

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 66

Senators Eklund, Tavares

Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson Representatives Manning, Celebrezze, Rogers

A BILL

To amend sections 2929.11, 2929.13, 2929.15, 1
2929.16, 2929.19, 2935.36, 2951.041, 2953.31, 2
2953.32, 2967.16, 2967.191, 2967.28, 5120.114, 3
5120.115, 5503.02, and 5747.99 of the Revised 4
Code to modify criminal sentencing and 5
corrections law by including the promotion of 6
effective rehabilitation as a purpose of felony 7
sentencing, removing the one-year minimum for 8
presumptive fourth or fifth degree felony 9
community control sanctions, modifying sanctions 10
for a violation of a community control 11
condition, modifying the manner of calculating 12
confinement credits, modifying eligibility 13
criteria and procedures for granting pre-trial 14
diversion and intervention in lieu of 15
conviction, making offenders convicted of 16
certain multiple fourth or fifth degree felonies 17
eligible for conviction record sealing, revising 18
procedures for the Adult Parole Authority to 19
grant a final release or terminate post-release 20
control, and modifying the criteria for 21
considering a prison term sanction for a post- 22

release control violation; to extend the State 23
Highway Patrol's authority to enforce criminal 24
laws to also apply to the Northeast Ohio 25
Correctional Center; to modify the penalty for 26
an employer's failure to remit state income 27
taxes withheld from an employee; and to 28
authorize the conveyance of state-owned real 29
estate. 30

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

Section 1. That sections 2929.11, 2929.13, 2929.15, 31
2929.16, 2929.19, 2935.36, 2951.041, 2953.31, 2953.32, 2967.16, 32
2967.191, 2967.28, 5120.114, 5120.115, 5503.02, and 5747.99 of 33
the Revised Code be amended to read as follows: 34

Sec. 2929.11. (A) A court that sentences an offender for a 35
felony shall be guided by the overriding purposes of felony 36
sentencing. The overriding purposes of felony sentencing are to 37
protect the public from future crime by the offender and others 38
~~and~~, to punish the offender, and to promote the effective 39
rehabilitation of the offender using the minimum sanctions that 40
the court determines accomplish those purposes without imposing 41
an unnecessary burden on state or local government resources. To 42
achieve those purposes, the sentencing court shall consider the 43
need for incapacitating the offender, deterring the offender and 44
others from future crime, rehabilitating the offender, and 45
making restitution to the victim of the offense, the public, or 46
both. 47

(B) A sentence imposed for a felony shall be reasonably 48

calculated to achieve the ~~two~~three overriding purposes of 49
felony sentencing set forth in division (A) of this section, 50
commensurate with and not demeaning to the seriousness of the 51
offender's conduct and its impact upon the victim, and 52
consistent with sentences imposed for similar crimes committed 53
by similar offenders. 54

(C) A court that imposes a sentence upon an offender for a 55
felony shall not base the sentence upon the race, ethnic 56
background, gender, or religion of the offender. 57

Sec. 2929.13. (A) Except as provided in division (E), (F), 58
or (G) of this section and unless a specific sanction is 59
required to be imposed or is precluded from being imposed 60
pursuant to law, a court that imposes a sentence upon an 61
offender for a felony may impose any sanction or combination of 62
sanctions on the offender that are provided in sections 2929.14 63
to 2929.18 of the Revised Code. 64

If the offender is eligible to be sentenced to community 65
control sanctions, the court shall consider the appropriateness 66
of imposing a financial sanction pursuant to section 2929.18 of 67
the Revised Code or a sanction of community service pursuant to 68
section 2929.17 of the Revised Code as the sole sanction for the 69
offense. Except as otherwise provided in this division, if the 70
court is required to impose a mandatory prison term for the 71
offense for which sentence is being imposed, the court also 72
shall impose any financial sanction pursuant to section 2929.18 73
of the Revised Code that is required for the offense and may 74
impose any other financial sanction pursuant to that section but 75
may not impose any additional sanction or combination of 76
sanctions under section 2929.16 or 2929.17 of the Revised Code. 77

