

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 13**

**Senator Fedor**

**Cosponsors: Senators Thomas, Yuko, Kunze, Sykes, Antonio, Craig, Maharath,  
Brenner, Williams, O'Brien, Roegner**

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**A BILL**

To amend sections 2152.021, 2905.32, and 2929.01 of 1  
the Revised Code to require a juvenile court to 2  
hold a delinquency complaint in abeyance in 3  
certain cases related to prostitution or human 4  
trafficking and to provide that the same 5  
elements for the offense of trafficking in 6  
persons that apply to a victim under the age of 7  
sixteen also apply to a victim who is age 8  
sixteen or seventeen. 9

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

**Section 1.** That sections 2152.021, 2905.32, and 2929.01 of 10  
the Revised Code be amended to read as follows: 11

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this 12  
section, any person having knowledge of a child who appears to 13  
be a juvenile traffic offender or to be a delinquent child may 14  
file a sworn complaint with respect to that child in the 15  
juvenile court of the county in which the child has a residence 16  
or legal settlement or in which the traffic offense or 17  
delinquent act allegedly occurred. The sworn complaint may be 18

upon information and belief, and, in addition to the allegation 19  
that the child is a delinquent child or a juvenile traffic 20  
offender, the complaint shall allege the particular facts upon 21  
which the allegation that the child is a delinquent child or a 22  
juvenile traffic offender is based. 23

If a child appears to be a delinquent child who is 24  
eligible for a serious youthful offender dispositional sentence 25  
under section 2152.11 of the Revised Code and if the prosecuting 26  
attorney desires to seek a serious youthful offender 27  
dispositional sentence under section 2152.13 of the Revised Code 28  
in regard to the child, the prosecuting attorney of the county 29  
in which the alleged delinquency occurs may initiate a case in 30  
the juvenile court of the county by presenting the case to a 31  
grand jury for indictment, by charging the child in a bill of 32  
information as a serious youthful offender pursuant to section 33  
2152.13 of the Revised Code, by requesting a serious youthful 34  
offender dispositional sentence in the original complaint 35  
alleging that the child is a delinquent child, or by filing with 36  
the juvenile court a written notice of intent to seek a serious 37  
youthful offender dispositional sentence. This paragraph does 38  
not apply regarding the imposition of a serious youthful 39  
offender dispositional sentence pursuant to section 2152.121 of 40  
the Revised Code. 41

(2) Any person having knowledge of a child who appears to 42  
be a delinquent child for violating a court order regarding the 43  
child's adjudication as an unruly child for being an habitual 44  
truant, may file a sworn complaint with respect to that child, 45  
or with respect to that child and the parent, guardian, or other 46  
person having care of the child, in the juvenile court of the 47  
county in which the child has a residence or legal settlement or 48  
in which the child is supposed to attend public school. The 49

sworn complaint may be upon information and belief and shall 50  
allege that the child is a delinquent child for violating a 51  
court order regarding the child's prior adjudication as an 52  
unruly child for being a habitual truant and, in addition, the 53  
particular facts upon which that allegation is based. If the 54  
complaint contains allegations regarding the child's parent, 55  
guardian, or other person having care of the child, the 56  
complaint additionally shall allege that the parent, guardian, 57  
or other person having care of the child has failed to cause the 58  
child's attendance at school in violation of section 3321.38 of 59  
the Revised Code and, in addition, the particular facts upon 60  
which that allegation is based. 61

(B) Any person with standing under applicable law may file 62  
a complaint for the determination of any other matter over which 63  
the juvenile court is given jurisdiction by section 2151.23 of 64  
the Revised Code. The complaint shall be filed in the county in 65  
which the child who is the subject of the complaint is found or 66  
was last known to be found. 67

(C) Within ten days after the filing of a complaint or the 68  
issuance of an indictment, the court shall give written notice 69  
of the filing of the complaint or the issuance of an indictment 70  
and of the substance of the complaint or indictment to the 71  
superintendent of a city, local, exempted village, or joint 72  
vocational school district if the complaint or indictment 73  
alleges that a child committed an act that would be a criminal 74  
offense if committed by an adult, that the child was sixteen 75  
years of age or older at the time of the commission of the 76  
alleged act, and that the alleged act is any of the following: 77

(1) A violation of section 2923.122 of the Revised Code 78  
that relates to property owned or controlled by, or to an 79

activity held under the auspices of, the board of education of 80  
that school district; 81

