

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 66

Senators Eklund, Tavares

Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams

A BILL

To amend sections 2929.11, 2929.13, 2929.15,	1
2929.16, 2929.19, 2951.041, 2953.31, 2967.16,	2
and 2967.28 of the Revised Code to modify	3
criminal sentencing and corrections law by	4
including rehabilitation as a purpose of felony	5
sentencing, removing the one-year minimum for	6
presumptive fourth or fifth degree felony	7
community control sanctions, modifying sanctions	8
for a violation of a community control	9
condition, modifying the manner of calculating	10
confinement credits, modifying eligibility	11
criteria and procedures for granting	12
intervention in lieu of conviction, making	13
offenders convicted of certain multiple fourth	14
or fifth degree felonies eligible for conviction	15
record sealing, revising procedures for the	16
Adult Parole Authority to grant a final release	17
or terminate post-release control, and modifying	18
the criteria for considering a prison term	19
sanction for a post-release control violation.	20

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

Section 1. That sections 2929.11, 2929.13, 2929.15, 21
2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2967.28 of the 22
Revised Code be amended to read as follows: 23

Sec. 2929.11. (A) A court that sentences an offender for a 24
felony shall be guided by the overriding purposes of felony 25
sentencing. The overriding purposes of felony sentencing are to 26
protect the public from future crime by the offender and others, 27
to rehabilitate the offender, and to punish the offender using 28
the minimum sanctions that the court determines accomplish those 29
purposes without imposing an unnecessary burden on state or 30
local government resources. To achieve those purposes, the 31
sentencing court shall consider the need for incapacitating the 32
offender, deterring the offender and others from future crime, 33
rehabilitating the offender, and making restitution to the 34
victim of the offense, the public, or both. 35

(B) A sentence imposed for a felony shall be reasonably 36
calculated to achieve the ~~two~~three overriding purposes of 37
felony sentencing set forth in division (A) of this section, 38
commensurate with and not demeaning to the seriousness of the 39
offender's conduct and its impact upon the victim, and 40
consistent with sentences imposed for similar crimes committed 41
by similar offenders. 42

(C) A court that imposes a sentence upon an offender for a 43
felony shall not base the sentence upon the race, ethnic 44
background, gender, or religion of the offender. 45

Sec. 2929.13. (A) Except as provided in division (E), (F), 46
or (G) of this section and unless a specific sanction is 47
required to be imposed or is precluded from being imposed 48
pursuant to law, a court that imposes a sentence upon an 49
offender for a felony may impose any sanction or combination of 50

sanctions on the offender that are provided in sections 2929.14 51
to 2929.18 of the Revised Code. 52

If the offender is eligible to be sentenced to community 53
control sanctions, the court shall consider the appropriateness 54
of imposing a financial sanction pursuant to section 2929.18 of 55
the Revised Code or a sanction of community service pursuant to 56
section 2929.17 of the Revised Code as the sole sanction for the 57
offense. Except as otherwise provided in this division, if the 58
court is required to impose a mandatory prison term for the 59
offense for which sentence is being imposed, the court also 60
shall impose any financial sanction pursuant to section 2929.18 61
of the Revised Code that is required for the offense and may 62
impose any other financial sanction pursuant to that section but 63
may not impose any additional sanction or combination of 64
sanctions under section 2929.16 or 2929.17 of the Revised Code. 65

If the offender is being sentenced for a fourth degree 66
felony OVI offense or for a third degree felony OVI offense, in 67
addition to the mandatory term of local incarceration or the 68
mandatory prison term required for the offense by division (G) 69
(1) or (2) of this section, the court shall impose upon the 70
offender a mandatory fine in accordance with division (B)(3) of 71
section 2929.18 of the Revised Code and may impose whichever of 72
the following is applicable: 73

(1) For a fourth degree felony OVI offense for which 74
sentence is imposed under division (G)(1) of this section, an 75
additional community control sanction or combination of 76
community control sanctions under section 2929.16 or 2929.17 of 77
the Revised Code. If the court imposes upon the offender a 78
community control sanction and the offender violates any 79
condition of the community control sanction, the court may take 80

any action prescribed in division (B) of section 2929.15 of the
Revised Code relative to the offender, including imposing a
prison term on the offender pursuant to that division.

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

(B)(1)(a) Except as provided in division (B)(1)(b) of this
section, if an offender 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, the court
shall sentence the offender to a community control sanction ~~of~~
~~at least one year's duration or combination of community control~~
sanctions if all of the following apply:

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

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

(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.

(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. 110

(b) The court has discretion to impose a prison term upon 111
an offender who is convicted of or pleads guilty to a felony of 112
the fourth or fifth degree that is not an offense of violence or 113
that is a qualifying assault offense if any of the following 114
apply: 115

(i) The offender committed the offense while having a 116
firearm on or about the offender's person or under the 117
offender's control. 118

(ii) If the offense is a qualifying assault offense, the 119
offender caused serious physical harm to another person while 120
committing the offense, and, if the offense is not a qualifying 121
assault offense, the offender caused physical harm to another 122
person while committing the offense. 123

(iii) The offender violated a term of the conditions of 124
bond as set by the court. 125

(iv) The court made a request of the department of 126
rehabilitation and correction pursuant to division (B)(1)(c) of 127
this section, and the department, within the forty-five-day 128
period specified in that division, did not provide the court 129
with the name of, contact information for, and program details 130
of any community control sanction of at least one year's 131
duration that is available for persons sentenced by the court. 132

(v) The offense is a sex offense that is a fourth or fifth 133
degree felony violation of any provision of Chapter 2907. of the 134
Revised Code. 135

(vi) In committing the offense, the offender attempted to 136
cause or made an actual threat of physical harm to a person with 137
a deadly weapon. 138

(vii) In committing the offense, the offender attempted to 139
cause or made an actual threat of physical harm to a person, and 140
the offender previously was convicted of an offense that caused 141
physical harm to a person. 142

(viii) The offender held a public office or position of 143
trust, and the offense related to that office or position; the 144
offender's position obliged the offender to prevent the offense 145
or to bring those committing it to justice; or the offender's 146
professional reputation or position facilitated the offense or 147
was likely to influence the future conduct of others. 148

(ix) The offender committed the offense for hire or as 149
part of an organized criminal activity. 150

(x) The offender at the time of the offense was serving, 151
or the offender previously had served, a prison term. 152

(xi) The offender committed the offense while under a 153
community control sanction, while on probation, or while 154
released from custody on a bond or personal recognizance. 155

(c) If a court that is sentencing an offender who is 156
convicted of or pleads guilty to a felony of the fourth or fifth 157
degree that is not an offense of violence or that is a 158
qualifying assault offense believes that no community control 159
sanctions are available for its use that, if imposed on the 160
offender, will adequately fulfill the overriding principles and 161
purposes of sentencing, the court shall contact the department 162
of rehabilitation and correction and ask the department to 163
provide the court with the names of, contact information for, 164
and program details of one or more community control sanctions 165
of at least one year's duration that are available for persons 166
sentenced by the court. Not later than forty-five days after 167

receipt of a request from a court under this division, the 168
department shall provide the court with the names of, contact 169
information for, and program details of one or more community 170
control sanctions of at least one year's duration that are 171
available for persons sentenced by the court, if any. Upon 172
making a request under this division that relates to a 173
particular offender, a court shall defer sentencing of that 174
offender until it receives from the department the names of, 175
contact information for, and program details of one or more 176
community control sanctions of at least one year's duration that 177
are available for persons sentenced by the court or for forty- 178
five days, whichever is the earlier. 179

If the department provides the court with the names of, 180
contact information for, and program details of one or more 181
community control sanctions of at least one year's duration that 182
are available for persons sentenced by the court within the 183
forty-five-day period specified in this division, the court 184
shall impose upon the offender a community control sanction 185
under division (B) (1) (a) of this section, except that the court 186
may impose a prison term under division (B) (1) (b) of this 187
section if a factor described in division (B) (1) (b) (i) or (ii) 188
of this section applies. If the department does not provide the 189
court with the names of, contact information for, and program 190
details of one or more community control sanctions of at least 191
one year's duration that are available for persons sentenced by 192
the court within the forty-five-day period specified in this 193
division, the court may impose upon the offender a prison term 194
under division (B) (1) (b) (iv) of this section. 195

(d) A sentencing court may impose an additional penalty 196
under division (B) of section 2929.15 of the Revised Code upon 197
an offender sentenced to a community control sanction under 198

division (B) (1) (a) of this section if the offender violates the 199
conditions of the community control sanction, violates a law, or 200
leaves the state without the permission of the court or the 201
offender's probation officer. 202

(2) If division (B) (1) of this section does not apply, 203
except as provided in division (E), (F), or (G) of this section, 204
in determining whether to impose a prison term as a sanction for 205
a felony of the fourth or fifth degree, the sentencing court 206
shall comply with the purposes and principles of sentencing 207
under section 2929.11 of the Revised Code and with section 208
2929.12 of the Revised Code. 209

(C) Except as provided in division (D), (E), (F), or (G) 210
of this section, in determining whether to impose a prison term 211
as a sanction for a felony of the third degree or a felony drug 212
offense that is a violation of a provision of Chapter 2925. of 213
the Revised Code and that is specified as being subject to this 214
division for purposes of sentencing, the sentencing court shall 215
comply with the purposes and principles of sentencing under 216
section 2929.11 of the Revised Code and with section 2929.12 of 217
the Revised Code. 218

(D) (1) Except as provided in division (E) or (F) of this 219
section, for a felony of the first or second degree, for a 220
felony drug offense that is a violation of any provision of 221
Chapter 2925., 3719., or 4729. of the Revised Code for which a 222
presumption in favor of a prison term is specified as being 223
applicable, and for a violation of division (A) (4) or (B) of 224
section 2907.05 of the Revised Code for which a presumption in 225
favor of a prison term is specified as being applicable, it is 226
presumed that a prison term is necessary in order to comply with 227
the purposes and principles of sentencing under section 2929.11 228

of the Revised Code. Division (D) (2) of this section does not 229
apply to a presumption established under this division for a 230
violation of division (A) (4) of section 2907.05 of the Revised 231
Code. 232

(2) Notwithstanding the presumption established under 233
division (D) (1) of this section for the offenses listed in that 234
division other than a violation of division (A) (4) or (B) of 235
section 2907.05 of the Revised Code, the sentencing court may 236
impose a community control sanction or a combination of 237
community control sanctions instead of a prison term on an 238
offender for a felony of the first or second degree or for a 239
felony drug offense that is a violation of any provision of 240
Chapter 2925., 3719., or 4729. of the Revised Code for which a 241
presumption in favor of a prison term is specified as being 242
applicable if it makes both of the following findings: 243

(a) A community control sanction or a combination of 244
community control sanctions would adequately punish the offender 245
and protect the public from future crime, because the applicable 246
factors under section 2929.12 of the Revised Code indicating a 247
lesser likelihood of recidivism outweigh the applicable factors 248
under that section indicating a greater likelihood of 249
recidivism. 250

(b) A community control sanction or a combination of 251
community control sanctions would not demean the seriousness of 252
the offense, because one or more factors under section 2929.12 253
of the Revised Code that indicate that the offender's conduct 254
was less serious than conduct normally constituting the offense 255
are applicable, and they outweigh the applicable factors under 256
that section that indicate that the offender's conduct was more 257
serious than conduct normally constituting the offense. 258

(E) (1) Except as provided in division (F) of this section, 259
for any drug offense that is a violation of any provision of 260
Chapter 2925. of the Revised Code and that is a felony of the 261
third, fourth, or fifth degree, the applicability of a 262
presumption under division (D) of this section in favor of a 263
prison term or of division (B) or (C) of this section in 264
determining whether to impose a prison term for the offense 265
shall be determined as specified in section 2925.02, 2925.03, 266
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 267
2925.36, or 2925.37 of the Revised Code, whichever is applicable 268
regarding the violation. 269

(2) If an offender who was convicted of or pleaded guilty 270
to a felony violates the conditions of a community control 271
sanction imposed for the offense solely by reason of producing 272
positive results on a drug test or by acting pursuant to 273
division (B) (2) (b) of section 2925.11 of the Revised Code with 274
respect to a minor drug possession offense, the court, as 275
punishment for the violation of the sanction, shall not order 276
that the offender be imprisoned unless the court determines on 277
the record either of the following: 278