If the offender is being sentenced for a fourth degree 78

felony OVI offense or for a third degree felony OVI offense, in 79
addition to the mandatory term of local incarceration or the 80
mandatory prison term required for the offense by division (G) 81
(1) or (2) of this section, the court shall impose upon the 82
offender a mandatory fine in accordance with division (B) (3) of 83
section 2929.18 of the Revised Code and may impose whichever of 84
the following is applicable: 85

(1) For a fourth degree felony OVI offense for which 86
sentence is imposed under division (G) (1) of this section, an 87
additional community control sanction or combination of 88
community control sanctions under section 2929.16 or 2929.17 of 89
the Revised Code. If the court imposes upon the offender a 90
community control sanction and the offender violates any 91
condition of the community control sanction, the court may take 92
any action prescribed in division (B) of section 2929.15 of the 93
Revised Code relative to the offender, including imposing a 94
prison term on the offender pursuant to that division. 95

(2) For a third or fourth degree felony OVI offense for 96
which sentence is imposed under division (G) (2) of this section, 97
an additional prison term as described in division (B) (4) of 98
section 2929.14 of the Revised Code or a community control 99
sanction as described in division (G) (2) of this section. 100

(B) (1) (a) Except as provided in division (B) (1) (b) of this 101
section, if an offender is convicted of or pleads guilty to a 102
felony of the fourth or fifth degree that is not an offense of 103
violence or that is a qualifying assault offense, the court 104
shall sentence the offender to a community control sanction ~~of~~ 105
at least one year's duration or combination of community control 106
sanctions if all of the following apply: 107

(i) The offender previously has not been convicted of or 108

pleaded guilty to a felony offense.	109
(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	110 111
(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.	112 113 114 115 116 117 118
(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.	119 120 121 122
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	123 124 125 126 127
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	128 129 130
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	131 132 133 134 135
(iii) The offender violated a term of the conditions of bond as set by the court.	136 137

(iv) The court made a request of the department of 138
rehabilitation and correction pursuant to division (B)(1)(c) of 139
this section, and the department, within the forty-five-day 140
period specified in that division, did not provide the court 141
with the name of, contact information for, and program details 142
of any community control sanction ~~of at least one year's~~ 143
~~duration~~ that is available for persons sentenced by the court. 144

(v) The offense is a sex offense that is a fourth or fifth 145
degree felony violation of any provision of Chapter 2907. of the 146
Revised Code. 147

(vi) In committing the offense, the offender attempted to 148
cause or made an actual threat of physical harm to a person with 149
a deadly weapon. 150

(vii) In committing the offense, the offender attempted to 151
cause or made an actual threat of physical harm to a person, and 152
the offender previously was convicted of an offense that caused 153
physical harm to a person. 154

(viii) The offender held a public office or position of 155
trust, and the offense related to that office or position; the 156
offender's position obliged the offender to prevent the offense 157
or to bring those committing it to justice; or the offender's 158
professional reputation or position facilitated the offense or 159
was likely to influence the future conduct of others. 160

(ix) The offender committed the offense for hire or as 161
part of an organized criminal activity. 162

(x) The offender at the time of the offense was serving, 163
or the offender previously had served, a prison term. 164

(xi) The offender committed the offense while under a 165
community control sanction, while on probation, or while 166

released from custody on a bond or personal recognizance. 167

(c) If a court that is sentencing an offender who is 168
convicted of or pleads guilty to a felony of the fourth or fifth 169
degree that is not an offense of violence or that is a 170
qualifying assault offense believes that no community control 171
sanctions are available for its use that, if imposed on the 172
offender, will adequately fulfill the overriding principles and 173
purposes of sentencing, the court shall contact the department 174
of rehabilitation and correction and ask the department to 175
provide the court with the names of, contact information for, 176
and program details of one or more community control sanctions 177
~~of at least one year's duration~~ that are available for persons 178
sentenced by the court. Not later than forty-five days after 179
receipt of a request from a court under this division, the 180
department shall provide the court with the names of, contact 181
information for, and program details of one or more community 182
control sanctions ~~of at least one year's duration~~ that are 183
available for persons sentenced by the court, if any. Upon 184
making a request under this division that relates to a 185
particular offender, a court shall defer sentencing of that 186
offender until it receives from the department the names of, 187
contact information for, and program details of one or more 188
community control sanctions ~~of at least one year's duration~~ that 189
are available for persons sentenced by the court or for forty- 190
five days, whichever is the earlier. 191