(2) A violation of section 2923.12 of the Revised Code, of 82  
a substantially similar municipal ordinance, or of section 83  
2925.03 of the Revised Code that was committed on property owned 84  
or controlled by, or at an activity held under the auspices of, 85  
the board of education of that school district; 86

(3) A violation of section 2925.11 of the Revised Code 87  
that was committed on property owned or controlled by, or at an 88  
activity held under the auspices of, the board of education of 89  
that school district, other than a violation of that section 90  
that would be a minor drug possession offense if committed by an 91  
adult; 92

(4) A violation of section 2903.01, 2903.02, 2903.03, 93  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 94  
Code, or a violation of former section 2907.12 of the Revised 95  
Code, that was committed on property owned or controlled by, or 96  
at an activity held under the auspices of, the board of 97  
education of that school district, if the victim at the time of 98  
the commission of the alleged act was an employee of the board 99  
of education of that school district; 100

(5) Complicity in any violation described in division (C) 101  
(1), (2), (3), or (4) of this section that was alleged to have 102  
been committed in the manner described in division (C)(1), (2), 103  
(3), or (4) of this section, regardless of whether the act of 104  
complicity was committed on property owned or controlled by, or 105  
at an activity held under the auspices of, the board of 106  
education of that school district. 107

(D) A public children services agency, acting pursuant to 108

a complaint or an action on a complaint filed under this 109  
section, is not subject to the requirements of section 3127.23 110  
of the Revised Code. 111

(E) For purposes of the record to be maintained by the 112  
clerk under division (B) of section 2152.71 of the Revised Code, 113  
when a complaint is filed that alleges that a child is a 114  
delinquent child, the court shall determine if the victim of the 115  
alleged delinquent act was sixty-five years of age or older or 116  
permanently and totally disabled at the time of the alleged 117  
commission of the act. 118

(F) (1) At any time after the filing of a complaint 119  
alleging that a child is a delinquent child and before 120  
adjudication, the court ~~may hold a hearing to determine whether~~ 121  
~~to hold the complaint in abeyance pending the child's successful~~ 122  
~~completion of actions that constitute a method to divert the~~ 123  
~~child from the juvenile court system shall promptly appoint for~~ 124  
the child a guardian ad litem who is not the child's attorney if 125  
the child agrees to the hearing and the court has reason to 126  
believe that either of the following applies might apply: 127

(a) The act charged would be a violation of section 128  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 129  
were an adult. 130

(b) ~~The court has reason to believe that the child is a~~ 131  
victim of a violation of section 2905.32 of the Revised Code, 132  
regardless of whether any person has been convicted of a 133  
violation of that section or of any other section for 134  
victimizing the child, ~~and the act charged is related to the~~ 135  
~~child's victimization.~~ 136

(2) The child, the child's attorney, the child's guardian 137

ad litem, or the prosecuting attorney may petition the court to 138  
hold the complaint in abeyance if either of the following 139  
applies and, upon such a petition, the court may grant the 140  
petition without a hearing, provided the prosecuting attorney 141  
consents: 142

(a) Division (F)(1)(a) of this section applies; 143

(b) Division (F)(1)(b) of this section applies and the act 144  
charged in the complaint is related to the child's 145  
victimization. 146

(3) If the prosecuting attorney does not consent to 147  
holding the complaint in abeyance, the court shall hold a 148  
hearing on that issue. The court may order the child to complete 149  
a forensic interview or other clinical assessment to assist the 150  
court in making its findings or in imposing conditions of 151  
abeyance under division (F)(4) of this section. The prosecuting 152  
attorney has the right to participate in ~~any the hearing held~~ 153  
~~under division (F)(1) of this section, to object to holding the~~ 154  
~~complaint that is the subject of the hearing in abeyance, and to~~ 155  
~~make recommendations related to diversion actions.~~ No statement 156  
made by a child at a hearing held under this division (F)(1) of 157  
~~this section~~ is admissible in any subsequent proceeding against 158  
the child. 159

~~(3) If either division (F)(1)(a) or (b) of this section~~ 160  
~~applies, the court shall promptly appoint a guardian ad litem~~ 161  
~~for the child. The court shall not appoint the child's attorney~~ 162  
~~as guardian ad litem. If the court decides to hold the complaint~~ 163  
~~in abeyance, the guardian ad litem shall make recommendations~~ 164  
~~that are in the best interest of the child to the court.~~ 165