(a) The offender had been ordered as a sanction for the 279
felony to participate in a drug treatment program, in a drug 280
education program, or in narcotics anonymous or a similar 281
program, and the offender continued to use illegal drugs after a 282
reasonable period of participation in the program. 283

(b) The imprisonment of the offender for the violation is 284
consistent with the purposes and principles of sentencing set 285
forth in section 2929.11 of the Revised Code. 286

(3) A court that sentences an offender for a drug abuse 287
offense that is a felony of the third, fourth, or fifth degree 288

may require that the offender be assessed by a properly 289
credentialed professional within a specified period of time. The 290
court shall require the professional to file a written 291
assessment of the offender with the court. If the offender is 292
eligible for a community control sanction and after considering 293
the written assessment, the court may impose a community control 294
sanction that includes addiction services and recovery supports 295
included in a community-based continuum of care established 296
under section 340.032 of the Revised Code. If the court imposes 297
addiction services and recovery supports as a community control 298
sanction, the court shall direct the level and type of addiction 299
services and recovery supports after considering the assessment 300
and recommendation of community addiction services providers. 301

(F) Notwithstanding divisions (A) to (E) of this section, 302
the court shall impose a prison term or terms under sections 303
2929.02 to 2929.06, section 2929.14, section 2929.142, or 304
section 2971.03 of the Revised Code and except as specifically 305
provided in section 2929.20, divisions (C) to (I) of section 306
2967.19, or section 2967.191 of the Revised Code or when parole 307
is authorized for the offense under section 2967.13 of the 308
Revised Code shall not reduce the term or terms pursuant to 309
section 2929.20, section 2967.19, section 2967.193, or any other 310
provision of Chapter 2967. or Chapter 5120. of the Revised Code 311
for any of the following offenses: 312

(1) Aggravated murder when death is not imposed or murder; 313

(2) Any rape, regardless of whether force was involved and 314
regardless of the age of the victim, or an attempt to commit 315
rape if, had the offender completed the rape that was attempted, 316
the offender would have been guilty of a violation of division 317
(A) (1) (b) of section 2907.02 of the Revised Code and would be 318

sentenced under section 2971.03 of the Revised Code; 319

(3) Gross sexual imposition or sexual battery, if the 320
victim is less than thirteen years of age and if any of the 321
following applies: 322

(a) Regarding gross sexual imposition, the offender 323
previously was convicted of or pleaded guilty to rape, the 324
former offense of felonious sexual penetration, gross sexual 325
imposition, or sexual battery, and the victim of the previous 326
offense was less than thirteen years of age; 327

(b) Regarding gross sexual imposition, the offense was 328
committed on or after August 3, 2006, and evidence other than 329
the testimony of the victim was admitted in the case 330
corroborating the violation. 331

(c) Regarding sexual battery, either of the following 332
applies: 333

(i) The offense was committed prior to August 3, 2006, the 334
offender previously was convicted of or pleaded guilty to rape, 335
the former offense of felonious sexual penetration, or sexual 336
battery, and the victim of the previous offense was less than 337
thirteen years of age. 338

(ii) The offense was committed on or after August 3, 2006. 339

(4) A felony violation of section 2903.04, 2903.06, 340
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 341
or 2923.132 of the Revised Code if the section requires the 342
imposition of a prison term; 343

(5) A first, second, or third degree felony drug offense 344
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 345
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 346

or 4729.99 of the Revised Code, whichever is applicable 347
regarding the violation, requires the imposition of a mandatory 348
prison term; 349

(6) Any offense that is a first or second degree felony 350
and that is not set forth in division (F)(1), (2), (3), or (4) 351
of this section, if the offender previously was convicted of or 352
pleaded guilty to aggravated murder, murder, any first or second 353
degree felony, or an offense under an existing or former law of 354
this state, another state, or the United States that is or was 355
substantially equivalent to one of those offenses; 356

(7) Any offense that is a third degree felony and either 357
is a violation of section 2903.04 of the Revised Code or an 358
attempt to commit a felony of the second degree that is an 359
offense of violence and involved an attempt to cause serious 360
physical harm to a person or that resulted in serious physical 361
harm to a person if the offender previously was convicted of or 362
pleaded guilty to any of the following offenses: 363

(a) Aggravated murder, murder, involuntary manslaughter, 364
rape, felonious sexual penetration as it existed under section 365
2907.12 of the Revised Code prior to September 3, 1996, a felony 366
of the first or second degree that resulted in the death of a 367
person or in physical harm to a person, or complicity in or an 368
attempt to commit any of those offenses; 369

(b) An offense under an existing or former law of this 370
state, another state, or the United States that is or was 371
substantially equivalent to an offense listed in division (F)(7) 372
(a) of this section that resulted in the death of a person or in 373
physical harm to a person. 374

(8) Any offense, other than a violation of section 2923.12 375

of the Revised Code, that is a felony, if the offender had a 376
firearm on or about the offender's person or under the 377
offender's control while committing the felony, with respect to 378
a portion of the sentence imposed pursuant to division (B) (1) (a) 379
of section 2929.14 of the Revised Code for having the firearm; 380

(9) Any offense of violence that is a felony, if the 381
offender wore or carried body armor while committing the felony 382
offense of violence, with respect to the portion of the sentence 383
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 384
Revised Code for wearing or carrying the body armor; 385

(10) Corrupt activity in violation of section 2923.32 of 386
the Revised Code when the most serious offense in the pattern of 387
corrupt activity that is the basis of the offense is a felony of 388
the first degree; 389

(11) Any violent sex offense or designated homicide, 390
assault, or kidnapping offense if, in relation to that offense, 391
the offender is adjudicated a sexually violent predator; 392

(12) A violation of division (A) (1) or (2) of section 393
2921.36 of the Revised Code, or a violation of division (C) of 394
that section involving an item listed in division (A) (1) or (2) 395
of that section, if the offender is an officer or employee of 396
the department of rehabilitation and correction; 397

(13) A violation of division (A) (1) or (2) of section 398
2903.06 of the Revised Code if the victim of the offense is a 399
peace officer, as defined in section 2935.01 of the Revised 400
Code, or an investigator of the bureau of criminal 401
identification and investigation, as defined in section 2903.11 402
of the Revised Code, with respect to the portion of the sentence 403
imposed pursuant to division (B) (5) of section 2929.14 of the 404

Revised Code; 405

(14) A violation of division (A) (1) or (2) of section 406
2903.06 of the Revised Code if the offender has been convicted 407
of or pleaded guilty to three or more violations of division (A) 408
or (B) of section 4511.19 of the Revised Code or an equivalent 409
offense, as defined in section 2941.1415 of the Revised Code, or 410
three or more violations of any combination of those divisions 411
and offenses, with respect to the portion of the sentence 412
imposed pursuant to division (B) (6) of section 2929.14 of the 413
Revised Code; 414

(15) Kidnapping, in the circumstances specified in section 415
2971.03 of the Revised Code and when no other provision of 416
division (F) of this section applies; 417

(16) Kidnapping, abduction, compelling prostitution, 418
promoting prostitution, engaging in a pattern of corrupt 419
activity, illegal use of a minor in a nudity-oriented material 420
or performance in violation of division (A) (1) or (2) of section 421
2907.323 of the Revised Code, or endangering children in 422
violation of division (B) (1), (2), (3), (4), or (5) of section 423
2919.22 of the Revised Code, if the offender is convicted of or 424
pleads guilty to a specification as described in section 425
2941.1422 of the Revised Code that was included in the 426
indictment, count in the indictment, or information charging the 427
offense; 428

(17) A felony violation of division (A) or (B) of section 429
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 430
that section, and division (D) (6) of that section, require the 431
imposition of a prison term; 432

(18) A felony violation of section 2903.11, 2903.12, or 433

2903.13 of the Revised Code, if the victim of the offense was a 434
woman that the offender knew was pregnant at the time of the 435
violation, with respect to a portion of the sentence imposed 436
pursuant to division (B) (8) of section 2929.14 of the Revised 437
Code; 438

(19) (a) Any violent felony offense if the offender is a 439
violent career criminal and had a firearm on or about the 440
offender's person or under the offender's control during the 441
commission of the violent felony offense and displayed or 442
brandished the firearm, indicated that the offender possessed a 443
firearm, or used the firearm to facilitate the offense, with 444
respect to the portion of the sentence imposed under division 445
(K) of section 2929.14 of the Revised Code. 446

(b) As used in division (F) (19) (a) of this section, 447
"violent career criminal" and "violent felony offense" have the 448
same meanings as in section 2923.132 of the Revised Code. 449

(G) Notwithstanding divisions (A) to (E) of this section, 450
if an offender is being sentenced for a fourth degree felony OVI 451
offense or for a third degree felony OVI offense, the court 452
shall impose upon the offender a mandatory term of local 453
incarceration or a mandatory prison term in accordance with the 454
following: 455

(1) If the offender is being sentenced for a fourth degree 456
felony OVI offense and if the offender has not been convicted of 457
and has not pleaded guilty to a specification of the type 458
described in section 2941.1413 of the Revised Code, the court 459
may impose upon the offender a mandatory term of local 460
incarceration of sixty days or one hundred twenty days as 461
specified in division (G) (1) (d) of section 4511.19 of the 462
Revised Code. The court shall not reduce the term pursuant to 463

section 2929.20, 2967.193, or any other provision of the Revised 464
Code. The court that imposes a mandatory term of local 465
incarceration under this division shall specify whether the term 466
is to be served in a jail, a community-based correctional 467
facility, a halfway house, or an alternative residential 468
facility, and the offender shall serve the term in the type of 469
facility specified by the court. A mandatory term of local 470
incarceration imposed under division (G)(1) of this section is 471
not subject to any other Revised Code provision that pertains to 472
a prison term except as provided in division (A)(1) of this 473
section. 474

(2) If the offender is being sentenced for a third degree 475
felony OVI offense, or if the offender is being sentenced for a 476
fourth degree felony OVI offense and the court does not impose a 477
mandatory term of local incarceration under division (G)(1) of 478
this section, the court shall impose upon the offender a 479
mandatory prison term of one, two, three, four, or five years if 480
the offender also is convicted of or also pleads guilty to a 481
specification of the type described in section 2941.1413 of the 482
Revised Code or shall impose upon the offender a mandatory 483
prison term of sixty days or one hundred twenty days as 484
specified in division (G)(1)(d) or (e) of section 4511.19 of the 485
Revised Code if the offender has not been convicted of and has 486
not pleaded guilty to a specification of that type. Subject to 487
divisions (C) to (I) of section 2967.19 of the Revised Code, the 488
court shall not reduce the term pursuant to section 2929.20, 489
2967.19, 2967.193, or any other provision of the Revised Code. 490
The offender shall serve the one-, two-, three-, four-, or five- 491
year mandatory prison term consecutively to and prior to the 492
prison term imposed for the underlying offense and consecutively 493
to any other mandatory prison term imposed in relation to the 494

offense. In no case shall an offender who once has been 495
sentenced to a mandatory term of local incarceration pursuant to 496
division (G)(1) of this section for a fourth degree felony OVI 497
offense be sentenced to another mandatory term of local 498
incarceration under that division for any violation of division 499
(A) of section 4511.19 of the Revised Code. In addition to the 500
mandatory prison term described in division (G)(2) of this 501
section, the court may sentence the offender to a community 502
control sanction under section 2929.16 or 2929.17 of the Revised 503
Code, but the offender shall serve the prison term prior to 504
serving the community control sanction. The department of 505
rehabilitation and correction may place an offender sentenced to 506
a mandatory prison term under this division in an intensive 507
program prison established pursuant to section 5120.033 of the 508
Revised Code if the department gave the sentencing judge prior 509
notice of its intent to place the offender in an intensive 510
program prison established under that section and if the judge 511
did not notify the department that the judge disapproved the 512
placement. Upon the establishment of the initial intensive 513
program prison pursuant to section 5120.033 of the Revised Code 514
that is privately operated and managed by a contractor pursuant 515
to a contract entered into under section 9.06 of the Revised 516
Code, both of the following apply: 517

(a) The department of rehabilitation and correction shall 518
make a reasonable effort to ensure that a sufficient number of 519
offenders sentenced to a mandatory prison term under this 520
division are placed in the privately operated and managed prison 521
so that the privately operated and managed prison has full 522
occupancy. 523