If the department provides the court with the names of, 192
contact information for, and program details of one or more 193
community control sanctions ~~of at least one year's duration~~ that 194
are available for persons sentenced by the court within the 195
forty-five-day period specified in this division, the court 196
shall impose upon the offender a community control sanction 197

under division (B) (1) (a) of this section, except that the court 198
may impose a prison term under division (B) (1) (b) of this 199
section if a factor described in division (B) (1) (b) (i) or (ii) 200
of this section applies. If the department does not provide the 201
court with the names of, contact information for, and program 202
details of one or more community control sanctions ~~of at least~~ 203
~~one year's duration~~ that are available for persons sentenced by 204
the court within the forty-five-day period specified in this 205
division, the court may impose upon the offender a prison term 206
under division (B) (1) (b) (iv) of this section. 207

(d) A sentencing court may impose an additional penalty 208
under division (B) of section 2929.15 of the Revised Code upon 209
an offender sentenced to a community control sanction under 210
division (B) (1) (a) of this section if the offender violates the 211
conditions of the community control sanction, violates a law, or 212
leaves the state without the permission of the court or the 213
offender's probation officer. 214

(2) If division (B) (1) of this section does not apply, 215
except as provided in division (E), (F), or (G) of this section, 216
in determining whether to impose a prison term as a sanction for 217
a felony of the fourth or fifth degree, the sentencing court 218
shall comply with the purposes and principles of sentencing 219
under section 2929.11 of the Revised Code and with section 220
2929.12 of the Revised Code. 221

(C) Except as provided in division (D), (E), (F), or (G) 222
of this section, in determining whether to impose a prison term 223
as a sanction for a felony of the third degree or a felony drug 224
offense that is a violation of a provision of Chapter 2925. of 225
the Revised Code and that is specified as being subject to this 226
division for purposes of sentencing, the sentencing court shall 227

comply with the purposes and principles of sentencing under 228
section 2929.11 of the Revised Code and with section 2929.12 of 229
the Revised Code. 230

(D) (1) Except as provided in division (E) or (F) of this 231
section, for a felony of the first or second degree, for a 232
felony drug offense that is a violation of any provision of 233
Chapter 2925., 3719., or 4729. of the Revised Code for which a 234
presumption in favor of a prison term is specified as being 235
applicable, and for a violation of division (A) (4) or (B) of 236
section 2907.05 of the Revised Code for which a presumption in 237
favor of a prison term is specified as being applicable, it is 238
presumed that a prison term is necessary in order to comply with 239
the purposes and principles of sentencing under section 2929.11 240
of the Revised Code. Division (D) (2) of this section does not 241
apply to a presumption established under this division for a 242
violation of division (A) (4) of section 2907.05 of the Revised 243
Code. 244

(2) Notwithstanding the presumption established under 245
division (D) (1) of this section for the offenses listed in that 246
division other than a violation of division (A) (4) or (B) of 247
section 2907.05 of the Revised Code, the sentencing court may 248
impose a community control sanction or a combination of 249
community control sanctions instead of a prison term on an 250
offender for a felony of the first or second degree or for a 251
felony drug offense that is a violation of any provision of 252
Chapter 2925., 3719., or 4729. of the Revised Code for which a 253
presumption in favor of a prison term is specified as being 254
applicable if it makes both of the following findings: 255

(a) A community control sanction or a combination of 256
community control sanctions would adequately punish the offender 257

and protect the public from future crime, because the applicable 258
factors under section 2929.12 of the Revised Code indicating a 259
lesser likelihood of recidivism outweigh the applicable factors 260
under that section indicating a greater likelihood of 261
recidivism. 262

(b) A community control sanction or a combination of 263
community control sanctions would not demean the seriousness of 264
the offense, because one or more factors under section 2929.12 265
of the Revised Code that indicate that the offender's conduct 266
was less serious than conduct normally constituting the offense 267
are applicable, and they outweigh the applicable factors under 268
that section that indicate that the offender's conduct was more 269
serious than conduct normally constituting the offense. 270

