a felony of the fourth or fifth degree other than a felony sex 7336  
offense, the board or court shall presume that monitored time is 7337  
the appropriate post-release control sanction unless the board 7338  
or court determines that a more restrictive sanction is 7339  
warranted. A post-release control sanction imposed under this 7340  
division takes effect upon the prisoner's release from 7341  
imprisonment. 7342

Regardless of whether the prisoner was sentenced to the 7343  
prison term prior to, on, or after July 11, 2006, prior to the 7344  
release of a prisoner for whom it will impose one or more post- 7345  
release control sanctions under this division, the parole board 7346  
shall notify the prisoner that, if the prisoner violates any 7347  
sanction so imposed or any condition of post-release control 7348

described in division (B) of section 2967.131 of the Revised Code that is imposed on the prisoner, the parole board may impose a prison term of up to one-half of the stated prison term originally imposed upon the prisoner.

At least thirty days before the prisoner is released from imprisonment, except as otherwise provided in this paragraph, the department of rehabilitation and correction shall notify the victim and the victim's immediate family of the date on which the prisoner will be released, the period for which the prisoner will be under post-release control supervision, and the terms and conditions of the prisoner's post-release control regardless of whether the victim or victim's immediate family has requested the notification. The notice described in this paragraph shall not be given to a victim or victim's immediate family if the victim or the victim's immediate family has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the notice not be provided to the victim or the victim's immediate family. At least thirty days before the prisoner is released from imprisonment and regardless of whether the victim or victim's immediate family has requested that the notice described in this paragraph be provided or not be provided to the victim or the victim's immediate family, the department also shall provide notice of that nature to the prosecuting attorney in the case and the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense.

If the notice given under the preceding paragraph to the victim or the victim's immediate family is based on an offense committed prior to ~~the effective date of this amendment~~ March 22, 2013, and if the department of rehabilitation and correction has not previously successfully provided any notice to the

victim or the victim's immediate family under division (B), (C), 7380  
or (D) of section 2930.16 of the Revised Code with respect to 7381  
that offense and the offender who committed it, the notice also 7382  
shall inform the victim or the victim's immediate family that 7383  
the victim or the victim's immediate family may request that the 7384  
victim or the victim's immediate family not be provided any 7385  
further notices with respect to that offense and the offender 7386  
who committed it and shall describe the procedure for making 7387  
that request. The department may give the notices to which the 7388  
preceding paragraph applies by any reasonable means, including 7389  
regular mail, telephone, and electronic mail. If the department 7390  
attempts to provide notice to any specified person under the 7391  
preceding paragraph but the attempt is unsuccessful because the 7392  
department is unable to locate the specified person, is unable 7393  
to provide the notice by its chosen method because it cannot 7394  
determine the mailing address, electronic mail address, or 7395  
telephone number at which to provide the notice, or, if the 7396  
notice is sent by mail, the notice is returned, the department 7397  
shall make another attempt to provide the notice to the 7398  
specified person. If the second attempt is unsuccessful, the 7399  
department shall make at least one more attempt to provide the 7400  
notice. If the notice is based on an offense committed prior to 7401  
~~the effective date of this amendment~~ March 22, 2013, in each 7402  
attempt to provide the notice to the victim or victim's 7403  
immediate family, the notice shall include the opt-out 7404  
information described in this paragraph. The department, in the 7405  
manner described in division (D) (2) of section 2930.16 of the 7406  
Revised Code, shall keep a record of all attempts to provide the 7407  
notice, and of all notices provided, under this paragraph and 7408  
the preceding paragraph. The record shall be considered as if it 7409  
was kept under division (D) (2) of section 2930.16 of the Revised 7410  
Code. This paragraph, the preceding paragraph, and the notice- 7411

related provisions of divisions (E) (2) and (K) of section 7412  
2929.20, division (D) (1) of section 2930.16, division ~~(H)~~ (G) of 7413  
section 2967.12, division (E) (1) (b) of section 2967.19, division 7414  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 7415  
5149.101 of the Revised Code enacted in the act in which this 7416  
paragraph and the preceding paragraph were enacted, shall be 7417  
known as "Roberta's Law." 7418

(2) If a prisoner who is placed on post-release control 7419  
under this section is released before the expiration of the 7420  
prisoner's stated prison term by reason of credit earned under 7421  
section 2967.193 of the Revised Code and if the prisoner earned 7422  
sixty or more days of credit, the adult parole authority shall 7423  
supervise the offender with an active global positioning system 7424  
device for the first fourteen days after the offender's release 7425  
from imprisonment. This division does not prohibit or limit the 7426  
imposition of any post-release control sanction otherwise 7427  
authorized by this section. 7428

(3) At any time after a prisoner is released from 7429  
imprisonment and during the period of post-release control 7430  
applicable to the releasee, the adult parole authority or, 7431  
pursuant to an agreement under section 2967.29 of the Revised 7432  
Code, the court may review the releasee's behavior under the 7433  
post-release control sanctions imposed upon the releasee under 7434  
this section. The authority or court may determine, based upon 7435  
the review and in accordance with the standards established 7436  
under division (E) of this section, that a more restrictive or a 7437  
less restrictive sanction is appropriate and may impose a 7438  
different sanction. The authority also may recommend that the 7439  
parole board or court increase or reduce the duration of the 7440  
period of post-release control imposed by the court. If the 7441  
authority recommends that the board or court increase the 7442

duration of post-release control, the board or court shall 7443  
review the releasee's behavior and may increase the duration of 7444  
the period of post-release control imposed by the court up to 7445  
eight years. If the authority recommends that the board or court 7446  
reduce the duration of control for an offense described in 7447  
division (B) or (C) of this section, the board or court shall 7448  
review the releasee's behavior and may reduce the duration of 7449  
the period of control imposed by the court. In no case shall the 7450  
board or court reduce the duration of the period of control 7451  
imposed for an offense described in division (B) (1) of this 7452  
section to a period less than the length of the stated prison 7453  
term originally imposed, and in no case shall the board or court 7454  
permit the releasee to leave the state without permission of the 7455  
court or the releasee's parole or probation officer. 7456

(E) The department of rehabilitation and correction, in 7457  
accordance with Chapter 119. of the Revised Code, shall adopt 7458  
rules that do all of the following: 7459

(1) Establish standards for the imposition by the parole 7460  
board of post-release control sanctions under this section that 7461  
are consistent with the overriding purposes and sentencing 7462  
principles set forth in section 2929.11 of the Revised Code and 7463  
that are appropriate to the needs of releasees; 7464

(2) Establish standards that provide for a period of post- 7465  
release control of up to three years for all prisoners described 7466  
in division (C) of this section who are to be released before 7467  
the expiration of their stated prison term under a risk 7468  
reduction sentence and standards by which the parole board can 7469  
determine which prisoners described in division (C) of this 7470  
section who are not to be released before the expiration of 7471  
their stated prison term under a risk reduction sentence should 7472

be placed under a period of post-release control; 7473

(3) Establish standards to be used by the parole board in 7474  
reducing the duration of the period of post-release control 7475  
imposed by the court when authorized under division (D) of this 7476  
section, in imposing a more restrictive post-release control 7477  
sanction than monitored time upon a prisoner convicted of a 7478  
felony of the fourth or fifth degree other than a felony sex 7479  
offense, or in imposing a less restrictive control sanction upon 7480  
a releasee based on the releasee's activities including, but not 7481  
limited to, remaining free from criminal activity and from the 7482  
abuse of alcohol or other drugs, successfully participating in 7483  
approved rehabilitation programs, maintaining employment, and 7484  
paying restitution to the victim or meeting the terms of other 7485  
financial sanctions; 7486