(4) If after a hearing the court ~~decides to~~ finds by a 166

preponderance of the evidence that division (F) (1) (a) of this 167  
section applies, or that division (F) (1) (b) of this section 168  
applies and the act charged in the complaint is related to the 169  
child's victimization, or if the court grants the petition 170  
without a hearing, the court shall hold the complaint in 171  
abeyance, ~~the~~. The guardian ad litem shall make recommendations 172  
that are in the best interest of the child. A psychiatrist, 173  
psychologist, licensed professional clinical counselor, or other 174  
clinician selected by the court under division (F) (3) of this 175  
section, who has assessed the child, may make recommendations 176  
that are in the best interest of the child. The prosecuting 177  
attorney may make recommendations related to diversion actions. 178  
The court may make any orders regarding placement, services, 179  
supervision, diversion actions, and conditions of abeyance, 180  
including, but not limited to, engagement in trauma-based 181  
behavioral health services or education activities, that the 182  
court considers appropriate and in the best interest of the 183  
child. The court may hold the complaint in abeyance for up to 184  
ninety days while the child engages in diversion actions. If the 185  
child violates the conditions of abeyance or does not complete 186  
the diversion actions to the court's satisfaction within ninety 187  
days, the court may extend the period of abeyance for not more 188  
than two additional ninety-day periods. 189

(5) If the court holds the complaint in abeyance and the 190  
child complies with the conditions of abeyance and completes the 191  
diversion actions to the court's satisfaction, the court shall 192  
dismiss the complaint and order that the records pertaining to 193  
the case be expunged immediately. If the child fails to complete 194  
the diversion actions to the court's satisfaction, the court 195  
shall proceed upon the complaint. 196

**Sec. 2905.32.** (A) No person shall knowingly recruit, lure, 197

entice, isolate, harbor, transport, provide, obtain, or 198  
maintain, or knowingly attempt to recruit, lure, entice, 199  
isolate, harbor, transport, provide, obtain, or maintain, 200  
another person if ~~any~~ either of the following applies: 201

(1) The offender knows that the other person will be 202  
subjected to involuntary servitude or be compelled to engage in 203  
sexual activity for hire, engage in a performance that is 204  
obscene, sexually oriented, or nudity oriented, or be a model or 205  
participant in the production of material that is obscene, 206  
sexually oriented, or nudity oriented. 207

(2) The other person is less than ~~sixteen~~ eighteen years 208  
of age or is a person with a developmental disability whom the 209  
offender knows or has reasonable cause to believe is a person 210  
with a developmental disability, and either the offender knows 211  
that the other person will be subjected to involuntary servitude 212  
or the offender's knowing recruitment, luring, enticement, 213  
isolation, harboring, transportation, provision, obtaining, or 214  
maintenance of the other person or knowing attempt to recruit, 215  
lure, entice, isolate, harbor, transport, provide, obtain, or 216  
maintain the other person is for any of the following purposes: 217

(a) To engage in sexual activity for hire; 218

(b) To engage in a performance for hire that is obscene, 219  
sexually oriented, or nudity oriented; 220

(c) To be a model or participant for hire in the 221  
production of material that is obscene, sexually oriented, or 222  
nudity oriented. 223

~~(3) The other person is sixteen or seventeen years of age, 224  
either the offender knows that the other person will be 225  
subjected to involuntary servitude or the offender's knowing 226~~



~~recruitment, luring, enticement, isolation, harboring, 227  
transportation, provision, obtaining, or maintenance of the 228  
other person or knowing attempt to recruit, lure, entice, 229  
isolate, harbor, transport, provide, obtain, or maintain the 230  
other person is for any purpose described in divisions (A) (2) (a) 231  
to (c) of this section, and the circumstances described in 232  
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 233  
of section 2907.03 of the Revised Code apply with respect to the 234  
offender and the other person. 235~~

(B) For a prosecution under division (A) (1) of this 236  
section, the element "compelled" does not require that the 237  
compulsion be openly displayed or physically exerted. The 238  
element "compelled" has been established if the state proves 239  
that the victim's will was overcome by force, fear, duress, 240  
intimidation, or fraud. 241