(E) (1) Except as provided in division (F) of this section, 271
for any drug offense that is a violation of any provision of 272
Chapter 2925. of the Revised Code and that is a felony of the 273
third, fourth, or fifth degree, the applicability of a 274
presumption under division (D) of this section in favor of a 275
prison term or of division (B) or (C) of this section in 276
determining whether to impose a prison term for the offense 277
shall be determined as specified in section 2925.02, 2925.03, 278
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 279
2925.36, or 2925.37 of the Revised Code, whichever is applicable 280
regarding the violation. 281

(2) If an offender who was convicted of or pleaded guilty 282
to a felony violates the conditions of a community control 283
sanction imposed for the offense solely by reason of producing 284
positive results on a drug test or by acting pursuant to 285
division (B) (2) (b) of section 2925.11 of the Revised Code with 286
respect to a minor drug possession offense, the court, as 287

punishment for the violation of the sanction, shall not order 288
that the offender be imprisoned unless the court determines on 289
the record either of the following: 290

(a) The offender had been ordered as a sanction for the 291
felony to participate in a drug treatment program, in a drug 292
education program, or in narcotics anonymous or a similar 293
program, and the offender continued to use illegal drugs after a 294
reasonable period of participation in the program. 295

(b) The imprisonment of the offender for the violation is 296
consistent with the purposes and principles of sentencing set 297
forth in section 2929.11 of the Revised Code. 298

(3) A court that sentences an offender for a drug abuse 299
offense that is a felony of the third, fourth, or fifth degree 300
may require that the offender be assessed by a properly 301
credentialed professional within a specified period of time. The 302
court shall require the professional to file a written 303
assessment of the offender with the court. If the offender is 304
eligible for a community control sanction and after considering 305
the written assessment, the court may impose a community control 306
sanction that includes addiction services and recovery supports 307
included in a community-based continuum of care established 308
under section 340.032 of the Revised Code. If the court imposes 309
addiction services and recovery supports as a community control 310
sanction, the court shall direct the level and type of addiction 311
services and recovery supports after considering the assessment 312
and recommendation of community addiction services providers. 313

(F) Notwithstanding divisions (A) to (E) of this section, 314
the court shall impose a prison term or terms under sections 315
2929.02 to 2929.06, section 2929.14, section 2929.142, or 316
section 2971.03 of the Revised Code and except as specifically 317

provided in section 2929.20, divisions (C) to (I) of section 318
2967.19, or section 2967.191 of the Revised Code or when parole 319
is authorized for the offense under section 2967.13 of the 320
Revised Code shall not reduce the term or terms pursuant to 321
section 2929.20, section 2967.19, section 2967.193, or any other 322
provision of Chapter 2967. or Chapter 5120. of the Revised Code 323
for any of the following offenses: 324

(1) Aggravated murder when death is not imposed or murder; 325

(2) Any rape, regardless of whether force was involved and 326
regardless of the age of the victim, or an attempt to commit 327
rape if, had the offender completed the rape that was attempted, 328
the offender would have been guilty of a violation of division 329
(A) (1) (b) of section 2907.02 of the Revised Code and would be 330
sentenced under section 2971.03 of the Revised Code; 331

(3) Gross sexual imposition or sexual battery, if the 332
victim is less than thirteen years of age and if any of the 333
following applies: 334

(a) Regarding gross sexual imposition, the offender 335
previously was convicted of or pleaded guilty to rape, the 336
former offense of felonious sexual penetration, gross sexual 337
imposition, or sexual battery, and the victim of the previous 338
offense was less than thirteen years of age; 339

(b) Regarding gross sexual imposition, the offense was 340
committed on or after August 3, 2006, and evidence other than 341
the testimony of the victim was admitted in the case 342
corroborating the violation. 343

(c) Regarding sexual battery, either of the following 344
applies: 345

(i) The offense was committed prior to August 3, 2006, the 346

offender previously was convicted of or pleaded guilty to rape, 347
the former offense of felonious sexual penetration, or sexual 348
battery, and the victim of the previous offense was less than 349
thirteen years of age. 350