(4) Establish standards to be used by the adult parole 7487  
authority in modifying a releasee's post-release control 7488  
sanctions pursuant to division (D)(2) of this section; 7489

(5) Establish standards to be used by the adult parole 7490  
authority or parole board in imposing further sanctions under 7491  
division (F) of this section on releasees who violate post- 7492  
release control sanctions, including standards that do the 7493  
following: 7494

(a) Classify violations according to the degree of 7495  
seriousness; 7496

(b) Define the circumstances under which formal action by 7497  
the parole board is warranted; 7498

(c) Govern the use of evidence at violation hearings; 7499

(d) Ensure procedural due process to an alleged violator; 7500

(e) Prescribe nonresidential community control sanctions 7501  
for most misdemeanor and technical violations; 7502

(f) Provide procedures for the return of a releasee to 7503  
imprisonment for violations of post-release control. 7504

(F) (1) Whenever the parole board imposes one or more post- 7505  
release control sanctions upon an offender under this section, 7506  
the offender upon release from imprisonment shall be under the 7507  
general jurisdiction of the adult parole authority and generally 7508  
shall be supervised by the field services section through its 7509  
staff of parole and field officers as described in section 7510  
5149.04 of the Revised Code, as if the offender had been placed 7511  
on parole. If the offender upon release from imprisonment 7512  
violates the post-release control sanction or any conditions 7513  
described in division (A) of section 2967.131 of the Revised 7514  
Code that are imposed on the offender, the public or private 7515  
person or entity that operates or administers the sanction or 7516  
the program or activity that comprises the sanction shall report 7517  
the violation directly to the adult parole authority or to the 7518  
officer of the authority who supervises the offender. The 7519  
authority's officers may treat the offender as if the offender 7520  
were on parole and in violation of the parole, and otherwise 7521  
shall comply with this section. 7522

(2) If the adult parole authority or, pursuant to an 7523  
agreement under section 2967.29 of the Revised Code, the court 7524  
determines that a releasee has violated a post-release control 7525  
sanction or any conditions described in division (A) of section 7526  
2967.131 of the Revised Code imposed upon the releasee and that 7527  
a more restrictive sanction is appropriate, the authority or 7528  
court may impose a more restrictive sanction upon the releasee, 7529  
in accordance with the standards established under division (E) 7530

of this section or in accordance with the agreement made under 7531  
section 2967.29 of the Revised Code, or may report the violation 7532  
to the parole board for a hearing pursuant to division (F) (3) of 7533  
this section. The authority or court may not, pursuant to this 7534  
division, increase the duration of the releasee's post-release 7535  
control or impose as a post-release control sanction a 7536  
residential sanction that includes a prison term, but the 7537  
authority or court may impose on the releasee any other 7538  
residential sanction, nonresidential sanction, or financial 7539  
sanction that the sentencing court was authorized to impose 7540  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 7541  
Revised Code. 7542

(3) The parole board or, pursuant to an agreement under 7543  
section 2967.29 of the Revised Code, the court may hold a 7544  
hearing on any alleged violation by a releasee of a post-release 7545  
control sanction or any conditions described in division (A) of 7546  
section 2967.131 of the Revised Code that are imposed upon the 7547  
releasee. If after the hearing the board or court finds that the 7548  
releasee violated the sanction or condition, the board or court 7549  
may increase the duration of the releasee's post-release control 7550  
up to the maximum duration authorized by division (B) or (C) of 7551  
this section or impose a more restrictive post-release control 7552  
sanction. When appropriate, the board or court may impose as a 7553  
post-release control sanction a residential sanction that 7554  
includes a prison term. The board or court shall consider a 7555  
prison term as a post-release control sanction imposed for a 7556  
violation of post-release control when the violation involves a 7557  
deadly weapon or dangerous ordnance, physical harm or attempted 7558  
serious physical harm to a person, or sexual misconduct, or when 7559  
the releasee committed repeated violations of post-release 7560  
control sanctions. Unless a releasee's stated prison term was 7561

reduced pursuant to section 5120.032 of the Revised Code, the 7562  
period of a prison term that is imposed as a post-release 7563  
control sanction under this division shall not exceed nine 7564  
months, and the maximum cumulative prison term for all 7565  
violations under this division shall not exceed one-half of the 7566  
stated prison term originally imposed upon the offender as part 7567  
of this sentence. If a releasee's stated prison term was reduced 7568  
pursuant to section 5120.032 of the Revised Code, the period of 7569  
a prison term that is imposed as a post-release control sanction 7570  
under this division and the maximum cumulative prison term for 7571  
all violations under this division shall not exceed the period 7572  
of time not served in prison under the sentence imposed by the 7573  
court. The period of a prison term that is imposed as a post- 7574  
release control sanction under this division shall not count as, 7575  
or be credited toward, the remaining period of post-release 7576  
control. 7577

If an offender is imprisoned for a felony committed while 7578  
under post-release control supervision and is again released on 7579  
post-release control for a period of time determined by division 7580  
(F) (4) (d) of this section, the maximum cumulative prison term 7581  
for all violations under this division shall not exceed one-half 7582  
of the total stated prison terms of the earlier felony, reduced 7583  
by any prison term administratively imposed by the parole board 7584  
or court, plus one-half of the total stated prison term of the 7585  
new felony. 7586

(4) Any period of post-release control shall commence upon 7587  
an offender's actual release from prison. If an offender is 7588  
serving an indefinite prison term or a life sentence in addition 7589  
to a stated prison term, the offender shall serve the period of 7590  
post-release control in the following manner: 7591

(a) If a period of post-release control is imposed upon 7592  
the offender and if the offender also is subject to a period of 7593  
parole under a life sentence or an indefinite sentence, and if 7594  
the period of post-release control ends prior to the period of 7595  
parole, the offender shall be supervised on parole. The offender 7596  
shall receive credit for post-release control supervision during 7597  
the period of parole. The offender is not eligible for final 7598  
release under section 2967.16 of the Revised Code until the 7599  
post-release control period otherwise would have ended. 7600

(b) If a period of post-release control is imposed upon 7601  
the offender and if the offender also is subject to a period of 7602  
parole under an indefinite sentence, and if the period of parole 7603  
ends prior to the period of post-release control, the offender 7604  
shall be supervised on post-release control. The requirements of 7605  
parole supervision shall be satisfied during the post-release 7606  
control period. 7607

(c) If an offender is subject to more than one period of 7608  
post-release control, the period of post-release control for all 7609  
of the sentences shall be the period of post-release control 7610  
that expires last, as determined by the parole board or court. 7611  
Periods of post-release control shall be served concurrently and 7612  
shall not be imposed consecutively to each other. 7613