(C) In a prosecution under this section, proof that the 242  
defendant engaged in sexual activity with any person, or 243  
solicited sexual activity with any person, whether or not for 244  
hire, without more, does not constitute a violation of this 245  
section. 246

(D) A prosecution for a violation of this section does not 247  
preclude a prosecution of a violation of any other section of 248  
the Revised Code. One or more acts, a series of acts, or a 249  
course of behavior that can be prosecuted under this section or 250  
any other section of the Revised Code may be prosecuted under 251  
this section, the other section of the Revised Code, or both 252  
sections. However, if an offender is convicted of or pleads 253  
guilty to a violation of this section and also is convicted of 254  
or pleads guilty to a violation of section 2907.21 of the 255  
Revised Code based on the same conduct involving the same victim 256

that was the basis of the violation of this section, or is 257  
convicted of or pleads guilty to any other violation of Chapter 258  
2907. of the Revised Code based on the same conduct involving 259  
the same victim that was the basis of the violation of this 260  
section, the two offenses are allied offenses of similar import 261  
under section 2941.25 of the Revised Code. 262

(E) Whoever violates this section is guilty of trafficking 263  
in persons, a felony of the first degree. Notwithstanding 264  
division (A)(1) of section 2929.14 of the Revised Code, the 265  
court shall sentence the offender to a definite prison term of 266  
ten, eleven, twelve, thirteen, fourteen, or fifteen years. 267

(F) As used in this section: 268

(1) "Person with a developmental disability" means a 269  
person whose ability to resist or consent to an act is 270  
substantially impaired because of a mental or physical condition 271  
or because of advanced age. 272

(2) "Sexual activity for hire," "performance for hire," 273  
and "model or participant for hire" mean an implicit or explicit 274  
agreement to provide sexual activity, engage in an obscene, 275  
sexually oriented, or nudity oriented performance, or be a model 276  
or participant in the production of obscene, sexually oriented, 277  
or nudity oriented material, whichever is applicable, in 278  
exchange for anything of value paid to any of the following: 279

(a) The person engaging in such sexual activity, 280  
performance, or modeling or participation; 281

(b) Any person who recruits, lures, entices, isolates, 282  
harbors, transports, provides, obtains, or maintains, or 283  
attempts to recruit, lure, entice, isolate, harbor, transport, 284  
provide, obtain, or maintain the person described in division 285

(F) (2) (a) of this section;	286
(c) Any person associated with a person described in division (F) (2) (a) or (b) of this section.	287 288
(3) "Material that is obscene, sexually oriented, or nudity oriented" and "performance that is obscene, sexually oriented, or nudity oriented" have the same meanings as in section 2929.01 of the Revised Code.	289 290 291 292
<b>Sec. 2929.01.</b> As used in this chapter:	293
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	294 295 296 297
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	298 299 300
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	301 302 303 304 305 306
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	307 308 309
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section	310 311 312 313

2967.28 of the Revised Code. "Basic probation supervision"	314
includes basic parole supervision and basic post-release control	315
supervision.	316
(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have	317
the same meanings as in section 2925.01 of the Revised Code.	318
(D) "Community-based correctional facility" means a	319
community-based correctional facility and program or district	320
community-based correctional facility and program developed	321
pursuant to sections 2301.51 to 2301.58 of the Revised Code.	322
(E) "Community control sanction" means a sanction that is	323
not a prison term and that is described in section 2929.15,	324
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction	325
that is not a jail term and that is described in section	326
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community	327
control sanction" includes probation if the sentence involved	328
was imposed for a felony that was committed prior to July 1,	329
1996, or if the sentence involved was imposed for a misdemeanor	330
that was committed prior to January 1, 2004.	331
(F) "Controlled substance," "marihuana," "schedule I," and	332
"schedule II" have the same meanings as in section 3719.01 of	333
the Revised Code.	334
(G) "Curfew" means a requirement that an offender during a	335
specified period of time be at a designated place.	336
(H) "Day reporting" means a sanction pursuant to which an	337
offender is required each day to report to and leave a center or	338
other approved reporting location at specified times in order to	339
participate in work, education or training, treatment, and other	340
approved programs at the center or outside the center.	341
(I) "Deadly weapon" has the same meaning as in section	342