(b) Unless the privately operated and managed prison has 524
full occupancy, the department of rehabilitation and correction 525

shall not place any offender sentenced to a mandatory prison 526
term under this division in any intensive program prison 527
established pursuant to section 5120.033 of the Revised Code 528
other than the privately operated and managed prison. 529

(H) If an offender is being sentenced for a sexually 530
oriented offense or child-victim oriented offense that is a 531
felony committed on or after January 1, 1997, the judge shall 532
require the offender to submit to a DNA specimen collection 533
procedure pursuant to section 2901.07 of the Revised Code. 534

(I) If an offender is being sentenced for a sexually 535
oriented offense or a child-victim oriented offense committed on 536
or after January 1, 1997, the judge shall include in the 537
sentence a summary of the offender's duties imposed under 538
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 539
Code and the duration of the duties. The judge shall inform the 540
offender, at the time of sentencing, of those duties and of 541
their duration. If required under division (A) (2) of section 542
2950.03 of the Revised Code, the judge shall perform the duties 543
specified in that section, or, if required under division (A) (6) 544
of section 2950.03 of the Revised Code, the judge shall perform 545
the duties specified in that division. 546

(J) (1) Except as provided in division (J) (2) of this 547
section, when considering sentencing factors under this section 548
in relation to an offender who is convicted of or pleads guilty 549
to an attempt to commit an offense in violation of section 550
2923.02 of the Revised Code, the sentencing court shall consider 551
the factors applicable to the felony category of the violation 552
of section 2923.02 of the Revised Code instead of the factors 553
applicable to the felony category of the offense attempted. 554

(2) When considering sentencing factors under this section 555

in relation to an offender who is convicted of or pleads guilty 556
to an attempt to commit a drug abuse offense for which the 557
penalty is determined by the amount or number of unit doses of 558
the controlled substance involved in the drug abuse offense, the 559
sentencing court shall consider the factors applicable to the 560
felony category that the drug abuse offense attempted would be 561
if that drug abuse offense had been committed and had involved 562
an amount or number of unit doses of the controlled substance 563
that is within the next lower range of controlled substance 564
amounts than was involved in the attempt. 565

(K) As used in this section: 566

(1) "Community addiction services provider" has the same 567
meaning as in section 5119.01 of the Revised Code. 568

(2) "Drug abuse offense" has the same meaning as in 569
section 2925.01 of the Revised Code. 570

(3) "Minor drug possession offense" has the same meaning 571
as in section 2925.11 of the Revised Code. 572

(4) "Qualifying assault offense" means a violation of 573
section 2903.13 of the Revised Code for which the penalty 574
provision in division (C) (8) (b) or (C) (9) (b) of that section 575
applies. 576

(L) At the time of sentencing an offender for any sexually 577
oriented offense, if the offender is a tier III sex 578
offender/child-victim offender relative to that offense and the 579
offender does not serve a prison term or jail term, the court 580
may require that the offender be monitored by means of a global 581
positioning device. If the court requires such monitoring, the 582
cost of monitoring shall be borne by the offender. If the 583
offender is indigent, the cost of compliance shall be paid by 584

the crime victims reparations fund. 585

Sec. 2929.15. (A) (1) If in sentencing an offender for a 586
felony the court is not required to impose a prison term, a 587
mandatory prison term, or a term of life imprisonment upon the 588
offender, the court may directly impose a sentence that consists 589
of one or more community control sanctions authorized pursuant 590
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 591
the court is sentencing an offender for a fourth degree felony 592
OVI offense under division (G) (1) of section 2929.13 of the 593
Revised Code, in addition to the mandatory term of local 594
incarceration imposed under that division and the mandatory fine 595
required by division (B) (3) of section 2929.18 of the Revised 596
Code, the court may impose upon the offender a community control 597
sanction or combination of community control sanctions in 598
accordance with sections 2929.16 and 2929.17 of the Revised 599
Code. If the court is sentencing an offender for a third or 600
fourth degree felony OVI offense under division (G) (2) of 601
section 2929.13 of the Revised Code, in addition to the 602
mandatory prison term or mandatory prison term and additional 603
prison term imposed under that division, the court also may 604
impose upon the offender a community control sanction or 605
combination of community control sanctions under section 2929.16 606
or 2929.17 of the Revised Code, but the offender shall serve all 607
of the prison terms so imposed prior to serving the community 608
control sanction. 609

The duration of all community control sanctions imposed 610
upon an offender under this division shall not exceed five 611
years. If the offender absconds or otherwise leaves the 612
jurisdiction of the court in which the offender resides without 613
obtaining permission from the court or the offender's probation 614
officer to leave the jurisdiction of the court, or if the 615

offender is confined in any institution for the commission of 616
any offense while under a community control sanction, the period 617
of the community control sanction ceases to run until the 618
offender is brought before the court for its further action. If 619
the court sentences the offender to one or more nonresidential 620
sanctions under section 2929.17 of the Revised Code, the court 621
shall impose as a condition of the nonresidential sanctions 622
that, during the period of the sanctions, the offender must 623
abide by the law and must not leave the state without the 624
permission of the court or the offender's probation officer. The 625
court may impose any other conditions of release under a 626
community control sanction that the court considers appropriate, 627
including, but not limited to, requiring that the offender not 628
ingest or be injected with a drug of abuse and submit to random 629
drug testing as provided in division (D) of this section to 630
determine whether the offender ingested or was injected with a 631
drug of abuse and requiring that the results of the drug test 632
indicate that the offender did not ingest or was not injected 633
with a drug of abuse. 634

(2) (a) If a court sentences an offender to any community 635
control sanction or combination of community control sanctions 636
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 637
the Revised Code, the court shall place the offender under the 638
general control and supervision of a department of probation in 639
the county that serves the court for purposes of reporting to 640
the court a violation of any condition of the sanctions, any 641
condition of release under a community control sanction imposed 642
by the court, a violation of law, or the departure of the 643
offender from this state without the permission of the court or 644
the offender's probation officer. Alternatively, if the offender 645
resides in another county and a county department of probation 646

has been established in that county or that county is served by 647
a multicounty probation department established under section 648
2301.27 of the Revised Code, the court may request the court of 649
common pleas of that county to receive the offender into the 650
general control and supervision of that county or multicounty 651
department of probation for purposes of reporting to the court a 652
violation of any condition of the sanctions, any condition of 653
release under a community control sanction imposed by the court, 654
a violation of law, or the departure of the offender from this 655
state without the permission of the court or the offender's 656
probation officer, subject to the jurisdiction of the trial 657
judge over and with respect to the person of the offender, and 658
to the rules governing that department of probation. 659

If there is no department of probation in the county that 660
serves the court, the court shall place the offender, regardless 661
of the offender's county of residence, under the general control 662
and supervision of the adult parole authority for purposes of 663
reporting to the court a violation of any of the sanctions, any 664
condition of release under a community control sanction imposed 665
by the court, a violation of law, or the departure of the 666
offender from this state without the permission of the court or 667
the offender's probation officer. 668

(b) If the court imposing sentence upon an offender 669
sentences the offender to any community control sanction or 670
combination of community control sanctions authorized pursuant 671
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 672
if the offender violates any condition of the sanctions, any 673
condition of release under a community control sanction imposed 674
by the court, violates any law, or departs the state without the 675
permission of the court or the offender's probation officer, the 676
public or private person or entity that operates or administers 677

the sanction or the program or activity that comprises the 678
sanction shall report the violation or departure directly to the 679
sentencing court, or shall report the violation or departure to 680
the county or multicounty department of probation with general 681
control and supervision over the offender under division (A)(2) 682
(a) of this section or the officer of that department who 683
supervises the offender, or, if there is no such department with 684
general control and supervision over the offender under that 685
division, to the adult parole authority. If the public or 686
private person or entity that operates or administers the 687
sanction or the program or activity that comprises the sanction 688
reports the violation or departure to the county or multicounty 689
department of probation or the adult parole authority, the 690
department's or authority's officers may treat the offender as 691
if the offender were on probation and in violation of the 692
probation, and shall report the violation of the condition of 693
the sanction, any condition of release under a community control 694
sanction imposed by the court, the violation of law, or the 695
departure from the state without the required permission to the 696
sentencing court. 697

(3) If an offender who is eligible for community control 698
sanctions under this section admits to being drug addicted or 699
the court has reason to believe that the offender is drug 700
addicted, and if the offense for which the offender is being 701
sentenced was related to the addiction, the court may require 702
that the offender be assessed by a properly credentialed 703
professional within a specified period of time and shall require 704
the professional to file a written assessment of the offender 705
with the court. If a court imposes treatment and recovery 706
support services as a community control sanction, the court 707
shall direct the level and type of treatment and recovery 708

support services after consideration of the written assessment, 709
if available at the time of sentencing, and recommendations of 710
the professional and other treatment and recovery support 711
services providers. 712

(4) If an assessment completed pursuant to division (A) (3) 713
of this section indicates that the offender is addicted to drugs 714
or alcohol, the court may include in any community control 715
sanction imposed for a violation of section 2925.02, 2925.03, 716
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 717
2925.36, or 2925.37 of the Revised Code a requirement that the 718
offender participate in a treatment and recovery support 719
services program certified under section 5119.36 of the Revised 720
Code or offered by another properly credentialed community 721
addiction services provider. 722

(B) (1) If the conditions of a community control sanction 723
are violated or if the offender violates a law or leaves the 724
state without the permission of the court or the offender's 725
probation officer, the sentencing court may impose upon the 726
violation one or more of the following penalties: 727

(a) A longer time under the same sanction if the total 728
time under the sanctions does not exceed the five-year limit 729
specified in division (A) of this section; 730

(b) A more restrictive sanction under section 2929.16, 731
2929.17, or 2929.18 of the Revised Code, including but not 732
limited to, a new term in a community-based correctional 733
facility or jail pursuant to division (A) (6) of section 2929.16 734
of the Revised Code; 735

(c) A prison term on the offender pursuant to section 736
2929.14 of the Revised Code. 737

(2) If an offender was acting pursuant to division (B) (2) 738
(b) of section 2925.11 of the Revised Code and in so doing 739
violated the conditions of a community control sanction based on 740
a minor drug possession offense, as defined in section 2925.11 741
of the Revised Code, the sentencing court may consider the 742
offender's conduct in seeking or obtaining medical assistance 743
for another in good faith or for self or may consider the 744
offender being the subject of another person seeking or 745
obtaining medical assistance in accordance with that division as 746
a mitigating factor before imposing any of the penalties 747
described in division (B) (1) of this section. 748

(3) The prison term, if any, imposed upon a violator 749
pursuant to this division shall be within the range of prison 750
terms available for the offense for which the sanction that was 751
violated was imposed and shall not exceed the prison term 752
specified in the notice provided to the offender at the 753
sentencing hearing pursuant to division (B) (2) of section 754
2929.19 of the Revised Code. The court may reduce the longer 755
period of time that the offender is required to spend under the 756
longer sanction, the more restrictive sanction, or a prison term 757
imposed pursuant to this division by the time the offender 758
successfully spent under the sanction that was initially 759
imposed. 760

(C) If an offender, for a significant period of time, 761
fulfills the conditions of a sanction imposed pursuant to 762
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 763
exemplary manner, the court may reduce the period of time under 764
the sanction or impose a less restrictive sanction, but the 765
court shall not permit the offender to violate any law or permit 766
the offender to leave the state without the permission of the 767
court or the offender's probation officer. 768

(D) (1) If a court under division (A) (1) of this section 769
imposes a condition of release under a community control 770
sanction that requires the offender to submit to random drug 771
testing, the department of probation or the adult parole 772
authority that has general control and supervision of the 773
offender under division (A) (2) (a) of this section may cause the 774
offender to submit to random drug testing performed by a 775
laboratory or entity that has entered into a contract with any 776
of the governmental entities or officers authorized to enter 777
into a contract with that laboratory or entity under section 778
341.26, 753.33, or 5120.63 of the Revised Code. 779

(2) If no laboratory or entity described in division (D) 780
(1) of this section has entered into a contract as specified in 781
that division, the department of probation or the adult parole 782
authority that has general control and supervision of the 783
offender under division (A) (2) (a) of this section shall cause 784
the offender to submit to random drug testing performed by a 785
reputable public laboratory to determine whether the individual 786
who is the subject of the drug test ingested or was injected 787
with a drug of abuse. 788