(d) The period of post-release control for a releasee who 7614  
commits a felony while under post-release control for an earlier 7615  
felony shall be the longer of the period of post-release control 7616  
specified for the new felony under division (B) or (C) of this 7617  
section or the time remaining under the period of post-release 7618  
control imposed for the earlier felony as determined by the 7619  
parole board or court. 7620

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 7621

section 2929.14, section 2929.02, ~~2929.03, 2929.06,~~ 2929.13, or 7622  
another section of the Revised Code, other than divisions (B) 7623  
and (C) of section 2929.14 of the Revised Code, that authorizes 7624  
or requires a specified prison term or a mandatory prison term 7625  
for a person who is convicted of or pleads guilty to a felony or 7626  
that specifies the manner and place of service of a prison term 7627  
or term of imprisonment, the court shall impose a sentence upon 7628  
a person who is convicted of or pleads guilty to a violent sex 7629  
offense and who also is convicted of or pleads guilty to a 7630  
sexually violent predator specification that was included in the 7631  
indictment, count in the indictment, or information charging 7632  
that offense, and upon a person who is convicted of or pleads 7633  
guilty to a designated homicide, assault, or kidnapping offense 7634  
and also is convicted of or pleads guilty to both a sexual 7635  
motivation specification and a sexually violent predator 7636  
specification that were included in the indictment, count in the 7637  
indictment, or information charging that offense, as follows: 7638

(1) If the offense for which the sentence is being imposed 7639  
is aggravated murder ~~and if the court does not impose upon the~~ 7640  
~~offender a sentence of death,~~ it shall impose upon the offender 7641  
a term of life imprisonment without parole. ~~If the court~~ 7642  
~~sentences the offender to death and the sentence of death is~~ 7643  
~~vacated, overturned, or otherwise set aside, the court shall~~ 7644  
~~impose upon the offender a term of life imprisonment without~~ 7645  
~~parole.~~ 7646

(2) If the offense for which the sentence is being imposed 7647  
is murder; or if the offense is rape committed in violation of 7648  
division (A)(1)(b) of section 2907.02 of the Revised Code when 7649  
the offender purposely compelled the victim to submit by force 7650  
or threat of force, when the victim was less than ten years of 7651  
age, when the offender previously has been convicted of or 7652

pleaded guilty to either rape committed in violation of that 7653  
division or a violation of an existing or former law of this 7654  
state, another state, or the United States that is substantially 7655  
similar to division (A) (1) (b) of section 2907.02 of the Revised 7656  
Code, or when the offender during or immediately after the 7657  
commission of the rape caused serious physical harm to the 7658  
victim; or if the offense is an offense other than aggravated 7659  
murder or murder for which a term of life imprisonment may be 7660  
imposed, it shall impose upon the offender a term of life 7661  
imprisonment without parole. 7662

(3) (a) Except as otherwise provided in division (A) (3) (b), 7663  
(c), (d), or (e) or (A) (4) of this section, if the offense for 7664  
which the sentence is being imposed is an offense other than 7665  
aggravated murder, murder, or rape and other than an offense for 7666  
which a term of life imprisonment may be imposed, it shall 7667  
impose an indefinite prison term consisting of a minimum term 7668  
fixed by the court from among the range of terms available as a 7669  
definite term for the offense, but not less than two years, and 7670  
a maximum term of life imprisonment. 7671

(b) Except as otherwise provided in division (A) (4) of 7672  
this section, if the offense for which the sentence is being 7673  
imposed is kidnapping that is a felony of the first degree, it 7674  
shall impose an indefinite prison term as follows: 7675

(i) If the kidnapping is committed on or after January 1, 7676  
2008, and the victim of the offense is less than thirteen years 7677  
of age, except as otherwise provided in this division, it shall 7678  
impose an indefinite prison term consisting of a minimum term of 7679  
fifteen years and a maximum term of life imprisonment. If the 7680  
kidnapping is committed on or after January 1, 2008, the victim 7681  
of the offense is less than thirteen years of age, and the 7682

offender released the victim in a safe place unharmed, it shall 7683  
impose an indefinite prison term consisting of a minimum term of 7684  
ten years and a maximum term of life imprisonment. 7685

(ii) If the kidnapping is committed prior to January 1, 7686  
2008, or division (A) (3) (b) (i) of this section does not apply, 7687  
it shall impose an indefinite term consisting of a minimum term 7688  
fixed by the court that is not less than ten years and a maximum 7689  
term of life imprisonment. 7690

(c) Except as otherwise provided in division (A) (4) of 7691  
this section, if the offense for which the sentence is being 7692  
imposed is kidnapping that is a felony of the second degree, it 7693  
shall impose an indefinite prison term consisting of a minimum 7694  
term fixed by the court that is not less than eight years, and a 7695  
maximum term of life imprisonment. 7696

(d) Except as otherwise provided in division (A) (4) of 7697  
this section, if the offense for which the sentence is being 7698  
imposed is rape for which a term of life imprisonment is not 7699  
imposed under division (A) (2) of this section or division (B) of 7700  
section 2907.02 of the Revised Code, it shall impose an 7701  
indefinite prison term as follows: 7702

(i) If the rape is committed on or after January 2, 2007, 7703  
in violation of division (A) (1) (b) of section 2907.02 of the 7704  
Revised Code, it shall impose an indefinite prison term 7705  
consisting of a minimum term of twenty-five years and a maximum 7706  
term of life imprisonment. 7707

(ii) If the rape is committed prior to January 2, 2007, or 7708  
the rape is committed on or after January 2, 2007, other than in 7709  
violation of division (A) (1) (b) of section 2907.02 of the 7710  
Revised Code, it shall impose an indefinite prison term 7711

consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment.

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term

consisting of a minimum term of fifteen years and a maximum of 7741  
life imprisonment. 7742

(4) For any offense for which the sentence is being 7743  
imposed, if the offender previously has been convicted of or 7744  
pleaded guilty to a violent sex offense and also to a sexually 7745  
violent predator specification that was included in the 7746  
indictment, count in the indictment, or information charging 7747  
that offense, or previously has been convicted of or pleaded 7748  
guilty to a designated homicide, assault, or kidnapping offense 7749  
and also to both a sexual motivation specification and a 7750  
sexually violent predator specification that were included in 7751  
the indictment, count in the indictment, or information charging 7752  
that offense, it shall impose upon the offender a term of life 7753  
imprisonment without parole. 7754

(B) (1) Notwithstanding section 2929.13, division (A) or 7755  
(D) of section 2929.14, or another section of the Revised Code 7756  
other than division (B) of section 2907.02 or divisions (B) and 7757  
(C) of section 2929.14 of the Revised Code that authorizes or 7758  
requires a specified prison term or a mandatory prison term for 7759  
a person who is convicted of or pleads guilty to a felony or 7760  
that specifies the manner and place of service of a prison term 7761  
or term of imprisonment, if a person is convicted of or pleads 7762  
guilty to a violation of division (A) (1) (b) of section 2907.02 7763  
of the Revised Code committed on or after January 2, 2007, if 7764  
division (A) of this section does not apply regarding the 7765  
person, and if the court does not impose a sentence of life 7766  
without parole when authorized pursuant to division (B) of 7767  
section 2907.02 of the Revised Code, the court shall impose upon 7768  
the person an indefinite prison term consisting of one of the 7769  
following: 7770