2923.11 of the Revised Code.	343
(J) "Drug and alcohol use monitoring" means a program	344
under which an offender agrees to submit to random chemical	345
analysis of the offender's blood, breath, or urine to determine	346
whether the offender has ingested any alcohol or other drugs.	347
(K) "Drug treatment program" means any program under which	348
a person undergoes assessment and treatment designed to reduce	349
or completely eliminate the person's physical or emotional	350
reliance upon alcohol, another drug, or alcohol and another drug	351
and under which the person may be required to receive assessment	352
and treatment on an outpatient basis or may be required to	353
reside at a facility other than the person's home or residence	354
while undergoing assessment and treatment.	355
(L) "Economic loss" means any economic detriment suffered	356
by a victim as a direct and proximate result of the commission	357
of an offense and includes any loss of income due to lost time	358
at work because of any injury caused to the victim, and any	359
property loss, medical cost, or funeral expense incurred as a	360
result of the commission of the offense. "Economic loss" does	361
not include non-economic loss or any punitive or exemplary	362
damages.	363
(M) "Education or training" includes study at, or in	364
conjunction with a program offered by, a university, college, or	365
technical college or vocational study and also includes the	366
completion of primary school, secondary school, and literacy	367
curricula or their equivalent.	368
(N) "Firearm" has the same meaning as in section 2923.11	369
of the Revised Code.	370
(O) "Halfway house" means a facility licensed by the	371

division of parole and community services of the department of 372  
rehabilitation and correction pursuant to section 2967.14 of the 373  
Revised Code as a suitable facility for the care and treatment 374  
of adult offenders. 375

(P) "House arrest" means a period of confinement of an 376  
offender that is in the offender's home or in other premises 377  
specified by the sentencing court or by the parole board 378  
pursuant to section 2967.28 of the Revised Code and during which 379  
all of the following apply: 380

(1) The offender is required to remain in the offender's 381  
home or other specified premises for the specified period of 382  
confinement, except for periods of time during which the 383  
offender is at the offender's place of employment or at other 384  
premises as authorized by the sentencing court or by the parole 385  
board. 386

(2) The offender is required to report periodically to a 387  
person designated by the court or parole board. 388

(3) The offender is subject to any other restrictions and 389  
requirements that may be imposed by the sentencing court or by 390  
the parole board. 391

(Q) "Intensive probation supervision" means a requirement 392  
that an offender maintain frequent contact with a person 393  
appointed by the court, or by the parole board pursuant to 394  
section 2967.28 of the Revised Code, to supervise the offender 395  
while the offender is seeking or maintaining necessary 396  
employment and participating in training, education, and 397  
treatment programs as required in the court's or parole board's 398  
order. "Intensive probation supervision" includes intensive 399  
parole supervision and intensive post-release control 400

supervision. 401

(R) "Jail" means a jail, workhouse, minimum security jail, 402  
or other residential facility used for the confinement of 403  
alleged or convicted offenders that is operated by a political 404  
subdivision or a combination of political subdivisions of this 405  
state. 406

(S) "Jail term" means the term in a jail that a sentencing 407  
court imposes or is authorized to impose pursuant to section 408  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 409  
provision of the Revised Code that authorizes a term in a jail 410  
for a misdemeanor conviction. 411

(T) "Mandatory jail term" means the term in a jail that a 412  
sentencing court is required to impose pursuant to division (G) 413  
of section 1547.99 of the Revised Code, division (E) of section 414  
2903.06 or division (D) of section 2903.08 of the Revised Code, 415  
division (E) or (G) of section 2929.24 of the Revised Code, 416  
division (B) of section 4510.14 of the Revised Code, or division 417  
(G) of section 4511.19 of the Revised Code or pursuant to any 418  
other provision of the Revised Code that requires a term in a 419  
jail for a misdemeanor conviction. 420

(U) "Delinquent child" has the same meaning as in section 421  
2152.02 of the Revised Code. 422

(V) "License violation report" means a report that is made 423  
by a sentencing court, or by the parole board pursuant to 424  
section 2967.28 of the Revised Code, to the regulatory or 425  
licensing board or agency that issued an offender a professional 426  
license or a license or permit to do business in this state and 427  
that specifies that the offender has been convicted of or 428  
pleaded guilty to an offense that may violate the conditions 429

under which the offender's professional license or license or 430  
permit to do business in this state was granted or an offense 431  
for which the offender's professional license or license or 432  
permit to do business in this state may be revoked or suspended. 433