(3) A laboratory or entity that has entered into a 789
contract pursuant to section 341.26, 753.33, or 5120.63 of the 790
Revised Code shall perform the random drug tests under division 791
(D) (1) of this section in accordance with the applicable 792
standards that are included in the terms of that contract. A 793
public laboratory shall perform the random drug tests under 794
division (D) (2) of this section in accordance with the standards 795
set forth in the policies and procedures established by the 796
department of rehabilitation and correction pursuant to section 797
5120.63 of the Revised Code. An offender who is required under 798
division (A) (1) of this section to submit to random drug testing 799

as a condition of release under a community control sanction and 800
whose test results indicate that the offender ingested or was 801
injected with a drug of abuse shall pay the fee for the drug 802
test if the department of probation or the adult parole 803
authority that has general control and supervision of the 804
offender requires payment of a fee. A laboratory or entity that 805
performs the random drug testing on an offender under division 806
(D) (1) or (2) of this section shall transmit the results of the 807
drug test to the appropriate department of probation or the 808
adult parole authority that has general control and supervision 809
of the offender under division (A) (2) (a) of this section. 810

Sec. 2929.16. (A) Except as provided in this division, the 811
court imposing a sentence for a felony upon an offender who is 812
not required to serve a mandatory prison term may impose any 813
community residential sanction or combination of community 814
residential sanctions under this section. The court imposing a 815
sentence for a fourth degree felony OVI offense under division 816
(G) (1) or (2) of section 2929.13 of the Revised Code or for a 817
third degree felony OVI offense under division (G) (2) of that 818
section may impose upon the offender, in addition to the 819
mandatory term of local incarceration or mandatory prison term 820
imposed under the applicable division, a community residential 821
sanction or combination of community residential sanctions under 822
this section, and the offender shall serve or satisfy the 823
sanction or combination of sanctions after the offender has 824
served the mandatory term of local incarceration or mandatory 825
prison term required for the offense. Community residential 826
sanctions include, but are not limited to, the following: 827

(1) A-Except as otherwise provided in division (A) (6) of 828
this section, a term of up to six months at a community-based 829
correctional facility that serves the county; 830

(2) Except as otherwise provided in division (A) (3) or (6) 831
of this section and subject to division (D) of this section, a 832
term of up to six months in a jail; 833

(3) If the offender is convicted of a fourth degree felony 834
OVI offense and is sentenced under division (G) (1) of section 835
2929.13 of the Revised Code, subject to division (D) of this 836
section, a term of up to one year in a jail less the mandatory 837
term of local incarceration of sixty or one hundred twenty 838
consecutive days of imprisonment imposed pursuant to that 839
division; 840

(4) A term in a halfway house; 841

(5) A term in an alternative residential facility; 842

(6) If the offender is sentenced to a community control 843
sanction and violates the conditions of the sanction, a term of 844
up to six months in a community-based correctional facility that 845
serves the county or in a jail, which term shall be in addition 846
to any term imposed under divisions (A) (1) to (5) of this 847
section. 848

(B) The court that assigns any offender convicted of a 849
felony to a residential sanction under this section may 850
authorize the offender to be released so that the offender may 851
seek or maintain employment, receive education or training, or 852
receive treatment. A release pursuant to this division shall be 853
only for the duration of time that is needed to fulfill the 854
purpose of the release and for travel that reasonably is 855
necessary to fulfill the purposes of the release. 856

(C) If the court assigns an offender to a county jail that 857
is not a minimum security misdemeanor jail in a county that has 858
established a county jail industry program pursuant to section 859

5147.30 of the Revised Code, the court shall specify, as part of 860
the sentence, whether the sheriff of that county may consider 861
the offender for participation in the county jail industry 862
program. During the offender's term in the county jail, the 863
court shall retain jurisdiction to modify its specification upon 864
a reassessment of the offender's qualifications for 865
participation in the program. 866

(D) If a court sentences an offender to a term in jail 867
under division (A) (2) ~~or~~, (3), or (6) of this section and if the 868
sentence is imposed for a felony of the fourth or fifth degree 869
that is not an offense of violence, the court may specify that 870
it prefers that the offender serve the term in a minimum 871
security jail established under section 341.34 or 753.21 of the 872
Revised Code. If the court includes a specification of that type 873
in the sentence and if the administrator of the appropriate 874
minimum security jail or the designee of that administrator 875
classifies the offender in accordance with section 341.34 or 876
753.21 of the Revised Code as a minimal security risk, the 877
offender shall serve the term in the minimum security jail 878
established under section 341.34 or 753.21 of the Revised Code. 879
Absent a specification of that type and a finding of that type, 880
the offender shall serve the term in a jail other than a minimum 881
security jail established under section 341.34 or 753.21 of the 882
Revised Code. 883

(E) If a person who has been convicted of or pleaded 884
guilty to a felony is sentenced to a community residential 885
sanction as described in division (A) of this section, at the 886
time of reception and at other times the person in charge of the 887
operation of the community-based correctional facility, jail, 888
halfway house, alternative residential facility, or other place 889
at which the offender will serve the residential sanction 890

determines to be appropriate, the person in charge of the 891
operation of the community-based correctional facility, jail, 892
halfway house, alternative residential facility, or other place 893
may cause the convicted offender to be examined and tested for 894
tuberculosis, HIV infection, hepatitis, including but not 895
limited to hepatitis A, B, and C, and other contagious diseases. 896
The person in charge of the operation of the community-based 897
correctional facility, jail, halfway house, alternative 898
residential facility, or other place at which the offender will 899
serve the residential sanction may cause a convicted offender in 900
the community-based correctional facility, jail, halfway house, 901
alternative residential facility, or other place who refuses to 902
be tested or treated for tuberculosis, HIV infection, hepatitis, 903
including but not limited to hepatitis A, B, and C, or another 904
contagious disease to be tested and treated involuntarily. 905

Sec. 2929.19. (A) The court shall hold a sentencing 906
hearing before imposing a sentence under this chapter upon an 907
offender who was convicted of or pleaded guilty to a felony and 908
before resentencing an offender who was convicted of or pleaded 909
guilty to a felony and whose case was remanded pursuant to 910
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 911
the offender, the prosecuting attorney, the victim or the 912
victim's representative in accordance with section 2930.14 of 913
the Revised Code, and, with the approval of the court, any other 914
person may present information relevant to the imposition of 915
sentence in the case. The court shall inform the offender of the 916
verdict of the jury or finding of the court and ask the offender 917
whether the offender has anything to say as to why sentence 918
should not be imposed upon the offender. 919

(B) (1) At the sentencing hearing, the court, before 920
imposing sentence, shall consider the record, any information 921

presented at the hearing by any person pursuant to division (A) 922
of this section, and, if one was prepared, the presentence 923
investigation report made pursuant to section 2951.03 of the 924
Revised Code or Criminal Rule 32.2, and any victim impact 925
statement made pursuant to section 2947.051 of the Revised Code. 926

(2) Subject to division (B)(3) of this section, if the 927
sentencing court determines at the sentencing hearing that a 928
prison term is necessary or required, the court shall do all of 929
the following: 930

(a) Impose a stated prison term and, if the court imposes 931
a mandatory prison term, notify the offender that the prison 932
term is a mandatory prison term; 933

(b) In addition to any other information, include in the 934
sentencing entry the name and section reference to the offense 935
or offenses, the sentence or sentences imposed and whether the 936
sentence or sentences contain mandatory prison terms, if 937
sentences are imposed for multiple counts whether the sentences 938
are to be served concurrently or consecutively, and the name and 939
section reference of any specification or specifications for 940
which sentence is imposed and the sentence or sentences imposed 941
for the specification or specifications; 942

(c) Notify the offender that the offender will be 943
supervised under section 2967.28 of the Revised Code after the 944
offender leaves prison if the offender is being sentenced for a 945
felony of the first degree or second degree, for a felony sex 946
offense, or for a felony of the third degree that is not a 947
felony sex offense and in the commission of which the offender 948
caused or threatened to cause physical harm to a person. This 949
division applies with respect to all prison terms imposed for an 950
offense of a type described in this division, including a term 951

imposed for any such offense that is a risk reduction sentence, 952
as defined in section 2967.28 of the Revised Code. If a court 953
imposes a sentence including a prison term of a type described 954
in division (B) (2) (c) of this section on or after July 11, 2006, 955
the failure of a court to notify the offender pursuant to 956
division (B) (2) (c) of this section that the offender will be 957
supervised under section 2967.28 of the Revised Code after the 958
offender leaves prison or to include in the judgment of 959
conviction entered on the journal a statement to that effect 960
does not negate, limit, or otherwise affect the mandatory period 961
of supervision that is required for the offender under division 962
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 963
the Revised Code applies if, prior to July 11, 2006, a court 964
imposed a sentence including a prison term of a type described 965
in division (B) (2) (c) of this section and failed to notify the 966
offender pursuant to division (B) (2) (c) of this section 967
regarding post-release control or to include in the judgment of 968
conviction entered on the journal or in the sentence a statement 969
regarding post-release control. 970

(d) Notify the offender that the offender may be 971
supervised under section 2967.28 of the Revised Code after the 972
offender leaves prison if the offender is being sentenced for a 973
felony of the third, fourth, or fifth degree that is not subject 974
to division (B) (2) (c) of this section. This division applies 975
with respect to all prison terms imposed for an offense of a 976
type described in this division, including a term imposed for 977
any such offense that is a risk reduction sentence, as defined 978
in section 2967.28 of the Revised Code. Section 2929.191 of the 979
Revised Code applies if, prior to July 11, 2006, a court imposed 980
a sentence including a prison term of a type described in 981
division (B) (2) (d) of this section and failed to notify the 982

offender pursuant to division (B) (2) (d) of this section 983
regarding post-release control or to include in the judgment of 984
conviction entered on the journal or in the sentence a statement 985
regarding post-release control. 986

(e) Notify the offender that, if a period of supervision 987
is imposed following the offender's release from prison, as 988
described in division (B) (2) (c) or (d) of this section, and if 989
the offender violates that supervision or a condition of post- 990
release control imposed under division (B) of section 2967.131 991
of the Revised Code, the parole board may impose a prison term, 992
as part of the sentence, of up to one-half of the stated prison 993
term originally imposed upon the offender. If a court imposes a 994
sentence including a prison term on or after July 11, 2006, the 995
failure of a court to notify the offender pursuant to division 996
(B) (2) (e) of this section that the parole board may impose a 997
prison term as described in division (B) (2) (e) of this section 998
for a violation of that supervision or a condition of post- 999
release control imposed under division (B) of section 2967.131 1000
of the Revised Code or to include in the judgment of conviction 1001
entered on the journal a statement to that effect does not 1002
negate, limit, or otherwise affect the authority of the parole 1003
board to so impose a prison term for a violation of that nature 1004
if, pursuant to division (D) (1) of section 2967.28 of the 1005
Revised Code, the parole board notifies the offender prior to 1006
the offender's release of the board's authority to so impose a 1007
prison term. Section 2929.191 of the Revised Code applies if, 1008
prior to July 11, 2006, a court imposed a sentence including a 1009
prison term and failed to notify the offender pursuant to 1010
division (B) (2) (e) of this section regarding the possibility of 1011
the parole board imposing a prison term for a violation of 1012
supervision or a condition of post-release control. 1013

(f) Require that the offender not ingest or be injected 1014
with a drug of abuse and submit to random drug testing as 1015
provided in section 341.26, 753.33, or 5120.63 of the Revised 1016
Code, whichever is applicable to the offender who is serving a 1017
prison term, and require that the results of the drug test 1018
administered under any of those sections indicate that the 1019
offender did not ingest or was not injected with a drug of 1020
abuse. 1021

(g) (i) Determine, notify the offender of, and include in 1022
the sentencing entry the total number of days, including the 1023
sentencing date but excluding conveyance time, that the offender 1024
has been confined for any reason arising out of the offense for 1025
which the offender is being sentenced and by which the 1026
department of rehabilitation and correction must reduce the 1027
stated prison term under section 2967.191 of the Revised Code. 1028
The court's calculation shall not include the number of days, if 1029
any, that the offender ~~previously~~ served in the custody of the 1030
department of rehabilitation and correction arising out of ~~the~~ 1031
any prior offense for which the prisoner was convicted and 1032
sentenced. 1033

(ii) In making a determination under division (B) (2) (g) (i) 1034
of this section, the court shall consider the arguments of the 1035
parties and conduct a hearing if one is requested. 1036