(a) Except as otherwise required in division (B) (1) (b) or 7771  
(c) of this section, a minimum term of ten years and a maximum 7772  
term of life imprisonment. 7773

(b) If the victim was less than ten years of age, a 7774  
minimum term of fifteen years and a maximum of life 7775  
imprisonment. 7776

(c) If the offender purposely compels the victim to submit 7777  
by force or threat of force, or if the offender previously has 7778  
been convicted of or pleaded guilty to violating division (A) (1) 7779  
(b) of section 2907.02 of the Revised Code or to violating an 7780  
existing or former law of this state, another state, or the 7781  
United States that is substantially similar to division (A) (1) 7782  
(b) of that section, or if the offender during or immediately 7783  
after the commission of the offense caused serious physical harm 7784  
to the victim, a minimum term of twenty-five years and a maximum 7785  
of life imprisonment. 7786

(2) Notwithstanding section 2929.13, division (A) or (D) 7787  
of section 2929.14, or another section of the Revised Code other 7788  
than divisions (B) and (C) of section 2929.14 of the Revised 7789  
Code that authorizes or requires a specified prison term or a 7790  
mandatory prison term for a person who is convicted of or pleads 7791  
guilty to a felony or that specifies the manner and place of 7792  
service of a prison term or term of imprisonment and except as 7793  
otherwise provided in division (B) of section 2907.02 of the 7794  
Revised Code, if a person is convicted of or pleads guilty to 7795  
attempted rape committed on or after January 2, 2007, and if 7796  
division (A) of this section does not apply regarding the 7797  
person, the court shall impose upon the person an indefinite 7798  
prison term consisting of one of the following: 7799

(a) If the person also is convicted of or pleads guilty to 7800

a specification of the type described in section 2941.1418 of 7801  
the Revised Code, the court shall impose upon the person an 7802  
indefinite prison term consisting of a minimum term of five 7803  
years and a maximum term of twenty-five years. 7804

(b) If the person also is convicted of or pleads guilty to 7805  
a specification of the type described in section 2941.1419 of 7806  
the Revised Code, the court shall impose upon the person an 7807  
indefinite prison term consisting of a minimum term of ten years 7808  
and a maximum term of life imprisonment. 7809

(c) If the person also is convicted of or pleads guilty to 7810  
a specification of the type described in section 2941.1420 of 7811  
the Revised Code, the court shall impose upon the person an 7812  
indefinite prison term consisting of a minimum term of fifteen 7813  
years and a maximum term of life imprisonment. 7814

(3) Notwithstanding section 2929.13, division (A) or (D) 7815  
of section 2929.14, or another section of the Revised Code other 7816  
than divisions (B) and (C) of section 2929.14 of the Revised 7817  
Code that authorizes or requires a specified prison term or a 7818  
mandatory prison term for a person who is convicted of or pleads 7819  
guilty to a felony or that specifies the manner and place of 7820  
service of a prison term or term of imprisonment, if a person is 7821  
convicted of or pleads guilty to an offense described in 7822  
division (B) (3) (a), (b), (c), or (d) of this section committed 7823  
on or after January 1, 2008, if the person also is convicted of 7824  
or pleads guilty to a sexual motivation specification that was 7825  
included in the indictment, count in the indictment, or 7826  
information charging that offense, and if division (A) of this 7827  
section does not apply regarding the person, the court shall 7828  
impose upon the person an indefinite prison term consisting of 7829  
one of the following: 7830

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when the victim of the offense is less than thirteen years of age and division (B) (3) (a) of this section does not apply;

(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of ~~death or~~ life imprisonment without parole is not imposed for the offense, and division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;

(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.

(C) (1) If the offender is sentenced to a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board

terminates its control in accordance with section 2971.04 of the Revised Code. 7861  
7862

(2) Except as provided in division (C)(3) of this section, 7863  
an offender sentenced to a prison term or term of life 7864  
imprisonment without parole pursuant to division (A) of this 7865  
section shall serve the entire prison term or term of life 7866  
imprisonment in a state correctional institution. The offender 7867  
is not eligible for judicial release under section 2929.20 of 7868  
the Revised Code. 7869

(3) For a prison term imposed pursuant to division (A)(3), 7870  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 7871  
(b), (c), or (d) of this section, the court, in accordance with 7872  
section 2971.05 of the Revised Code, may terminate the prison 7873  
term or modify the requirement that the offender serve the 7874  
entire term in a state correctional institution if all of the 7875  
following apply: 7876

(a) The offender has served at least the minimum term 7877  
imposed as part of that prison term. 7878

(b) The parole board, pursuant to section 2971.04 of the 7879  
Revised Code, has terminated its control over the offender's 7880  
service of that prison term. 7881

(c) The court has held a hearing and found, by clear and 7882  
convincing evidence, one of the following: 7883

(i) In the case of termination of the prison term, that 7884  
the offender is unlikely to commit a sexually violent offense in 7885  
the future; 7886

(ii) In the case of modification of the requirement, that 7887  
the offender does not represent a substantial risk of physical 7888  
harm to others. 7889

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation

specification and a sexually violent predator specification that 7920  
were included in the indictment, count in the indictment, or 7921  
information charging that offense, the conviction of or plea of 7922  
guilty to the offense and the sexually violent predator 7923  
specification automatically classifies the offender as a tier 7924  
III sex offender/child-victim offender for purposes of Chapter 7925  
2950. of the Revised Code. 7926

(2) If an offender is convicted of or pleads guilty to 7927  
committing on or after January 2, 2007, a violation of division 7928  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 7929  
offender is sentenced under section 2971.03 of the Revised Code 7930  
or a sentence of life without parole is imposed under division 7931  
(B) of section 2907.02 of the Revised Code, the conviction of or 7932  
plea of guilty to the offense automatically classifies the 7933  
offender as a tier III sex offender/child-victim offender for 7934  
purposes of Chapter 2950. of the Revised Code. 7935

(3) If a person is convicted of or pleads guilty to 7936  
committing on or after January 2, 2007, attempted rape and also 7937  
is convicted of or pleads guilty to a specification of the type 7938  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 7939  
Revised Code, the conviction of or plea of guilty to the offense 7940  
and the specification automatically classify the offender as a 7941  
tier III sex offender/child-victim offender for purposes of 7942  
Chapter 2950. of the Revised Code. 7943

(4) If a person is convicted of or pleads guilty to one of 7944  
the offenses described in division (B) (3) (a), (b), (c), or (d) 7945  
of this section and a sexual motivation specification related to 7946  
the offense and the victim of the offense is less than thirteen 7947  
years of age, the conviction of or plea of guilty to the offense 7948  
automatically classifies the offender as a tier III sex 7949

offender/child-victim offender for purposes of Chapter 2950. of 7950  
the Revised Code. 7951

**Sec. 2971.07.** (A) This chapter does not apply to any 7952  
offender unless the offender is one of the following: 7953