(W) "Major drug offender" means an offender who is 434  
convicted of or pleads guilty to the possession of, sale of, or 435  
offer to sell any drug, compound, mixture, preparation, or 436  
substance that consists of or contains at least one thousand 437  
grams of hashish; at least one hundred grams of cocaine; at 438  
least one thousand unit doses or one hundred grams of heroin; at 439  
least five thousand unit doses of L.S.D. or five hundred grams 440  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 441  
distillate form; at least fifty grams of a controlled substance 442  
analog; or at least one hundred times the amount of any other 443  
schedule I or II controlled substance other than marihuana that 444  
is necessary to commit a felony of the third degree pursuant to 445  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 446  
Code that is based on the possession of, sale of, or offer to 447  
sell the controlled substance. 448

(X) "Mandatory prison term" means any of the following: 449

(1) Subject to division (X) (2) of this section, the term 450  
in prison that must be imposed for the offenses or circumstances 451  
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 452  
section 2929.13 and division (B) of section 2929.14 of the 453  
Revised Code. Except as provided in sections 2925.02, 2925.03, 454  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 455  
maximum or another specific term is required under section 456  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 457  
described in this division may be any prison term authorized for 458  
the level of offense. 459



(2) The term of sixty or one hundred twenty days in prison 460  
that a sentencing court is required to impose for a third or 461  
fourth degree felony OVI offense pursuant to division (G) (2) of 462  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 463  
of the Revised Code or the term of one, two, three, four, or 464  
five years in prison that a sentencing court is required to 465  
impose pursuant to division (G) (2) of section 2929.13 of the 466  
Revised Code. 467

(3) The term in prison imposed pursuant to division (A) of 468  
section 2971.03 of the Revised Code for the offenses and in the 469  
circumstances described in division (F) (11) of section 2929.13 470  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 471  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 472  
section 2971.03 of the Revised Code and that term as modified or 473  
terminated pursuant to section 2971.05 of the Revised Code. 474

(Y) "Monitored time" means a period of time during which 475  
an offender continues to be under the control of the sentencing 476  
court or parole board, subject to no conditions other than 477  
leading a law-abiding life. 478

(Z) "Offender" means a person who, in this state, is 479  
convicted of or pleads guilty to a felony or a misdemeanor. 480

(AA) "Prison" means a residential facility used for the 481  
confinement of convicted felony offenders that is under the 482  
control of the department of rehabilitation and correction but 483  
does not include a violation sanction center operated under 484  
authority of section 2967.141 of the Revised Code. 485

(BB) "Prison term" includes either of the following 486  
sanctions for an offender: 487

(1) A stated prison term; 488

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	489 490 491
(CC) "Repeat violent offender" means a person about whom both of the following apply:	492 493
(1) The person is being sentenced for committing or for complicity in committing any of the following:	494 495
(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;	496 497 498 499
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.	500 501 502 503
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	504 505 506
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	507 508 509 510 511
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	512 513 514
(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory	515 516

prison terms imposed by the sentencing court pursuant to section 517  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 518  
section 2919.25 of the Revised Code. "Stated prison term" 519  
includes any credit received by the offender for time spent in 520  
jail awaiting trial, sentencing, or transfer to prison for the 521  
offense and any time spent under house arrest or house arrest 522  
with electronic monitoring imposed after earning credits 523  
pursuant to section 2967.193 of the Revised Code. If an offender 524  
is serving a prison term as a risk reduction sentence under 525  
sections 2929.143 and 5120.036 of the Revised Code, "stated 526  
prison term" includes any period of time by which the prison 527  
term imposed upon the offender is shortened by the offender's 528  
successful completion of all assessment and treatment or 529  
programming pursuant to those sections. 530

(GG) "Victim-offender mediation" means a reconciliation or 531  
mediation program that involves an offender and the victim of 532  
the offense committed by the offender and that includes a 533  
meeting in which the offender and the victim may discuss the 534  
offense, discuss restitution, and consider other sanctions for 535  
the offense. 536

(HH) "Fourth degree felony OVI offense" means a violation 537  
of division (A) of section 4511.19 of the Revised Code that, 538  
under division (G) of that section, is a felony of the fourth 539  
degree. 540

(II) "Mandatory term of local incarceration" means the 541  
term of sixty or one hundred twenty days in a jail, a community- 542  
based correctional facility, a halfway house, or an alternative 543  
residential facility that a sentencing court may impose upon a 544  
person who is convicted of or pleads guilty to a fourth degree 545  
felony OVI offense pursuant to division (G) (1) of section 546