(ii) The offense was committed on or after August 3, 2006. 351

(4) A felony violation of section 2903.04, 2903.06, 352
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 353
or 2923.132 of the Revised Code if the section requires the 354
imposition of a prison term; 355

(5) A first, second, or third degree felony drug offense 356
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 357
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 358
or 4729.99 of the Revised Code, whichever is applicable 359
regarding the violation, requires the imposition of a mandatory 360
prison term; 361

(6) Any offense that is a first or second degree felony 362
and that is not set forth in division (F) (1), (2), (3), or (4) 363
of this section, if the offender previously was convicted of or 364
pleaded guilty to aggravated murder, murder, any first or second 365
degree felony, or an offense under an existing or former law of 366
this state, another state, or the United States that is or was 367
substantially equivalent to one of those offenses; 368

(7) Any offense that is a third degree felony and either 369
is a violation of section 2903.04 of the Revised Code or an 370
attempt to commit a felony of the second degree that is an 371
offense of violence and involved an attempt to cause serious 372
physical harm to a person or that resulted in serious physical 373
harm to a person if the offender previously was convicted of or 374
pleaded guilty to any of the following offenses: 375

(a) Aggravated murder, murder, involuntary manslaughter,	376
rape, felonious sexual penetration as it existed under section	377
2907.12 of the Revised Code prior to September 3, 1996, a felony	378
of the first or second degree that resulted in the death of a	379
person or in physical harm to a person, or complicity in or an	380
attempt to commit any of those offenses;	381
(b) An offense under an existing or former law of this	382
state, another state, or the United States that is or was	383
substantially equivalent to an offense listed in division (F) (7)	384
(a) of this section that resulted in the death of a person or in	385
physical harm to a person.	386
(8) Any offense, other than a violation of section 2923.12	387
of the Revised Code, that is a felony, if the offender had a	388
firearm on or about the offender's person or under the	389
offender's control while committing the felony, with respect to	390
a portion of the sentence imposed pursuant to division (B) (1) (a)	391
of section 2929.14 of the Revised Code for having the firearm;	392
(9) Any offense of violence that is a felony, if the	393
offender wore or carried body armor while committing the felony	394
offense of violence, with respect to the portion of the sentence	395
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	396
Revised Code for wearing or carrying the body armor;	397
(10) Corrupt activity in violation of section 2923.32 of	398
the Revised Code when the most serious offense in the pattern of	399
corrupt activity that is the basis of the offense is a felony of	400
the first degree;	401
(11) Any violent sex offense or designated homicide,	402
assault, or kidnapping offense if, in relation to that offense,	403
the offender is adjudicated a sexually violent predator;	404

(12) A violation of division (A) (1) or (2) of section 405
2921.36 of the Revised Code, or a violation of division (C) of 406
that section involving an item listed in division (A) (1) or (2) 407
of that section, if the offender is an officer or employee of 408
the department of rehabilitation and correction; 409

(13) A violation of division (A) (1) or (2) of section 410
2903.06 of the Revised Code if the victim of the offense is a 411
peace officer, as defined in section 2935.01 of the Revised 412
Code, or an investigator of the bureau of criminal 413
identification and investigation, as defined in section 2903.11 414
of the Revised Code, with respect to the portion of the sentence 415
imposed pursuant to division (B) (5) of section 2929.14 of the 416
Revised Code; 417

(14) A violation of division (A) (1) or (2) of section 418
2903.06 of the Revised Code if the offender has been convicted 419
of or pleaded guilty to three or more violations of division (A) 420
or (B) of section 4511.19 of the Revised Code or an equivalent 421
offense, as defined in section 2941.1415 of the Revised Code, or 422
three or more violations of any combination of those divisions 423
and offenses, with respect to the portion of the sentence 424
imposed pursuant to division (B) (6) of section 2929.14 of the 425
Revised Code; 426

(15) Kidnapping, in the circumstances specified in section 427
2971.03 of the Revised Code and when no other provision of 428
division (F) of this section applies; 429