(1) The offender is convicted of or pleads guilty to a 7954  
violent sex offense and also is convicted of or pleads guilty to 7955  
a sexually violent predator specification that was included in 7956  
the indictment, count in the indictment, or information charging 7957  
that offense. 7958

(2) The offender is convicted of or pleads guilty to a 7959  
designated homicide, assault, or kidnapping offense and also is 7960  
convicted of or pleads guilty to both a sexual motivation 7961  
specification and a sexually violent predator specification that 7962  
were included in the indictment, count in the indictment, or 7963  
information charging that offense. 7964

(3) The offender is convicted of or pleads guilty to a 7965  
violation of division (A) (1) (b) of section 2907.02 of the 7966  
Revised Code committed on or after January 2, 2007, and the 7967  
court does not sentence the offender to a term of life without 7968  
parole pursuant to division (B) of section 2907.02 of the 7969  
Revised Code or division (B) of that section prohibits the court 7970  
from sentencing the offender pursuant to section 2971.03 of the 7971  
Revised Code. 7972

(4) The offender is convicted of or pleads guilty to 7973  
attempted rape committed on or after January 2, 2007, and also 7974  
is convicted of or pleads guilty to a specification of the type 7975  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 7976  
Revised Code. 7977

(5) The offender is convicted of or pleads guilty to a 7978

violation of section 2905.01 of the Revised Code and also is 7979  
convicted of or pleads guilty to a sexual motivation 7980  
specification that was included in the indictment, count in the 7981  
indictment, or information charging that offense, and that 7982  
section requires a court to sentence the offender pursuant to 7983  
section 2971.03 of the Revised Code. 7984

(6) The offender is convicted of or pleads guilty to 7985  
aggravated murder and also is convicted of or pleads guilty to a 7986  
sexual motivation specification that was included in the 7987  
indictment, count in the indictment, or information charging 7988  
that offense, and ~~division (A) (2) (b) (ii) of section 2929.022,~~ 7989  
~~division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D)~~ 7990  
~~(3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or~~ 7991  
~~(B) (C) of section 2929.06-2929.02~~ of the Revised Code requires 7992  
a court to sentence the offender pursuant to division (B) (3) of 7993  
section 2971.03 of the Revised Code. 7994

(7) The offender is convicted of or pleads guilty to 7995  
murder and also is convicted of or pleads guilty to a sexual 7996  
motivation specification that was included in the indictment, 7997  
count in the indictment, or information charging that offense, 7998  
and ~~division (B) (2) (C)~~ of section 2929.02 of the Revised Code 7999  
requires a court to sentence the offender pursuant to section 8000  
2971.03 of the Revised Code. 8001

(B) This chapter does not limit or affect a court in 8002  
imposing upon an offender described in divisions (A) (1) to (9) 8003  
of this section any financial sanction under section 2929.18 or 8004  
any other section of the Revised Code, or, except as 8005  
specifically provided in this chapter, any other sanction that 8006  
is authorized or required for the offense or violation by any 8007  
other provision of law. 8008

(C) If an offender is sentenced to a prison term under 8009  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 8010  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8011  
Code and if, pursuant to section 2971.05 of the Revised Code, 8012  
the court modifies the requirement that the offender serve the 8013  
entire prison term in a state correctional institution or places 8014  
the offender on conditional release that involves the placement 8015  
of the offender under the supervision of the adult parole 8016  
authority, authorized field officers of the authority who are 8017  
engaged within the scope of their supervisory duties or 8018  
responsibilities may search, with or without a warrant, the 8019  
person of the offender, the place of residence of the offender, 8020  
and a motor vehicle, another item of tangible or intangible 8021  
personal property, or any other real property in which the 8022  
offender has the express or implied permission of a person with 8023  
a right, title, or interest to use, occupy, or possess if the 8024  
field officer has reasonable grounds to believe that the 8025  
offender is not abiding by the law or otherwise is not complying 8026  
with the terms and conditions of the offender's modification or 8027  
release. The authority shall provide each offender with a 8028  
written notice that informs the offender that authorized field 8029  
officers of the authority who are engaged within the scope of 8030  
their supervisory duties or responsibilities may conduct those 8031  
types of searches during the period of the modification or 8032  
release if they have reasonable grounds to believe that the 8033  
offender is not abiding by the law or otherwise is not complying 8034  
with the terms and conditions of the offender's modification or 8035  
release. 8036

**Sec. 5120.113.** (A) For each inmate committed to the 8037  
department of rehabilitation and correction, except as provided 8038  
in division (B) of this section, the department shall prepare a 8039

written reentry plan for the inmate to help guide the inmate's 8040  
rehabilitation program during imprisonment, to assist in the 8041  
inmate's reentry into the community, and to assess the inmate's 8042  
needs upon release. 8043

(B) Division (A) of this section does not apply to an 8044  
inmate who has been sentenced to life imprisonment without 8045  
parole or ~~who has been~~ sentenced to death before the effective 8046  
date of this amendment. Division (A) of this section does not 8047  
apply to any inmate who is expected to be imprisoned for thirty 8048  
days or less, but the department may prepare a written reentry 8049  
plan of the type described in that division if the department 8050  
determines that the plan is needed. 8051

(C) The department may collect, if available, any social 8052  
and other information that will aid in the preparation of 8053  
reentry plans under this section. 8054

(D) In the event the department does not prepare a written 8055  
reentry plan as specified in division (A) of this section, or 8056  
makes a decision to not prepare a written reentry plan under 8057  
division (B) of this section or to not collect information under 8058  
division (C) of this section, that fact does not give rise to a 8059  
claim for damages against the state, the department, the 8060  
director of the department, or any employee of the department. 8061

**Sec. 5120.53.** (A) If a treaty between the United States 8062  
and a foreign country provides for the transfer or exchange, 8063  
from one of the signatory countries to the other signatory 8064  
country, of convicted offenders who are citizens or nationals of 8065  
the other signatory country, the governor, subject to and in 8066  
accordance with the terms of the treaty, may authorize the 8067  
director of rehabilitation and correction to allow the transfer 8068  
or exchange of convicted offenders and to take any action 8069

necessary to initiate participation in the treaty. If the 8070  
governor grants the director the authority described in this 8071  
division, the director may take the necessary action to initiate 8072  
participation in the treaty and, subject to and in accordance 8073  
with division (B) of this section and the terms of the treaty, 8074  
may allow the transfer or exchange to a foreign country that has 8075  
signed the treaty of any convicted offender who is a citizen or 8076  
national of that signatory country. 8077

(B) (1) No convicted offender who is serving a term of 8078  
imprisonment in this state for aggravated murder, murder, or a 8079  
felony of the first or second degree, who is serving a mandatory 8080  
prison term imposed under section 2925.03 or 2925.11 of the 8081  
Revised Code in circumstances in which the court was required to 8082  
impose as the mandatory prison term the maximum prison term 8083  
authorized for the degree of offense committed, or who is 8084  
serving a term of imprisonment in this state imposed for an 8085  
offense committed prior to ~~the effective date of this amendment~~ 8086  
July 1, 1996, that was an aggravated felony of the first or 8087  
second degree or that was aggravated trafficking in violation of 8088  
division (A) (9) or (10) of section 2925.03 of the Revised Code, ~~—~~ 8089  
~~or who has been sentenced to death in this state~~ shall be 8090  
transferred or exchanged to another country pursuant to a treaty 8091  
of the type described in division (A) of this section. 8092