2929.13 of the Revised Code and division (G) (1) (d) or (e) of	547
section 4511.19 of the Revised Code.	548
(JJ) "Designated homicide, assault, or kidnapping	549
offense," "violent sex offense," "sexual motivation	550
specification," "sexually violent offense," "sexually violent	551
predator," and "sexually violent predator specification" have	552
the same meanings as in section 2971.01 of the Revised Code.	553
(KK) "Sexually oriented offense," "child-victim oriented	554
offense," and "tier III sex offender/child-victim offender" have	555
the same meanings as in section 2950.01 of the Revised Code.	556
(LL) An offense is "committed in the vicinity of a child"	557
if the offender commits the offense within thirty feet of or	558
within the same residential unit as a child who is under	559
eighteen years of age, regardless of whether the offender knows	560
the age of the child or whether the offender knows the offense	561
is being committed within thirty feet of or within the same	562
residential unit as the child and regardless of whether the	563
child actually views the commission of the offense.	564
(MM) "Family or household member" has the same meaning as	565
in section 2919.25 of the Revised Code.	566
(NN) "Motor vehicle" and "manufactured home" have the same	567
meanings as in section 4501.01 of the Revised Code.	568
(OO) "Detention" and "detention facility" have the same	569
meanings as in section 2921.01 of the Revised Code.	570
(PP) "Third degree felony OVI offense" means a violation	571
of division (A) of section 4511.19 of the Revised Code that,	572
under division (G) of that section, is a felony of the third	573
degree.	574

(QQ) "Random drug testing" has the same meaning as in 575  
section 5120.63 of the Revised Code. 576

(RR) "Felony sex offense" has the same meaning as in 577  
section 2967.28 of the Revised Code. 578

(SS) "Body armor" has the same meaning as in section 579  
2941.1411 of the Revised Code. 580

(TT) "Electronic monitoring" means monitoring through the 581  
use of an electronic monitoring device. 582

(UU) "Electronic monitoring device" means any of the 583  
following: 584

(1) Any device that can be operated by electrical or 585  
battery power and that conforms with all of the following: 586

(a) The device has a transmitter that can be attached to a 587  
person, that will transmit a specified signal to a receiver of 588  
the type described in division (UU) (1) (b) of this section if the 589  
transmitter is removed from the person, turned off, or altered 590  
in any manner without prior court approval in relation to 591  
electronic monitoring or without prior approval of the 592  
department of rehabilitation and correction in relation to the 593  
use of an electronic monitoring device for an inmate on 594  
transitional control or otherwise is tampered with, that can 595  
transmit continuously and periodically a signal to that receiver 596  
when the person is within a specified distance from the 597  
receiver, and that can transmit an appropriate signal to that 598  
receiver if the person to whom it is attached travels a 599  
specified distance from that receiver. 600

(b) The device has a receiver that can receive 601  
continuously the signals transmitted by a transmitter of the 602  
type described in division (UU) (1) (a) of this section, can 603

transmit continuously those signals by a wireless or landline 604  
telephone connection to a central monitoring computer of the 605  
type described in division (UU) (1) (c) of this section, and can 606  
transmit continuously an appropriate signal to that central 607  
monitoring computer if the device has been turned off or altered 608  
without prior court approval or otherwise tampered with. The 609  
device is designed specifically for use in electronic 610  
monitoring, is not a converted wireless phone or another 611  
tracking device that is clearly not designed for electronic 612  
monitoring, and provides a means of text-based or voice 613  
communication with the person. 614

(c) The device has a central monitoring computer that can 615  
receive continuously the signals transmitted by a wireless or 616  
landline telephone connection by a receiver of the type 617  
described in division (UU) (1) (b) of this section and can monitor 618  
continuously the person to whom an electronic monitoring device 619  
of the type described in division (UU) (1) (a) of this section is 620  
attached. 621

(2) Any device that is not a device of the type described 622  
in division (UU) (1) of this section and that conforms with all 623  
of the following: 624

(a) The device includes a transmitter and receiver that 625  
can monitor and determine the location of a subject person at 626  
any time, or at a designated point in time, through the use of a 627  
central monitoring computer or through other electronic means. 628