(iii) The sentencing court retains continuing jurisdiction 1037
to correct any error not previously raised at sentencing in 1038
making a determination under division (B) (2) (g) (i) of this 1039
section. The offender may, at any time after sentencing, file a 1040
motion in the sentencing court to correct any error made in 1041
making a determination under division (B) (2) (g) (i) of this 1042
section, and the court may in its discretion grant or deny that 1043

motion. If the court changes the number of days in its 1044
determination or redetermination, the court shall cause the 1045
entry granting that change to be delivered to the department of 1046
rehabilitation and correction without delay. Sections 2931.15 1047
and 2953.21 of the Revised Code do not apply to a motion made 1048
under this section. 1049

(iv) An inaccurate determination under division (B) (2) (g) 1050
(i) of this section is not grounds for setting aside the 1051
offender's conviction or sentence and does not otherwise render 1052
the sentence void or voidable. 1053

(v) The department of rehabilitation and correction shall 1054
rely upon the latest journal entry of the court in determining 1055
the total days of local confinement for purposes of division (B) 1056
(2) (g) (i) to (iii) of this section and section 2967.191 of the 1057
Revised Code. 1058

(3) (a) The court shall include in the offender's sentence 1059
a statement that the offender is a tier III sex offender/child- 1060
victim offender, and the court shall comply with the 1061
requirements of section 2950.03 of the Revised Code if any of 1062
the following apply: 1063

(i) The offender is being sentenced for a violent sex 1064
offense or designated homicide, assault, or kidnapping offense 1065
that the offender committed on or after January 1, 1997, and the 1066
offender is adjudicated a sexually violent predator in relation 1067
to that offense. 1068

(ii) The offender is being sentenced for a sexually 1069
oriented offense that the offender committed on or after January 1070
1, 1997, and the offender is a tier III sex offender/child- 1071
victim offender relative to that offense. 1072

(iii) The offender is being sentenced on or after July 31, 1073
2003, for a child-victim oriented offense, and the offender is a 1074
tier III sex offender/child-victim offender relative to that 1075
offense. 1076

(iv) The offender is being sentenced under section 2971.03 1077
of the Revised Code for a violation of division (A) (1) (b) of 1078
section 2907.02 of the Revised Code committed on or after 1079
January 2, 2007. 1080

(v) The offender is sentenced to a term of life without 1081
parole under division (B) of section 2907.02 of the Revised 1082
Code. 1083

(vi) The offender is being sentenced for attempted rape 1084
committed on or after January 2, 2007, and a specification of 1085
the type described in section 2941.1418, 2941.1419, or 2941.1420 1086
of the Revised Code. 1087

(vii) The offender is being sentenced under division (B) 1088
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1089
for an offense described in those divisions committed on or 1090
after January 1, 2008. 1091

(b) Additionally, if any criterion set forth in divisions 1092
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1093
circumstances described in division (E) of section 2929.14 of 1094
the Revised Code, the court shall impose sentence on the 1095
offender as described in that division. 1096

(4) If the sentencing court determines at the sentencing 1097
hearing that a community control sanction should be imposed and 1098
the court is not prohibited from imposing a community control 1099
sanction, the court shall impose a community control sanction. 1100
The court shall notify the offender that, if the conditions of 1101

the sanction are violated, if the offender commits a violation 1102
of any law, or if the offender leaves this state without the 1103
permission of the court or the offender's probation officer, the 1104
court may impose a longer time under the same sanction, may 1105
impose a more restrictive sanction, or may impose a prison term 1106
on the offender and shall indicate the specific prison term that 1107
may be imposed as a sanction for the violation, as selected by 1108
the court from the range of prison terms for the offense 1109
pursuant to section 2929.14 of the Revised Code. 1110

(5) Before imposing a financial sanction under section 1111
2929.18 of the Revised Code or a fine under section 2929.32 of 1112
the Revised Code, the court shall consider the offender's 1113
present and future ability to pay the amount of the sanction or 1114
fine. 1115

(6) If the sentencing court sentences the offender to a 1116
sanction of confinement pursuant to section 2929.14 or 2929.16 1117
of the Revised Code that is to be served in a local detention 1118
facility, as defined in section 2929.36 of the Revised Code, and 1119
if the local detention facility is covered by a policy adopted 1120
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1121
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1122
and section 2929.37 of the Revised Code, both of the following 1123
apply: 1124

(a) The court shall specify both of the following as part 1125
of the sentence: 1126

(i) If the offender is presented with an itemized bill 1127
pursuant to section 2929.37 of the Revised Code for payment of 1128
the costs of confinement, the offender is required to pay the 1129
bill in accordance with that section. 1130

(ii) If the offender does not dispute the bill described 1131
in division (B) (6) (a) (i) of this section and does not pay the 1132
bill by the times specified in section 2929.37 of the Revised 1133
Code, the clerk of the court may issue a certificate of judgment 1134
against the offender as described in that section. 1135

(b) The sentence automatically includes any certificate of 1136
judgment issued as described in division (B) (6) (a) (ii) of this 1137
section. 1138

(7) The failure of the court to notify the offender that a 1139
prison term is a mandatory prison term pursuant to division (B) 1140
(2) (a) of this section or to include in the sentencing entry any 1141
information required by division (B) (2) (b) of this section does 1142
not affect the validity of the imposed sentence or sentences. If 1143
the sentencing court notifies the offender at the sentencing 1144
hearing that a prison term is mandatory but the sentencing entry 1145
does not specify that the prison term is mandatory, the court 1146
may complete a corrected journal entry and send copies of the 1147
corrected entry to the offender and the department of 1148
rehabilitation and correction, or, at the request of the state, 1149
the court shall complete a corrected journal entry and send 1150
copies of the corrected entry to the offender and department of 1151
rehabilitation and correction. 1152

(C) (1) If the offender is being sentenced for a fourth 1153
degree felony OVI offense under division (G) (1) of section 1154
2929.13 of the Revised Code, the court shall impose the 1155
mandatory term of local incarceration in accordance with that 1156
division, shall impose a mandatory fine in accordance with 1157
division (B) (3) of section 2929.18 of the Revised Code, and, in 1158
addition, may impose additional sanctions as specified in 1159
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1160

Code. The court shall not impose a prison term on the offender 1161
except that the court may impose a prison term upon the offender 1162
as provided in division (A) (1) of section 2929.13 of the Revised 1163
Code. 1164

(2) If the offender is being sentenced for a third or 1165
fourth degree felony OVI offense under division (G) (2) of 1166
section 2929.13 of the Revised Code, the court shall impose the 1167
mandatory prison term in accordance with that division, shall 1168
impose a mandatory fine in accordance with division (B) (3) of 1169
section 2929.18 of the Revised Code, and, in addition, may 1170
impose an additional prison term as specified in section 2929.14 1171
of the Revised Code. In addition to the mandatory prison term or 1172
mandatory prison term and additional prison term the court 1173
imposes, the court also may impose a community control sanction 1174
on the offender, but the offender shall serve all of the prison 1175
terms so imposed prior to serving the community control 1176
sanction. 1177

(D) The sentencing court, pursuant to division (I) (1) of 1178
section 2929.14 of the Revised Code, may recommend placement of 1179
the offender in a program of shock incarceration under section 1180
5120.031 of the Revised Code or an intensive program prison 1181
under section 5120.032 of the Revised Code, disapprove placement 1182
of the offender in a program or prison of that nature, or make 1183
no recommendation. If the court recommends or disapproves 1184
placement, it shall make a finding that gives its reasons for 1185
its recommendation or disapproval. 1186

Sec. 2951.041. (A) (1) If an offender is charged with a 1187
criminal offense, including but not limited to a violation of 1188
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1189
of the Revised Code, and the court has reason to believe that 1190

drug or alcohol usage by the offender was a factor leading to 1191
the criminal offense with which the offender is charged or that, 1192
at the time of committing that offense, the offender had a 1193
mental illness, was a person with an intellectual disability, or 1194
was a victim of a violation of section 2905.32 of the Revised 1195
Code and that the mental illness, status as a person with an 1196
intellectual disability, or fact that the offender was a victim 1197
of a violation of section 2905.32 of the Revised Code was a 1198
factor leading to the offender's criminal behavior, the court 1199
may accept, prior to the entry of a guilty plea, the offender's 1200
request for intervention in lieu of conviction. The request 1201
shall include a statement from the offender as to whether the 1202
offender is alleging that drug or alcohol usage by the offender 1203
was a factor leading to the criminal offense with which the 1204
offender is charged or is alleging that, at the time of 1205
committing that offense, the offender had a mental illness, was 1206
a person with an intellectual disability, or was a victim of a 1207
violation of section 2905.32 of the Revised Code and that the 1208
mental illness, status as a person with an intellectual 1209
disability, or fact that the offender was a victim of a 1210
violation of section 2905.32 of the Revised Code was a factor 1211
leading to the criminal offense with which the offender is 1212
charged. The request also shall include a waiver of the 1213
defendant's right to a speedy trial, the preliminary hearing, 1214
the time period within which the grand jury may consider an 1215
indictment against the offender, and arraignment, unless the 1216
hearing, indictment, or arraignment has already occurred. The 1217
court may reject an offender's request without a hearing. If the 1218
court elects to consider an offender's request, the court shall 1219
conduct a hearing to determine whether the offender is eligible 1220
under this section for intervention in lieu of conviction and 1221
shall stay all criminal proceedings pending the outcome of the 1222

hearing. If the court schedules a hearing, the court shall order 1223
an assessment of the offender for the purpose of determining the 1224
offender's program eligibility for intervention in lieu of 1225
conviction and recommending an appropriate intervention plan. 1226

If the offender alleges that drug or alcohol usage by the 1227
offender was a factor leading to the criminal offense with which 1228
the offender is charged, the court may order that the offender 1229
be assessed by a community addiction services provider or a 1230
properly credentialed professional for the purpose of 1231
determining the offender's program eligibility for intervention 1232
in lieu of conviction and recommending an appropriate 1233
intervention plan. The community addiction services provider or 1234
the properly credentialed professional shall provide a written 1235
assessment of the offender to the court. 1236

(2) The victim notification provisions of division (C) of 1237
section 2930.06 of the Revised Code apply in relation to any 1238
hearing held under division (A) (1) of this section. 1239

(B) An offender is eligible for intervention in lieu of 1240
conviction if the court finds all of the following: 1241

(1) The offender previously has not been convicted of or 1242
pleaded guilty to ~~a any felony offense of violence or previously~~ 1243
~~has been convicted of or pleaded guilty to any felony that is~~ 1244
~~not an offense of violence and the prosecuting attorney~~ 1245
~~recommends that the offender be found eligible for participation~~ 1246
~~in intervention in lieu of treatment under this section,~~ 1247
~~previously has not been through intervention in lieu of~~ 1248
~~conviction under this section or any similar regimen, and is~~ 1249
~~charged with a felony for which the court, upon conviction,~~ 1250
~~would impose a community control sanction on the offender under~~ 1251
~~division (B) (2) of section 2929.13 of the Revised Code or with a~~ 1252

misdemeanor. 1253

(2) The offense is not a felony of the first, second, or 1254
third degree, is not an offense of violence, is not a violation 1255
of division (A)(1) or (2) of section 2903.06 of the Revised 1256
Code, is not a violation of division (A)(1) of section 2903.08 1257
of the Revised Code, is not a violation of division (A) of 1258
section 4511.19 of the Revised Code or a municipal ordinance 1259
that is substantially similar to that division, and is not an 1260
offense for which a sentencing court is required to impose a 1261
mandatory prison term, ~~a mandatory term of local incarceration,~~ 1262
~~or a mandatory term of imprisonment in a jail.~~ 1263

(3) The offender is not charged with a violation of 1264
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 1265
charged with a violation of section 2925.03 of the Revised Code 1266
that is a felony of the first, second, third, or fourth degree, 1267
and is not charged with a violation of section 2925.11 of the 1268
Revised Code that is a felony of the first, or second, ~~or third~~ 1269
degree. 1270