(2) If a convicted offender is serving a term of 8093  
imprisonment in this state and the offender is a citizen or 8094  
national of a foreign country that has signed a treaty of the 8095  
type described in division (A) of this section, if the governor 8096  
has granted the director of rehabilitation and correction the 8097  
authority described in that division, and if the transfer or 8098  
exchange of the offender is not barred by division (B) (1) of 8099  
this section, the director or the director's designee may 8100

approve the offender for transfer or exchange pursuant to the 8101  
treaty if the director or the designee, after consideration of 8102  
the factors set forth in the rules adopted by the department 8103  
under division (D) of this section and all other relevant 8104  
factors, determines that the transfer or exchange of the 8105  
offender is appropriate. 8106

(C) Notwithstanding any provision of the Revised Code 8107  
regarding the parole eligibility of, or the duration or 8108  
calculation of a sentence of imprisonment imposed upon, an 8109  
offender, if a convicted offender is serving a term of 8110  
imprisonment in this state and the offender is a citizen or 8111  
national of a foreign country that has signed a treaty of the 8112  
type described in division (A) of this section, if the offender 8113  
is serving an indefinite term of imprisonment, if the offender 8114  
is barred from being transferred or exchanged pursuant to the 8115  
treaty due to the indefinite nature of the offender's term of 8116  
imprisonment, and if in accordance with division (B) (2) of this 8117  
section the director of rehabilitation and correction or the 8118  
director's designee approves the offender for transfer or 8119  
exchange pursuant to the treaty, the parole board, pursuant to 8120  
rules adopted by the director, shall set a date certain for the 8121  
release of the offender. To the extent possible, the date 8122  
certain that is set shall be reasonably proportionate to the 8123  
indefinite term of imprisonment that the offender is serving. 8124  
The date certain that is set for the release of the offender 8125  
shall be considered only for purposes of facilitating the 8126  
international transfer or exchange of the offender, shall not be 8127  
viable or actionable for any other purpose, and shall not create 8128  
any expectation or guarantee of release. If an offender for whom 8129  
a date certain for release is set under this division is not 8130  
transferred to or exchanged with the foreign country pursuant to 8131

the treaty, the date certain is null and void, and the 8132  
offender's release shall be determined pursuant to the laws and 8133  
rules of this state pertaining to parole eligibility and the 8134  
duration and calculation of an indefinite sentence of 8135  
imprisonment. 8136

(D) If the governor, pursuant to division (A) of this 8137  
section, authorizes the director of rehabilitation and 8138  
correction to allow any transfer or exchange of convicted 8139  
offenders as described in that division, the director shall 8140  
adopt rules under Chapter 119. of the Revised Code to implement 8141  
the provisions of this section. The rules shall include a rule 8142  
that requires the director or the director's designee, in 8143  
determining whether to approve a convicted offender who is 8144  
serving a term of imprisonment in this state for transfer or 8145  
exchange pursuant to a treaty of the type described in division 8146  
(A) of this section, to consider all of the following factors: 8147

(1) The nature of the offense for which the offender is 8148  
serving the term of imprisonment in this state; 8149

(2) The likelihood that, if the offender is transferred or 8150  
exchanged to a foreign country pursuant to the treaty, the 8151  
offender will serve a shorter period of time in imprisonment in 8152  
the foreign country than the offender would serve if the 8153  
offender is not transferred or exchanged to the foreign country 8154  
pursuant to the treaty; 8155

(3) The likelihood that, if the offender is transferred or 8156  
exchanged to a foreign country pursuant to the treaty, the 8157  
offender will return or attempt to return to this state after 8158  
the offender has been released from imprisonment in the foreign 8159  
country; 8160

(4) The degree of any shock to the conscience of justice 8161  
and society that will be experienced in this state if the 8162  
offender is transferred or exchanged to a foreign country 8163  
pursuant to the treaty; 8164

(5) All other factors that the department determines are 8165  
relevant to the determination. 8166

**Sec. 5120.61.** (A) (1) Not later than ninety days after 8167  
January 1, 1997, the department of rehabilitation and correction 8168  
shall adopt standards that it will use under this section to 8169  
assess the following criminal offenders and may periodically 8170  
revise the standards: 8171

(a) A criminal offender who is convicted of or pleads 8172  
guilty to a violent sex offense or designated homicide, assault, 8173  
or kidnapping offense and is adjudicated a sexually violent 8174  
predator in relation to that offense; 8175

(b) A criminal offender who is convicted of or pleads 8176  
guilty to a violation of division (A) (1) (b) of section 2907.02 8177  
of the Revised Code committed on or after January 2, 2007, and 8178  
either who is sentenced under section 2971.03 of the Revised 8179  
Code or upon whom a sentence of life without parole is imposed 8180  
under division (B) of section 2907.02 of the Revised Code; 8181

(c) A criminal offender who is convicted of or pleads 8182  
guilty to attempted rape committed on or after January 2, 2007, 8183  
and a specification of the type described in section 2941.1418, 8184  
2941.1419, or 2941.1420 of the Revised Code; 8185

(d) A criminal offender who is convicted of or pleads 8186  
guilty to a violation of section 2905.01 of the Revised Code and 8187  
also is convicted of or pleads guilty to a sexual motivation 8188  
specification that was included in the indictment, count in the 8189

indictment, or information charging that offense, and who is 8190  
sentenced pursuant to section 2971.03 of the Revised Code; 8191

(e) A criminal offender who is convicted of or pleads 8192  
guilty to aggravated murder and also is convicted of or pleads 8193  
guilty to a sexual motivation specification that was included in 8194  
the indictment, count in the indictment, or information charging 8195  
that offense, and who pursuant to division ~~(A) (2) (b) (ii) of~~ 8196  
~~section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a)~~ 8197  
~~(ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03,~~ 8198  
~~or division (A) or (B) (C) of section 2929.06-2929.02~~ of the 8199  
Revised Code is sentenced pursuant to division (B) (3) of section 8200  
2971.03 of the Revised Code; 8201

(f) A criminal offender who is convicted of or pleads 8202  
guilty to murder and also is convicted of or pleads guilty to a 8203  
sexual motivation specification that was included in the 8204  
indictment, count in the indictment, or information charging 8205  
that offense, and who pursuant to division ~~(B) (2)~~ (C) (1) of 8206  
section 2929.02 of the Revised Code is sentenced pursuant to 8207  
section 2971.03 of the Revised Code. 8208

(2) When the department is requested by the parole board 8209  
or the court to provide a risk assessment report of the offender 8210  
under section 2971.04 or 2971.05 of the Revised Code, it shall 8211  
assess the offender and complete the assessment as soon as 8212  
possible after the offender has commenced serving the prison 8213  
term or term of life imprisonment without parole imposed under 8214  
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 8215  
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8216  
Code. Thereafter, the department shall update a risk assessment 8217  
report pertaining to an offender as follows: 8218