(b) The device includes a transmitter and receiver that 629  
can determine at any time, or at a designated point in time, 630  
through the use of a central monitoring computer or other 631  
electronic means the fact that the transmitter is turned off or 632  
altered in any manner without prior approval of the court in 633

relation to the electronic monitoring or without prior approval 634  
of the department of rehabilitation and correction in relation 635  
to the use of an electronic monitoring device for an inmate on 636  
transitional control or otherwise is tampered with. 637

(3) Any type of technology that can adequately track or 638  
determine the location of a subject person at any time and that 639  
is approved by the director of rehabilitation and correction, 640  
including, but not limited to, any satellite technology, voice 641  
tracking system, or retinal scanning system that is so approved. 642

(VV) "Non-economic loss" means nonpecuniary harm suffered 643  
by a victim of an offense as a result of or related to the 644  
commission of the offense, including, but not limited to, pain 645  
and suffering; loss of society, consortium, companionship, care, 646  
assistance, attention, protection, advice, guidance, counsel, 647  
instruction, training, or education; mental anguish; and any 648  
other intangible loss. 649

(WW) "Prosecutor" has the same meaning as in section 650  
2935.01 of the Revised Code. 651

(XX) "Continuous alcohol monitoring" means the ability to 652  
automatically test and periodically transmit alcohol consumption 653  
levels and tamper attempts at least every hour, regardless of 654  
the location of the person who is being monitored. 655

(YY) A person is "adjudicated a sexually violent predator" 656  
if the person is convicted of or pleads guilty to a violent sex 657  
offense and also is convicted of or pleads guilty to a sexually 658  
violent predator specification that was included in the 659  
indictment, count in the indictment, or information charging 660  
that violent sex offense or if the person is convicted of or 661  
pleads guilty to a designated homicide, assault, or kidnapping 662

offense and also is convicted of or pleads guilty to both a 663  
sexual motivation specification and a sexually violent predator 664  
specification that were included in the indictment, count in the 665  
indictment, or information charging that designated homicide, 666  
assault, or kidnapping offense. 667

(ZZ) An offense is "committed in proximity to a school" if 668  
the offender commits the offense in a school safety zone or 669  
within five hundred feet of any school building or the 670  
boundaries of any school premises, regardless of whether the 671  
offender knows the offense is being committed in a school safety 672  
zone or within five hundred feet of any school building or the 673  
boundaries of any school premises. 674

(AAA) "Human trafficking" means a scheme or plan to which 675  
all of the following apply: 676

(1) Its object is one or ~~more~~ both of the following: 677

(a) To subject a victim or victims to involuntary 678  
servitude, as defined in section 2905.31 of the Revised Code or 679  
to compel a victim or victims to engage in sexual activity for 680  
hire, to engage in a performance that is obscene, sexually 681  
oriented, or nudity oriented, or to be a model or participant in 682  
the production of material that is obscene, sexually oriented, 683  
or nudity oriented; 684

(b) To facilitate, encourage, or recruit a victim who is 685  
~~less than sixteen years of age a minor~~ or is a person with a 686  
developmental disability, or victims who are ~~less than sixteen~~ 687  
~~years of age minors~~ or are persons with developmental 688  
disabilities, for any purpose listed in divisions (A) (2) (a) to 689  
(c) of section 2905.32 of the Revised Code; 690

~~(c) To facilitate, encourage, or recruit a victim who is~~ 691



~~sixteen or seventeen years of age, or victims who are sixteen or  
seventeen years of age, for any purpose listed in divisions (A)  
(2) (a) to (e) of section 2905.32 of the Revised Code, if the  
circumstances described in division (A) (5), (6), (7), (8), (9),  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code  
apply with respect to the person engaging in the conduct and the  
victim or victims.~~

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

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

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

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

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

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

(DDD) "Performance that is obscene, sexually oriented, or 721  
nudity oriented" means any performance that is obscene, that 722  
shows a person participating or engaging in sexual activity, 723  
masturbation, or bestiality, or that shows a person in a state 724  
of nudity. 725

(EEE) "Accelerant" means a fuel or oxidizing agent, such 726  
as an ignitable liquid, used to initiate a fire or increase the 727  
rate of growth or spread of a fire. 728

**Section 2.** That existing sections 2152.021, 2905.32, and 729  
2929.01 of the Revised Code are hereby repealed. 730