(4) If an offender alleges that drug or alcohol usage by 1271
the offender was a factor leading to the criminal offense with 1272
which the offender is charged, the court has ordered that the 1273
offender be assessed by a community addiction services provider 1274
or a properly credentialed professional for the purpose of 1275
determining the offender's program eligibility for intervention 1276
in lieu of conviction and recommending an appropriate 1277
intervention plan, the offender has been assessed by a community 1278
addiction services provider of that nature or a properly 1279
credentialed professional in accordance with the court's order, 1280
and the community addiction services provider or properly 1281
credentialed professional has filed the written assessment of 1282

the offender with the court. 1283

(5) If an offender alleges that, at the time of committing 1284
the criminal offense with which the offender is charged, the 1285
offender had a mental illness, was a person with an intellectual 1286
disability, or was a victim of a violation of section 2905.32 of 1287
the Revised Code and that the mental illness, status as a person 1288
with an intellectual disability, or fact that the offender was a 1289
victim of a violation of section 2905.32 of the Revised Code was 1290
a factor leading to that offense, the offender has been assessed 1291
by a psychiatrist, psychologist, independent social worker, 1292
licensed professional clinical counselor, or independent 1293
marriage and family therapist for the purpose of determining the 1294
offender's program eligibility for intervention in lieu of 1295
conviction and recommending an appropriate intervention plan. 1296

(6) The offender's drug usage, alcohol usage, mental 1297
illness, or intellectual disability, or the fact that the 1298
offender was a victim of a violation of section 2905.32 of the 1299
Revised Code, whichever is applicable, was a factor leading to 1300
the criminal offense with which the offender is charged, 1301
intervention in lieu of conviction would not demean the 1302
seriousness of the offense, and intervention would substantially 1303
reduce the likelihood of any future criminal activity. 1304

(7) The alleged victim of the offense was not sixty-five 1305
years of age or older, permanently and totally disabled, under 1306
thirteen years of age, or a peace officer engaged in the 1307
officer's official duties at the time of the alleged offense. 1308

(8) If the offender is charged with a violation of section 1309
2925.24 of the Revised Code, the alleged violation did not 1310
result in physical harm to any person, ~~and the offender~~ 1311
~~previously has not been treated for drug abuse.~~ 1312

(9) The offender is willing to comply with all terms and 1313
conditions imposed by the court pursuant to division (D) of this 1314
section. 1315

(10) The offender is not charged with an offense that 1316
would result in the offender being disqualified under Chapter 1317
4506. of the Revised Code from operating a commercial motor 1318
vehicle or would subject the offender to any other sanction 1319
under that chapter. 1320

(C) At the conclusion of a hearing held pursuant to 1321
division (A) of this section, the court shall enter its 1322
determination as to whether the offender ~~is eligible for~~ will be 1323
granted intervention in lieu of conviction ~~and as to whether to~~ 1324
~~grant the offender's request~~. If the court finds under this 1325
division and division (B) of this section that the offender is 1326
eligible for intervention in lieu of conviction and grants the 1327
offender's request, the court shall accept the offender's plea 1328
of guilty and waiver of the defendant's right to a speedy trial, 1329
the preliminary hearing, the time period within which the grand 1330
jury may consider an indictment against the offender, and 1331
arraignment, unless the hearing, indictment, or arraignment has 1332
already occurred. In addition, the court then may stay all 1333
criminal proceedings and order the offender to comply with all 1334
terms and conditions imposed by the court pursuant to division 1335
(D) of this section. If the court finds that the offender is not 1336
eligible or does not grant the offender's request, the criminal 1337
proceedings against the offender shall proceed as if the 1338
offender's request for intervention in lieu of conviction had 1339
not been made. 1340

(D) If the court grants an offender's request for 1341
intervention in lieu of conviction, the court shall place the 1342

offender under the general control and supervision of the county 1343
probation department, the adult parole authority, or another 1344
appropriate local probation or court services agency, if one 1345
exists, as if the offender was subject to a community control 1346
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 1347
the Revised Code. The court shall establish an intervention plan 1348
for the offender. The terms and conditions of the intervention 1349
plan shall require the offender, for at least one year from the 1350
date on which the court grants the order of intervention in lieu 1351
of conviction, to abstain from the use of illegal drugs and 1352
alcohol, to participate in treatment and recovery support 1353
services, and to submit to regular random testing for drug and 1354
alcohol use and may include any other treatment terms and 1355
conditions, or terms and conditions similar to community control 1356
sanctions, which may include community service or restitution, 1357
that are ordered by the court. 1358

(E) If the court grants an offender's request for 1359
intervention in lieu of conviction and the court finds that the 1360
offender has successfully completed the intervention plan for 1361
the offender, including the requirement that the offender 1362
abstain from using illegal drugs and alcohol for a period of at 1363
least one year from the date on which the court granted the 1364
order of intervention in lieu of conviction, the requirement 1365
that the offender participate in treatment and recovery support 1366
services, and all other terms and conditions ordered by the 1367
court, the court shall dismiss the proceedings against the 1368
offender. Successful completion of the intervention plan and 1369
period of abstinence under this section shall be without 1370
adjudication of guilt and is not a criminal conviction for 1371
purposes of any disqualification or disability imposed by law 1372
and upon conviction of a crime, and the court may order the 1373

sealing of records related to the offense in question in the 1374
manner provided in sections 2953.31 to 2953.36 of the Revised 1375
Code. 1376

(F) If the court grants an offender's request for 1377
intervention in lieu of conviction and the offender fails to 1378
comply with any term or condition imposed as part of the 1379
intervention plan for the offender, the supervising authority 1380
for the offender promptly shall advise the court of this 1381
failure, and the court shall hold a hearing to determine whether 1382
the offender failed to comply with any term or condition imposed 1383
as part of the plan. If the court determines that the offender 1384
has failed to comply with any of those terms and conditions, it 1385
shall either continue the offender on intervention in lieu of 1386
conviction or enter a finding of guilty and ~~shall~~ impose an 1387
appropriate sanction under Chapter 2929. of the Revised Code. If 1388
the court sentences the offender to a prison term, the court, 1389
after consulting with the department of rehabilitation and 1390
correction regarding the availability of services, may order 1391
continued court-supervised activity and treatment of the 1392
offender during the prison term and, upon consideration of 1393
reports received from the department concerning the offender's 1394
progress in the program of activity and treatment, may consider 1395
judicial release under section 2929.20 of the Revised Code. 1396

(G) As used in this section: 1397

(1) "Community addiction services provider" has the same 1398
meaning as in section 5119.01 of the Revised Code. 1399

(2) "Community control sanction" has the same meaning as 1400
in section 2929.01 of the Revised Code. 1401

(3) "Intervention in lieu of conviction" means any court- 1402

supervised activity that complies with this section. 1403

(4) "Intellectual disability" has the same meaning as in 1404
section 5123.01 of the Revised Code. 1405

(5) "Peace officer" has the same meaning as in section 1406
2935.01 of the Revised Code. 1407

(6) "Mental illness" and "psychiatrist" have the same 1408
meanings as in section 5122.01 of the Revised Code. 1409

(7) "Psychologist" has the same meaning as in section 1410
4732.01 of the Revised Code. 1411

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 1412
the Revised Code: 1413

(A) (1) "Eligible offender" means ~~anyone~~ either of the 1414
following: 1415

(a) Regardless of the number of convictions, anyone who 1416
has been convicted of one or more offenses in this state or any 1417
other jurisdiction, if all of the offenses in this state are 1418
felonies of the fourth or fifth degree and none of those 1419
offenses are an offense of violence or a felony sex offense and 1420
all of the offenses in another jurisdiction, if committed in 1421
this state, would be felonies of the fourth or fifth degree and 1422
none of those offenses would be an offense of violence or a 1423
felony sex offense; 1424

(b) Anyone who has been convicted of an offense in this 1425
state or any other jurisdiction and who has not more than one 1426
felony conviction, not more than two misdemeanor convictions, or 1427
not more than one felony conviction and one misdemeanor 1428
conviction in this state or any other jurisdiction. When two or 1429
more convictions result from or are connected with the same act 1430

or result from offenses committed at the same time, they shall
be counted as one conviction. When two or three convictions
result from the same indictment, information, or complaint, from
the same plea of guilty, or from the same official proceeding,
and result from related criminal acts that were committed within
a three-month period but do not result from the same act or from
offenses committed at the same time, they shall be counted as
one conviction, provided that a court may decide as provided in
division (C) (1) (a) of section 2953.32 of the Revised Code that
it is not in the public interest for the two or three
convictions to be counted as one conviction.

(2) For purposes of, and except as otherwise provided in,
~~this division (A) (1) of this section,~~ a conviction for a minor
misdemeanor, for a violation of any section in Chapter 4507.,
4510., 4511., 4513., or 4549. of the Revised Code, or for a
violation of a municipal ordinance that is substantially similar
to any section in those chapters is not a conviction. However, a
conviction for a violation of section 4511.19, 4511.251,
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections
4549.41 to 4549.46 of the Revised Code, for a violation of
section 4510.11 or 4510.14 of the Revised Code that is based
upon the offender's operation of a vehicle during a suspension
imposed under section 4511.191 or 4511.196 of the Revised Code,
for a violation of a substantially equivalent municipal
ordinance, for a felony violation of Title XLV of the Revised
Code, or for a violation of a substantially equivalent former
law of this state or former municipal ordinance shall be
considered a conviction.

(B) "Prosecutor" means the county prosecuting attorney,
city director of law, village solicitor, or similar chief legal
officer, who has the authority to prosecute a criminal case in

the court in which the case is filed. 1462

(C) "Bail forfeiture" means the forfeiture of bail by a 1463
defendant who is arrested for the commission of a misdemeanor, 1464
other than a defendant in a traffic case as defined in Traffic 1465
Rule 2, if the forfeiture is pursuant to an agreement with the 1466
court and prosecutor in the case. 1467

(D) "Official records" has the same meaning as in division 1468
(D) of section 2953.51 of the Revised Code. 1469

(E) "Official proceeding" has the same meaning as in 1470
section 2921.01 of the Revised Code. 1471

(F) "Community control sanction" has the same meaning as 1472
in section 2929.01 of the Revised Code. 1473

(G) "Post-release control" and "post-release control 1474
sanction" have the same meanings as in section 2967.01 of the 1475
Revised Code. 1476

(H) "DNA database," "DNA record," and "law enforcement 1477
agency" have the same meanings as in section 109.573 of the 1478
Revised Code. 1479

(I) "Fingerprints filed for record" means any fingerprints 1480
obtained by the superintendent of the bureau of criminal 1481
identification and investigation pursuant to sections 109.57 and 1482
109.571 of the Revised Code. 1483

Sec. 2967.16. (A) Except as provided in division (D) of 1484
this section, when a paroled prisoner has faithfully performed 1485
the conditions and obligations of the paroled prisoner's parole 1486
and has obeyed the rules and regulations adopted by the adult 1487
parole authority that apply to the paroled prisoner, the 1488
authority ~~upon the recommendation of the superintendent of~~ 1489

~~parole supervision may enter upon its minutes grant~~ a final 1490
release and thereupon shall issue to the paroled prisoner a 1491
certificate of final release that shall serve as the minutes of 1492
the authority, but the authority shall not grant a final release 1493
earlier than one year after the paroled prisoner is released 1494
from the institution on parole, and, in the case of a paroled 1495
prisoner whose ~~minimum~~ sentence is life imprisonment, the 1496
authority shall not grant a final release earlier than five 1497
years after the paroled prisoner is released from the 1498
institution on parole. 1499

(B) (1) When a prisoner who has been released under a 1500
period of post-release control pursuant to section 2967.28 of 1501
the Revised Code has faithfully performed the conditions and 1502
obligations of the released prisoner's post-release control 1503
sanctions and has obeyed the rules and regulations adopted by 1504
the adult parole authority that apply to the released prisoner 1505
or has the period of post-release control terminated by a court 1506
pursuant to section 2929.141 of the Revised Code, the authority, ~~—~~ 1507
~~upon the recommendation of the superintendent of parole~~ 1508
~~supervision, may enter upon its minutes a final release and,~~ 1509
~~upon the entry of the final release, shall terminate the period~~ 1510
~~of post-release control and~~ issue to the released prisoner a 1511
certificate of ~~final release~~ termination, which shall serve as 1512
the minutes of the authority. In the case of a prisoner who has 1513
been released under a period of post-release control pursuant to 1514
division (B) of section 2967.28 of the Revised Code, the 1515
authority shall not ~~grant a final release~~ terminate post-release 1516
control earlier than one year after the released prisoner is 1517
released from the institution under a period of post-release 1518
control. The authority shall classify the termination of post- 1519
release control as favorable or unfavorable depending on the 1520

offender's conduct and compliance with the conditions of 1521
supervision. In the case of a released prisoner whose sentence 1522
is life imprisonment, the authority shall not ~~grant a final~~ 1523
~~release~~ terminate post-release control earlier than five years 1524
after the released prisoner is released from the institution 1525
under a period of post-release control. 1526