(a) Periodically, in the discretion of the department, 8219

provided that each report shall be updated no later than two 8220  
years after its initial preparation or most recent update; 8221

(b) Upon the request of the parole board for use in 8222  
determining pursuant to section 2971.04 of the Revised Code 8223  
whether it should terminate its control over an offender's 8224  
service of a prison term imposed upon the offender under 8225  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 8226  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8227  
Code; 8228

(c) Upon the request of the court. 8229

(3) After the department of rehabilitation and correction 8230  
assesses an offender pursuant to division (A) (2) of this 8231  
section, it shall prepare a report that contains its risk 8232  
assessment for the offender or, if a risk assessment report 8233  
previously has been prepared, it shall update the risk 8234  
assessment report. 8235

(4) The department of rehabilitation and correction shall 8236  
provide each risk assessment report that it prepares or updates 8237  
pursuant to this section regarding an offender to all of the 8238  
following: 8239

(a) The parole board for its use in determining pursuant 8240  
to section 2971.04 of the Revised Code whether it should 8241  
terminate its control over an offender's service of a prison 8242  
term imposed upon the offender under division (A) (3), (B) (1) (a), 8243  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 8244  
(d) of section 2971.03 of the Revised Code, if the parole board 8245  
has not terminated its control over the offender; 8246

(b) The court for use in determining, pursuant to section 8247  
2971.05 of the Revised Code, whether to modify the requirement 8248

that the offender serve the entire prison term imposed upon the 8249  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 8250  
(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 8251  
2971.03 of the Revised Code in a state correctional institution, 8252  
whether to revise any modification previously made, or whether 8253  
to terminate the prison term; 8254

(c) The prosecuting attorney who prosecuted the case, or 8255  
the successor in office to that prosecuting attorney; 8256

(d) The offender. 8257

(B) When the department of rehabilitation and correction 8258  
provides a risk assessment report regarding an offender to the 8259  
parole board or court pursuant to division (A) (4) (a) or (b) of 8260  
this section, the department, prior to the parole board's or 8261  
court's hearing, also shall provide to the offender or to the 8262  
offender's attorney of record a copy of the report and a copy of 8263  
any other relevant documents the department possesses regarding 8264  
the offender that the department does not consider to be 8265  
confidential. 8266

(C) As used in this section: 8267

(1) "Adjudicated a sexually violent predator" has the same 8268  
meaning as in section 2929.01 of the Revised Code, and a person 8269  
is "adjudicated a sexually violent predator" in the same manner 8270  
and the same circumstances as are described in that section. 8271

(2) "Designated homicide, assault, or kidnapping offense" 8272  
and "violent sex offense" have the same meanings as in section 8273  
2971.01 of the Revised Code. 8274

**Sec. 5139.04.** The department of youth services shall do 8275  
all of the following: 8276

- (A) Support service districts through a central administrative office that shall have as its administrative head a deputy director who shall be appointed by the director of the department. When a vacancy occurs in the office of that deputy director, an assistant deputy director shall act as that deputy director until the vacancy is filled. The position of deputy director and assistant deputy director described in this division shall be in the unclassified civil service of the state.
- (B) Receive custody of all children committed to it under Chapter 2152. of the Revised Code, cause a study to be made of those children, and issue any orders, as it considers best suited to the needs of any of those children and the interest of the public, for the treatment of each of those children;
- (C) Obtain personnel necessary for the performance of its duties;
- (D) Adopt rules that regulate its organization and operation, that implement sections 5139.34 and 5139.41 to 5139.43 of the Revised Code, and that pertain to the administration of other sections of this chapter;
- (E) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;
- (F) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;
- (G) Develop a standard form for the disposition investigation report that a juvenile court is required pursuant

to section 2152.18 of the Revised Code to complete and provide 8306  
to the department when the court commits a child to the legal 8307  
custody of the department; 8308

(H) Provide the state public defender the reasonable 8309  
access authorized under division ~~(I)~~(H) of section 120.06 of 8310  
the Revised Code in order to fulfill the department's 8311  
constitutional obligation to provide juveniles who have been 8312  
committed to the department's care access to the courts. 8313

(I) Do all other acts necessary or desirable to carry out 8314  
this chapter. 8315

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 8316  
member, or the office of victims' services may petition the 8317  
board for a full board hearing that relates to the proposed 8318  
parole or re-parole of a prisoner. At a meeting of the board at 8319  
which a majority of board members are present, the majority of 8320  
those present shall determine whether a full board hearing shall 8321  
be held. 8322

(2) A victim of a violation of section 2903.01 or 2903.02 8323  
of the Revised Code, an offense of violence that is a felony of 8324  
the first, second, or third degree, or an offense punished by a 8325  
sentence of life imprisonment, the victim's representative, or 8326  
any person described in division (B) (5) of this section may 8327  
request the board to hold a full board hearing that relates to 8328  
the proposed parole or re-parole of the person that committed 8329  
the violation. If a victim, victim's representative, or other 8330  
person requests a full board hearing pursuant to this division, 8331  
the board shall hold a full board hearing. 8332

At least thirty days before the full hearing, except as 8333  
otherwise provided in this division, the board shall give notice 8334

of the date, time, and place of the hearing to the victim 8335  
regardless of whether the victim has requested the notification. 8336  
The notice of the date, time, and place of the hearing shall not 8337  
be given under this division to a victim if the victim has 8338  
requested pursuant to division (B)(2) of section 2930.03 of the 8339  
Revised Code that the notice not be provided to the victim. At 8340  
least thirty days before the full board hearing and regardless 8341  
of whether the victim has requested that the notice be provided 8342  
or not be provided under this division to the victim, the board 8343  
shall give similar notice to the prosecuting attorney in the 8344  
case, the law enforcement agency that arrested the prisoner if 8345  
any officer of that agency was a victim of the offense, and, if 8346  
different than the victim, the person who requested the full 8347  
hearing. If the prosecuting attorney has not previously been 8348  
sent an institutional summary report with respect to the 8349  
prisoner, upon the request of the prosecuting attorney, the 8350  
board shall include with the notice sent to the prosecuting 8351  
attorney an institutional summary report that covers the 8352  
offender's participation while confined in a state correctional 8353  
institution in training, work, and other rehabilitative 8354  
activities and any disciplinary action taken against the 8355  
offender while so confined. Upon the request of a law 8356  
enforcement agency that has not previously been sent an 8357  
institutional summary report with respect to the prisoner, the 8358  
board also shall send a copy of the institutional summary report 8359  
to the law enforcement agency. If notice is to be provided as 8360  
described in this division, the board may give the notice by any 8361  
reasonable means, including regular mail, telephone, and 8362  
electronic mail, in accordance with division (D)(1) of section 8363  
2930.16 of the Revised Code. If the notice is based on an 8364  
offense committed prior to ~~the effective date of this amendment~~ 8365  
March 22, 2013, the notice also shall include the opt-out 8366

information described in division (D)(1) of section 2930.16 of 8367  
the Revised Code. The board, in accordance with division (D)(2) 8368  
of section 2930.16 of the Revised Code, shall keep a record of 8369  
all attempts to provide the notice, and of all notices provided, 8370  
under this division. 8371