(16) Kidnapping, abduction, compelling prostitution, 430
promoting prostitution, engaging in a pattern of corrupt 431
activity, illegal use of a minor in a nudity-oriented material 432
or performance in violation of division (A) (1) or (2) of section 433
2907.323 of the Revised Code, or endangering children in 434

violation of division (B) (1), (2), (3), (4), or (5) of section 435
2919.22 of the Revised Code, if the offender is convicted of or 436
pleads guilty to a specification as described in section 437
2941.1422 of the Revised Code that was included in the 438
indictment, count in the indictment, or information charging the 439
offense; 440

(17) A felony violation of division (A) or (B) of section 441
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 442
that section, and division (D) (6) of that section, require the 443
imposition of a prison term; 444

(18) A felony violation of section 2903.11, 2903.12, or 445
2903.13 of the Revised Code, if the victim of the offense was a 446
woman that the offender knew was pregnant at the time of the 447
violation, with respect to a portion of the sentence imposed 448
pursuant to division (B) (8) of section 2929.14 of the Revised 449
Code; 450

(19) (a) Any violent felony offense if the offender is a 451
violent career criminal and had a firearm on or about the 452
offender's person or under the offender's control during the 453
commission of the violent felony offense and displayed or 454
brandished the firearm, indicated that the offender possessed a 455
firearm, or used the firearm to facilitate the offense, with 456
respect to the portion of the sentence imposed under division 457
(K) of section 2929.14 of the Revised Code. 458

(b) As used in division (F) (19) (a) of this section, 459
"violent career criminal" and "violent felony offense" have the 460
same meanings as in section 2923.132 of the Revised Code; 461

(20) Any violation of division (A) (1) of section 2903.11 462
of the Revised Code if the offender used an accelerant in 463

committing the violation and the serious physical harm to 464
another or another's unborn caused by the violation resulted in 465
a permanent, serious disfigurement or permanent, substantial 466
incapacity or any violation of division (A) (2) of that section 467
if the offender used an accelerant in committing the violation, 468
the violation caused physical harm to another or another's 469
unborn, and the physical harm resulted in a permanent, serious 470
disfigurement or permanent, substantial incapacity, with respect 471
to a portion of the sentence imposed pursuant to division (B) (9) 472
of section 2929.14 of the Revised Code. The provisions of this 473
division and of division (D) (2) of section 2903.11, divisions 474
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 475
the Revised Code shall be known as "Judy's Law." 476

(G) Notwithstanding divisions (A) to (E) of this section, 477
if an offender is being sentenced for a fourth degree felony OVI 478
offense or for a third degree felony OVI offense, the court 479
shall impose upon the offender a mandatory term of local 480
incarceration or a mandatory prison term in accordance with the 481
following: 482

(1) If the offender is being sentenced for a fourth degree 483
felony OVI offense and if the offender has not been convicted of 484
and has not pleaded guilty to a specification of the type 485
described in section 2941.1413 of the Revised Code, the court 486
may impose upon the offender a mandatory term of local 487
incarceration of sixty days or one hundred twenty days as 488
specified in division (G) (1) (d) of section 4511.19 of the 489
Revised Code. The court shall not reduce the term pursuant to 490
section 2929.20, 2967.193, or any other provision of the Revised 491
Code. The court that imposes a mandatory term of local 492
incarceration under this division shall specify whether the term 493
is to be served in a jail, a community-based correctional 494

facility, a halfway house, or an alternative residential 495
facility, and the offender shall serve the term in the type of 496
facility specified by the court. A mandatory term of local 497
incarceration imposed under division (G)(1) of this section is 498
not subject to any other Revised Code provision that pertains to 499
a prison term except as provided in division (A)(1) of this 500
section. 501