(2) The department of rehabilitation and correction, no 1527
later than six months after July 8, 2002, shall adopt a rule in 1528
accordance with Chapter 119. of the Revised Code that 1529
establishes the criteria for the classification of a post- 1530
release control termination as "favorable" or "unfavorable." 1531

(C) (1) Except as provided in division (C) (2) of this 1532
section, the following prisoners or person shall be restored to 1533
the rights and privileges forfeited by a conviction: 1534

(a) A prisoner who has served the entire prison term that 1535
comprises or is part of the prisoner's sentence and has not been 1536
placed under any post-release control sanctions; 1537

(b) A prisoner who has been granted a final release or 1538
termination of post-release control by the adult parole 1539
authority pursuant to division (A) or (B) of this section; 1540

(c) A person who has completed the period of a community 1541
control sanction or combination of community control sanctions, 1542
as defined in section 2929.01 of the Revised Code, that was 1543
imposed by the sentencing court. 1544

(2) (a) As used in division (C) (2) (c) of this section: 1545

(i) "Position of honor, trust, or profit" has the same 1546
meaning as in section 2929.192 of the Revised Code. 1547

(ii) "Public office" means any elected federal, state, or 1548

local government office in this state. 1549

(b) For purposes of division (C)(2)(c) of this section, a 1550
violation of section 2923.32 of the Revised Code or any other 1551
violation or offense that includes as an element a course of 1552
conduct or the occurrence of multiple acts is "committed on or 1553
~~after the effective date of this amendment May 13, 2008,~~" if the 1554
course of conduct continues, one or more of the multiple acts 1555
occurs, or the subject person's accountability for the course of 1556
conduct or for one or more of the multiple acts continues, on or 1557
~~after the effective date of this amendment May 13, 2008.~~ 1558

(c) Division (C)(1) of this section does not restore a 1559
prisoner or person to the privilege of holding a position of 1560
honor, trust, or profit if the prisoner or person was convicted 1561
of or pleaded guilty to committing on or ~~after the effective~~ 1562
~~date of this amendment May 13, 2008,~~ any of the following 1563
offenses that is a felony: 1564

(i) A violation of section 2921.02, 2921.03, 2921.05, 1565
2921.41, 2921.42, or 2923.32 of the Revised Code; 1566

(ii) A violation of section 2913.42, 2921.04, 2921.11, 1567
2921.12, 2921.31, or 2921.32 of the Revised Code, when the 1568
person committed the violation while the person was serving in a 1569
public office and the conduct constituting the violation was 1570
related to the duties of the person's public office or to the 1571
person's actions as a public official holding that public 1572
office; 1573

(iii) A violation of an existing or former municipal 1574
ordinance or law of this or any other state or the United States 1575
that is substantially equivalent to any violation listed in 1576
division (C)(2)(c)(i) of this section; 1577

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C) (2) (c) (ii) of this section, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C) (2) (c) (i) or described in division (C) (2) (c) (iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C) (2) (c) (ii) or described in division (C) (2) (c) (iv) of this section, if the person committed the violation while the person was serving in a public office and the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

(D) Division (A) of this section does not apply to a prisoner in the shock incarceration program established pursuant to section 5120.031 of the Revised Code.

(E) The ~~adult parole authority shall record the final~~ release certificate of a parolee or and the certificate of ~~termination of a prisoner in shall serve as~~ the official minutes of the adult parole authority, and the authority shall consider those certificates as its official minutes.

Sec. 2967.28. (A) As used in this section: 1607

(1) "Monitored time" means the monitored time sanction 1608
specified in section 2929.17 of the Revised Code. 1609

(2) "Deadly weapon" and "dangerous ordnance" have the same 1610
meanings as in section 2923.11 of the Revised Code. 1611

(3) "Felony sex offense" means a violation of a section 1612
contained in Chapter 2907. of the Revised Code that is a felony. 1613

(4) "Risk reduction sentence" means a prison term imposed 1614
by a court, when the court recommends pursuant to section 1615
2929.143 of the Revised Code that the offender serve the 1616
sentence under section 5120.036 of the Revised Code, and the 1617
offender may potentially be released from imprisonment prior to 1618
the expiration of the prison term if the offender successfully 1619
completes all assessment and treatment or programming required 1620
by the department of rehabilitation and correction under section 1621
5120.036 of the Revised Code. 1622

(5) "Victim's immediate family" has the same meaning as in 1623
section 2967.12 of the Revised Code. 1624

(6) "Minor drug possession offense" has the same meaning 1625
as in section 2925.11 of the Revised Code. 1626

(B) Each sentence to a prison term for a felony of the 1627
first degree, for a felony of the second degree, for a felony 1628
sex offense, or for a felony of the third degree that is an 1629
offense of violence and is not a felony sex offense shall 1630
include a requirement that the offender be subject to a period 1631
of post-release control imposed by the parole board after the 1632
offender's release from imprisonment. This division applies with 1633
respect to all prison terms of a type described in this 1634
division, including a term of any such type that is a risk 1635

reduction sentence. If a court imposes a sentence including a 1636
prison term of a type described in this division on or after 1637
July 11, 2006, the failure of a sentencing court to notify the 1638
offender pursuant to division (B) (2) (c) of section 2929.19 of 1639
the Revised Code of this requirement or to include in the 1640
judgment of conviction entered on the journal a statement that 1641
the offender's sentence includes this requirement does not 1642
negate, limit, or otherwise affect the mandatory period of 1643
supervision that is required for the offender under this 1644
division. Section 2929.191 of the Revised Code applies if, prior 1645
to July 11, 2006, a court imposed a sentence including a prison 1646
term of a type described in this division and failed to notify 1647
the offender pursuant to division (B) (2) (c) of section 2929.19 1648
of the Revised Code regarding post-release control or to include 1649
in the judgment of conviction entered on the journal or in the 1650
sentence pursuant to division (D) (1) of section 2929.14 of the 1651
Revised Code a statement regarding post-release control. Unless 1652
reduced by the parole board pursuant to division (D) of this 1653
section when authorized under that division, a period of post- 1654
release control required by this division for an offender shall 1655
be of one of the following periods: 1656

(1) For a felony of the first degree or for a felony sex 1657
offense, five years; 1658

(2) For a felony of the second degree that is not a felony 1659
sex offense, three years; 1660

(3) For a felony of the third degree that is an offense of 1661
violence and is not a felony sex offense, three years. 1662

(C) Any sentence to a prison term for a felony of the 1663
third, fourth, or fifth degree that is not subject to division 1664
(B) (1) or (3) of this section shall include a requirement that 1665

the offender be subject to a period of post-release control of 1666
up to three years after the offender's release from 1667
imprisonment, if the parole board, in accordance with division 1668
(D) of this section, determines that a period of post-release 1669
control is necessary for that offender. This division applies 1670
with respect to all prison terms of a type described in this 1671
division, including a term of any such type that is a risk 1672
reduction sentence. Section 2929.191 of the Revised Code applies 1673
if, prior to July 11, 2006, a court imposed a sentence including 1674
a prison term of a type described in this division and failed to 1675
notify the offender pursuant to division (B) (2) (d) of section 1676
2929.19 of the Revised Code regarding post-release control or to 1677
include in the judgment of conviction entered on the journal or 1678
in the sentence pursuant to division (D) (2) of section 2929.14 1679
of the Revised Code a statement regarding post-release control. 1680
Pursuant to an agreement entered into under section 2967.29 of 1681
the Revised Code, a court of common pleas or parole board may 1682
impose sanctions or conditions on an offender who is placed on 1683
post-release control under this division. 1684

(D) (1) Before the prisoner is released from imprisonment, 1685
the parole board or, pursuant to an agreement under section 1686
2967.29 of the Revised Code, the court shall impose upon a 1687
prisoner described in division (B) of this section, shall impose 1688
upon a prisoner described in division (C) of this section who is 1689
to be released before the expiration of the prisoner's stated 1690
prison term under a risk reduction sentence, may impose upon a 1691
prisoner described in division (C) of this section who is not to 1692
be released before the expiration of the prisoner's stated 1693
prison term under a risk reduction sentence, and shall impose 1694
upon a prisoner described in division (B) (2) (b) of section 1695
5120.031 or in division (B) (1) of section 5120.032 of the 1696

Revised Code, one or more post-release control sanctions to 1697
apply during the prisoner's period of post-release control. 1698
Whenever the board or court imposes one or more post-release 1699
control sanctions upon a prisoner, the board or court, in 1700
addition to imposing the sanctions, also shall include as a 1701
condition of the post-release control that the offender not 1702
leave the state without permission of the court or the 1703
offender's parole or probation officer and that the offender 1704
abide by the law. The board or court may impose any other 1705
conditions of release under a post-release control sanction that 1706
the board or court considers appropriate, and the conditions of 1707
release may include any community residential sanction, 1708
community nonresidential sanction, or financial sanction that 1709
the sentencing court was authorized to impose pursuant to 1710
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1711
Prior to the release of a prisoner for whom it will impose one 1712
or more post-release control sanctions under this division, the 1713
parole board or court shall review the prisoner's criminal 1714
history, results from the single validated risk assessment tool 1715
selected by the department of rehabilitation and correction 1716
under section 5120.114 of the Revised Code, all juvenile court 1717
adjudications finding the prisoner, while a juvenile, to be a 1718
delinquent child, and the record of the prisoner's conduct while 1719
imprisoned. The parole board or court shall consider any 1720
recommendation regarding post-release control sanctions for the 1721
prisoner made by the office of victims' services. After 1722
considering those materials, the board or court shall determine, 1723
for a prisoner described in division (B) of this section, 1724
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1725
section 5120.032 of the Revised Code and for a prisoner 1726
described in division (C) of this section who is to be released 1727
before the expiration of the prisoner's stated prison term under 1728

a risk reduction sentence, which post-release control sanction 1729
or combination of post-release control sanctions is reasonable 1730
under the circumstances or, for a prisoner described in division 1731
(C) of this section who is not to be released before the 1732
expiration of the prisoner's stated prison term under a risk 1733
reduction sentence, whether a post-release control sanction is 1734
necessary and, if so, which post-release control sanction or 1735
combination of post-release control sanctions is reasonable 1736
under the circumstances. In the case of a prisoner convicted of 1737
a felony of the fourth or fifth degree other than a felony sex 1738
offense, the board or court shall presume that monitored time is 1739
the appropriate post-release control sanction unless the board 1740
or court determines that a more restrictive sanction is 1741
warranted. A post-release control sanction imposed under this 1742
division takes effect upon the prisoner's release from 1743
imprisonment. 1744

Regardless of whether the prisoner was sentenced to the 1745
prison term prior to, on, or after July 11, 2006, prior to the 1746
release of a prisoner for whom it will impose one or more post- 1747
release control sanctions under this division, the parole board 1748
shall notify the prisoner that, if the prisoner violates any 1749
sanction so imposed or any condition of post-release control 1750
described in division (B) of section 2967.131 of the Revised 1751
Code that is imposed on the prisoner, the parole board may 1752
impose a prison term of up to one-half of the stated prison term 1753
originally imposed upon the prisoner. 1754

At least thirty days before the prisoner is released from 1755
imprisonment, except as otherwise provided in this paragraph, 1756
the department of rehabilitation and correction shall notify the 1757
victim and the victim's immediate family of the date on which 1758
the prisoner will be released, the period for which the prisoner 1759

will be under post-release control supervision, and the terms 1760
and conditions of the prisoner's post-release control regardless 1761
of whether the victim or victim's immediate family has requested 1762
the notification. The notice described in this paragraph shall 1763
not be given to a victim or victim's immediate family if the 1764
victim or the victim's immediate family has requested pursuant 1765
to division (B) (2) of section 2930.03 of the Revised Code that 1766
the notice not be provided to the victim or the victim's 1767
immediate family. At least thirty days before the prisoner is 1768
released from imprisonment and regardless of whether the victim 1769
or victim's immediate family has requested that the notice 1770
described in this paragraph be provided or not be provided to 1771
the victim or the victim's immediate family, the department also 1772
shall provide notice of that nature to the prosecuting attorney 1773
in the case and the law enforcement agency that arrested the 1774
prisoner if any officer of that agency was a victim of the 1775
offense. 1776