The preceding paragraph, and the notice-related provisions 8372  
of divisions (E)(2) and (K) of section 2929.20, division (D)(1) 8373  
of section 2930.16, division ~~(H)~~(G) of section 2967.12, 8374  
division (E)(1)(b) of section 2967.19, division (A)(3)(b) of 8375  
section 2967.26, and division (D)(1) of section 2967.28 of the 8376  
Revised Code enacted in the act in which this paragraph was 8377  
enacted, shall be known as "Roberta's Law." 8378

(B) At a full board hearing that relates to the proposed 8379  
parole or re-parole of a prisoner and that has been petitioned 8380  
for or requested in accordance with division (A) of this 8381  
section, the parole board shall permit the following persons to 8382  
appear and to give testimony or to submit written statements: 8383

(1) The prosecuting attorney of the county in which the 8384  
original indictment against the prisoner was found and members 8385  
of any law enforcement agency that assisted in the prosecution 8386  
of the original offense; 8387

(2) The judge of the court of common pleas who imposed the 8388  
original sentence of incarceration upon the prisoner, or the 8389  
judge's successor; 8390

(3) The victim of the original offense for which the 8391  
prisoner is serving the sentence or the victim's representative 8392  
designated pursuant to section 2930.02 of the Revised Code; 8393

(4) The victim of any behavior that resulted in parole 8394  
being revoked; 8395

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

- (a) The spouse of the victim of the original offense;
- (b) The parent or parents of the victim of the original offense;
- (c) The sibling of the victim of the original offense;
- (d) The child or children of the victim of the original offense.

(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.

If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision

until a subsequent full board hearing. The board may permit 8424  
interested persons other than those listed in this division and 8425  
division (B) of this section to attend full board hearings 8426  
pursuant to rules adopted by the adult parole authority. 8427

(D) If the victim of the original offense died as a result 8428  
of the offense and the offense was aggravated murder, murder, an 8429  
offense of violence that is a felony of the first, second, or 8430  
third degree, or an offense punished by a sentence of life 8431  
imprisonment, the family of the victim may show at a full board 8432  
hearing a video recording not exceeding five minutes in length 8433  
memorializing the victim. 8434

(E) The adult parole authority shall adopt rules for the 8435  
implementation of this section. The rules shall specify 8436  
reasonable restrictions on the number of media representatives 8437  
that may attend a hearing, based on considerations of space, and 8438  
other procedures designed to accomplish an effective, orderly 8439  
process for full board hearings. 8440

**Sec. 5919.16.** (A) Commissioned and warrant officers in the 8441  
Ohio national guard shall be discharged by the adjutant general 8442  
upon either of the following: 8443

(1) The officer's resignation; 8444

(2) Approval of a board's recommendation for withdrawal of 8445  
federal recognition by the chief of the national guard bureau. 8446

(B) An officer also may be discharged under any of the 8447  
following circumstances: 8448

(1) Pursuant to other federal regulations; 8449

(2) If absent without leave for three months, upon 8450  
recommendation of an efficiency board; 8451

(3) Pursuant to sentence by court-martial; 8452

(4) If the officer has been convicted of a crime 8453  
classified as a felony as described in division (C) or (D) ~~or~~ 8454  
~~(E)~~ of section 2901.02 of the Revised Code. 8455

**Section 2.** That existing sections 9.07, 120.03, 120.06, 8456  
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 8457  
1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2701.07, 2743.51, 8458  
2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 8459  
2930.03, 2930.06, 2930.16, 2937.222, 2941.021, 2941.14, 8460  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.13, 2945.21, 8461  
2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 8462  
2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 8463  
2953.73, 2953.81, 2967.03, 2967.05, 2967.12, 2967.13, 2967.19, 8464  
2967.193, 2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 5120.53, 8465  
5120.61, 5139.04, 5149.101, and 5919.16 and sections 109.97, 8466  
120.35, 2725.19, 2929.021, 2929.022, 2929.023, 2929.024, 8467  
2929.03, 2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 8468  
2949.22, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 8469  
2949.31, and 2967.08 of the Revised Code are hereby repealed. 8470

**Section 3.** (A) An offender whose sentence of death has 8471  
been set aside, nullified, or vacated pursuant to section 8472  
2929.06 of the Revised Code as it existed immediately before the 8473  
effective date of this act but who has not been resentenced 8474  
under that section as of the effective date of this act shall be 8475  
resentenced in accordance with that section as it existed 8476  
immediately before the effective date of this act. 8477

(B) Nothing in this act is intended to nullify or mitigate 8478  
the sentence of an offender who was sentenced to death before 8479  
the effective date of this act. An offender who was sentenced to 8480  
death before the effective date of this act shall have the same 8481

rights to appeal and to postconviction remedies as the offender 8482  
had under the provisions of Chapter 2953. of the Revised Code as 8483  
those provisions existed immediately before the effective date 8484  
of this act or as those provisions may hereafter be amended, and 8485  
courts shall have the same powers and duties with respect to 8486  
those offenders under those provisions as courts had before the 8487  
effective date of this act. 8488

(C) All reports and payments relating to capital cases 8489  
that were required to be made under any provision of Chapter 8490  
120. or section 109.97 of the Revised Code as those provisions 8491  
existed immediately before the effective date of this act shall 8492  
be made for the current calendar or fiscal year, as applicable, 8493  
in accordance with those provisions as they existed immediately 8494  
before the effective date of this act until each case in which a 8495  
defendant was sentenced to death before the effective date of 8496  
this act is finally resolved. 8497

(D) In an action in which an offender was sentenced to 8498  
death before the effective date of this act, a court of common 8499  
pleas shall preserve the records of the action as required by 8500  
section 2301.20 of the Revised Code as it existed immediately 8501  
before the effective date of this act. 8502

**Section 4.** Attorneys appointed to represent indigent 8503  
defendants in postconviction relief proceedings in cases in 8504  
which the defendant was sentenced to death before the effective 8505  
date of this act shall be certified under Rule 20 of the Rules 8506  
of Superintendence for the Courts of Ohio as required by 8507  
sections 120.06, 120.14, 120.26, and 120.33 of the Revised Code 8508  
as those sections existed immediately before the effective date 8509  
of this act. 8510

**Section 5.** The General Assembly, applying the principle 8511

stated in division (B) of section 1.52 of the Revised Code that 8512  
amendments are to be harmonized if reasonably capable of 8513  
simultaneous operation, finds that the following sections, 8514  
presented in this act as composites of the sections as amended 8515  
by the acts indicated, are the resulting versions of the 8516  
sections in effect prior to the effective date of the sections 8517  
as presented in this act: 8518

Section 2953.07 of the Revised Code as amended by both Am. 8519  
Sub. S.B. 2 and Am. Sub. S.B. 4 of the 121st General Assembly. 8520

Section 2953.08 of the Revised Code as amended by Sub. 8521  
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 8522  
129th General Assembly. 8523

Section 2967.03 of the Revised Code as amended by Am. Sub. 8524  
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 8525  
129th General Assembly. 8526