If the notice given under the preceding paragraph to the 1777
victim or the victim's immediate family is based on an offense 1778
committed prior to March 22, 2013, and if the department of 1779
rehabilitation and correction has not previously successfully 1780
provided any notice to the victim or the victim's immediate 1781
family under division (B), (C), or (D) of section 2930.16 of the 1782
Revised Code with respect to that offense and the offender who 1783
committed it, the notice also shall inform the victim or the 1784
victim's immediate family that the victim or the victim's 1785
immediate family may request that the victim or the victim's 1786
immediate family not be provided any further notices with 1787
respect to that offense and the offender who committed it and 1788
shall describe the procedure for making that request. The 1789
department may give the notices to which the preceding paragraph 1790

applies by any reasonable means, including regular mail, 1791
telephone, and electronic mail. If the department attempts to 1792
provide notice to any specified person under the preceding 1793
paragraph but the attempt is unsuccessful because the department 1794
is unable to locate the specified person, is unable to provide 1795
the notice by its chosen method because it cannot determine the 1796
mailing address, electronic mail address, or telephone number at 1797
which to provide the notice, or, if the notice is sent by mail, 1798
the notice is returned, the department shall make another 1799
attempt to provide the notice to the specified person. If the 1800
second attempt is unsuccessful, the department shall make at 1801
least one more attempt to provide the notice. If the notice is 1802
based on an offense committed prior to March 22, 2013, in each 1803
attempt to provide the notice to the victim or victim's 1804
immediate family, the notice shall include the opt-out 1805
information described in this paragraph. The department, in the 1806
manner described in division (D)(2) of section 2930.16 of the 1807
Revised Code, shall keep a record of all attempts to provide the 1808
notice, and of all notices provided, under this paragraph and 1809
the preceding paragraph. The record shall be considered as if it 1810
was kept under division (D)(2) of section 2930.16 of the Revised 1811
Code. This paragraph, the preceding paragraph, and the notice- 1812
related provisions of divisions (E)(2) and (K) of section 1813
2929.20, division (D)(1) of section 2930.16, division (H) of 1814
section 2967.12, division (E)(1)(b) of section 2967.19, division 1815
(A)(3)(b) of section 2967.26, and division (A)(2) of section 1816
5149.101 of the Revised Code enacted in the act in which this 1817
paragraph and the preceding paragraph were enacted, shall be 1818
known as "Roberta's Law." 1819

(2) If a prisoner who is placed on post-release control 1820
under this section is released before the expiration of the 1821

prisoner's stated prison term by reason of credit earned under 1822
section 2967.193 of the Revised Code and if the prisoner earned 1823
sixty or more days of credit, the adult parole authority shall 1824
supervise the offender with an active global positioning system 1825
device for the first fourteen days after the offender's release 1826
from imprisonment. This division does not prohibit or limit the 1827
imposition of any post-release control sanction otherwise 1828
authorized by this section. 1829

(3) At any time after a prisoner is released from 1830
imprisonment and during the period of post-release control 1831
applicable to the releasee, the adult parole authority or, 1832
pursuant to an agreement under section 2967.29 of the Revised 1833
Code, the court may review the releasee's behavior under the 1834
post-release control sanctions imposed upon the releasee under 1835
this section. The authority or court may determine, based upon 1836
the review and in accordance with the standards established 1837
under division (E) of this section, that a more restrictive or a 1838
less restrictive sanction is appropriate and may impose a 1839
different sanction. The authority also may recommend that the 1840
parole board or court increase or reduce the duration of the 1841
period of post-release control imposed by the court. If the 1842
authority recommends that the board or court increase the 1843
duration of post-release control, the board or court shall 1844
review the releasee's behavior and may increase the duration of 1845
the period of post-release control imposed by the court up to 1846
eight years. If the authority recommends that the board or court 1847
reduce the duration of control for an offense described in 1848
division (B) or (C) of this section, the board or court shall 1849
review the releasee's behavior and may reduce the duration of 1850
the period of control imposed by the court. In no case shall the 1851
board or court reduce the duration of the period of control 1852

imposed for an offense described in division (B) (1) of this 1853
section to a period less than the length of the stated prison 1854
term originally imposed, and in no case shall the board or court 1855
permit the releasee to leave the state without permission of the 1856
court or the releasee's parole or probation officer. 1857

(E) The department of rehabilitation and correction, in 1858
accordance with Chapter 119. of the Revised Code, shall adopt 1859
rules that do all of the following: 1860

(1) Establish standards for the imposition by the parole 1861
board of post-release control sanctions under this section that 1862
are consistent with the overriding purposes and sentencing 1863
principles set forth in section 2929.11 of the Revised Code and 1864
that are appropriate to the needs of releasees; 1865

(2) Establish standards that provide for a period of post- 1866
release control of up to three years for all prisoners described 1867
in division (C) of this section who are to be released before 1868
the expiration of their stated prison term under a risk 1869
reduction sentence and standards by which the parole board can 1870
determine which prisoners described in division (C) of this 1871
section who are not to be released before the expiration of 1872
their stated prison term under a risk reduction sentence should 1873
be placed under a period of post-release control; 1874

(3) Establish standards to be used by the parole board in 1875
reducing the duration of the period of post-release control 1876
imposed by the court when authorized under division (D) of this 1877
section, in imposing a more restrictive post-release control 1878
sanction than monitored time upon a prisoner convicted of a 1879
felony of the fourth or fifth degree other than a felony sex 1880
offense, or in imposing a less restrictive control sanction upon 1881
a releasee based on the releasee's activities including, but not 1882

limited to, remaining free from criminal activity and from the 1883
abuse of alcohol or other drugs, successfully participating in 1884
approved rehabilitation programs, maintaining employment, and 1885
paying restitution to the victim or meeting the terms of other 1886
financial sanctions; 1887

(4) Establish standards to be used by the adult parole 1888
authority in modifying a releasee's post-release control 1889
sanctions pursuant to division (D)(2) of this section; 1890

(5) Establish standards to be used by the adult parole 1891
authority or parole board in imposing further sanctions under 1892
division (F) of this section on releasees who violate post- 1893
release control sanctions, including standards that do the 1894
following: 1895

(a) Classify violations according to the degree of 1896
seriousness; 1897

(b) Define the circumstances under which formal action by 1898
the parole board is warranted; 1899

(c) Govern the use of evidence at violation hearings; 1900

(d) Ensure procedural due process to an alleged violator; 1901

(e) Prescribe nonresidential community control sanctions 1902
for most misdemeanor and technical violations; 1903

(f) Provide procedures for the return of a releasee to 1904
imprisonment for violations of post-release control. 1905

(F)(1) Whenever the parole board imposes one or more post- 1906
release control sanctions upon an offender under this section, 1907
the offender upon release from imprisonment shall be under the 1908
general jurisdiction of the adult parole authority and generally 1909
shall be supervised by the field services section through its 1910

staff of parole and field officers as described in section 1911
5149.04 of the Revised Code, as if the offender had been placed 1912
on parole. If the offender upon release from imprisonment 1913
violates the post-release control sanction or any conditions 1914
described in division (A) of section 2967.131 of the Revised 1915
Code that are imposed on the offender, the public or private 1916
person or entity that operates or administers the sanction or 1917
the program or activity that comprises the sanction shall report 1918
the violation directly to the adult parole authority or to the 1919
officer of the authority who supervises the offender. The 1920
authority's officers may treat the offender as if the offender 1921
were on parole and in violation of the parole, and otherwise 1922
shall comply with this section. 1923

(2) If the adult parole authority or, pursuant to an 1924
agreement under section 2967.29 of the Revised Code, the court 1925
determines that a releasee has violated a post-release control 1926
sanction or any conditions described in division (A) of section 1927
2967.131 of the Revised Code imposed upon the releasee and that 1928
a more restrictive sanction is appropriate, the authority or 1929
court may impose a more restrictive sanction upon the releasee, 1930
in accordance with the standards established under division (E) 1931
of this section or in accordance with the agreement made under 1932
section 2967.29 of the Revised Code, or may report the violation 1933
to the parole board for a hearing pursuant to division (F)(3) of 1934
this section. The authority or court may not, pursuant to this 1935
division, increase the duration of the releasee's post-release 1936
control or impose as a post-release control sanction a 1937
residential sanction that includes a prison term, but the 1938
authority or court may impose on the releasee any other 1939
residential sanction, nonresidential sanction, or financial 1940
sanction that the sentencing court was authorized to impose 1941

pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1942
Revised Code. 1943

(3) The parole board or, pursuant to an agreement under 1944
section 2967.29 of the Revised Code, the court may hold a 1945
hearing on any alleged violation by a releasee of a post-release 1946
control sanction or any conditions described in division (A) of 1947
section 2967.131 of the Revised Code that are imposed upon the 1948
releasee. If after the hearing the board or court finds that the 1949
releasee violated the sanction or condition, the board or court 1950
may increase the duration of the releasee's post-release control 1951
up to the maximum duration authorized by division (B) or (C) of 1952
this section or impose a more restrictive post-release control 1953
sanction. If a releasee was acting pursuant to division (B) (2) 1954
(b) of section 2925.11 of the Revised Code and in so doing 1955
violated the conditions of a post-release control sanction based 1956
on a minor drug possession offense as defined in that section, 1957
the board or the court may consider the releasee's conduct in 1958
seeking or obtaining medical assistance for another in good 1959
faith or for self or may consider the releasee being the subject 1960
of another person seeking or obtaining medical assistance in 1961
accordance with that division as a mitigating factor before 1962
imposing any of the penalties described in this division. When 1963
appropriate, the board or court may impose as a post-release 1964
control sanction a residential sanction that includes a prison 1965
term. The board or court shall consider a prison term as a post- 1966
release control sanction imposed for a violation of post-release 1967
control when the violation involves a deadly weapon or dangerous 1968
ordnance, physical harm or attempted serious physical harm to a 1969
person, or sexual misconduct, ~~or when the releasee committed~~ 1970
~~repeated violations of post release control sanctions.~~ Unless a 1971
releasee's stated prison term was reduced pursuant to section 1972

5120.032 of the Revised Code, the period of a prison term that 1973
is imposed as a post-release control sanction under this 1974
division shall not exceed ~~nine months~~ ninety days, and the 1975
maximum cumulative prison term for all violations under this 1976
division shall not exceed one-half of the stated prison term 1977
originally imposed upon the offender as part of this sentence. 1978
If a releasee's stated prison term was reduced pursuant to 1979
section 5120.032 of the Revised Code, the period of a prison 1980
term that is imposed as a post-release control sanction under 1981
this division and the maximum cumulative prison term for all 1982
violations under this division shall not exceed the period of 1983
time not served in prison under the sentence imposed by the 1984
court. The period of a prison term that is imposed as a post- 1985
release control sanction under this division shall not count as, 1986
or be credited toward, the remaining period of post-release 1987
control. 1988

If an offender is imprisoned for a felony committed while 1989
under post-release control supervision and is again released on 1990
post-release control for a period of time determined by division 1991
(F) (4) (d) of this section, the maximum cumulative prison term 1992
for all violations under this division shall not exceed one-half 1993
of the total stated prison terms of the earlier felony, reduced 1994
by any prison term administratively imposed by the parole board 1995
or court, plus one-half of the total stated prison term of the 1996
new felony. 1997

(4) Any period of post-release control shall commence upon 1998
an offender's actual release from prison. If an offender is 1999
serving an indefinite prison term or a life sentence in addition 2000
to a stated prison term, the offender shall serve the period of 2001
post-release control in the following manner: 2002

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(b) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under an indefinite sentence, and if the period of parole ends prior to the period of post-release control, the offender shall be supervised on post-release control. The requirements of parole supervision shall be satisfied during the post-release control period.

(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Section 2. That existing sections 2929.11, 2929.13,

2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2033
2967.28 of the Revised Code are hereby repealed. 2034

Section 3. Section 2929.19 of the Revised Code is 2035
presented in this act as a composite of the section as amended 2036
by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th 2037
General Assembly. The General Assembly, applying the principle 2038
stated in division (B) of section 1.52 of the Revised Code that 2039
amendments are to be harmonized if reasonably capable of 2040
simultaneous operation, finds that the composite is the 2041
resulting version of the section in effect prior to the 2042
effective date of the section as presented in this act. 2043