(2) If the offender is being sentenced for a third degree 502
felony OVI offense, or if the offender is being sentenced for a 503
fourth degree felony OVI offense and the court does not impose a 504
mandatory term of local incarceration under division (G)(1) of 505
this section, the court shall impose upon the offender a 506
mandatory prison term of one, two, three, four, or five years if 507
the offender also is convicted of or also pleads guilty to a 508
specification of the type described in section 2941.1413 of the 509
Revised Code or shall impose upon the offender a mandatory 510
prison term of sixty days or one hundred twenty days as 511
specified in division (G)(1)(d) or (e) of section 4511.19 of the 512
Revised Code if the offender has not been convicted of and has 513
not pleaded guilty to a specification of that type. Subject to 514
divisions (C) to (I) of section 2967.19 of the Revised Code, the 515
court shall not reduce the term pursuant to section 2929.20, 516
2967.19, 2967.193, or any other provision of the Revised Code. 517
The offender shall serve the one-, two-, three-, four-, or five- 518
year mandatory prison term consecutively to and prior to the 519
prison term imposed for the underlying offense and consecutively 520
to any other mandatory prison term imposed in relation to the 521
offense. In no case shall an offender who once has been 522
sentenced to a mandatory term of local incarceration pursuant to 523
division (G)(1) of this section for a fourth degree felony OVI 524
offense be sentenced to another mandatory term of local 525

incarceration under that division for any violation of division 526
(A) of section 4511.19 of the Revised Code. In addition to the 527
mandatory prison term described in division (G) (2) of this 528
section, the court may sentence the offender to a community 529
control sanction under section 2929.16 or 2929.17 of the Revised 530
Code, but the offender shall serve the prison term prior to 531
serving the community control sanction. The department of 532
rehabilitation and correction may place an offender sentenced to 533
a mandatory prison term under this division in an intensive 534
program prison established pursuant to section 5120.033 of the 535
Revised Code if the department gave the sentencing judge prior 536
notice of its intent to place the offender in an intensive 537
program prison established under that section and if the judge 538
did not notify the department that the judge disapproved the 539
placement. Upon the establishment of the initial intensive 540
program prison pursuant to section 5120.033 of the Revised Code 541
that is privately operated and managed by a contractor pursuant 542
to a contract entered into under section 9.06 of the Revised 543
Code, both of the following apply: 544

(a) The department of rehabilitation and correction shall 545
make a reasonable effort to ensure that a sufficient number of 546
offenders sentenced to a mandatory prison term under this 547
division are placed in the privately operated and managed prison 548
so that the privately operated and managed prison has full 549
occupancy. 550

(b) Unless the privately operated and managed prison has 551
full occupancy, the department of rehabilitation and correction 552
shall not place any offender sentenced to a mandatory prison 553
term under this division in any intensive program prison 554
established pursuant to section 5120.033 of the Revised Code 555
other than the privately operated and managed prison. 556

(H) If an offender is being sentenced for a sexually 557
oriented offense or child-victim oriented offense that is a 558
felony committed on or after January 1, 1997, the judge shall 559
require the offender to submit to a DNA specimen collection 560
procedure pursuant to section 2901.07 of the Revised Code. 561

(I) If an offender is being sentenced for a sexually 562
oriented offense or a child-victim oriented offense committed on 563
or after January 1, 1997, the judge shall include in the 564
sentence a summary of the offender's duties imposed under 565
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 566
Code and the duration of the duties. The judge shall inform the 567
offender, at the time of sentencing, of those duties and of 568
their duration. If required under division (A)(2) of section 569
2950.03 of the Revised Code, the judge shall perform the duties 570
specified in that section, or, if required under division (A)(6) 571
of section 2950.03 of the Revised Code, the judge shall perform 572
the duties specified in that division. 573

(J)(1) Except as provided in division (J)(2) of this 574
section, when considering sentencing factors under this section 575
in relation to an offender who is convicted of or pleads guilty 576
to an attempt to commit an offense in violation of section 577
2923.02 of the Revised Code, the sentencing court shall consider 578
the factors applicable to the felony category of the violation 579
of section 2923.02 of the Revised Code instead of the factors 580
applicable to the felony category of the offense attempted. 581

(2) When considering sentencing factors under this section 582
in relation to an offender who is convicted of or pleads guilty 583
to an attempt to commit a drug abuse offense for which the 584
penalty is determined by the amount or number of unit doses of 585
the controlled substance involved in the drug abuse offense, the 586

sentencing court shall consider the factors applicable to the 587
felony category that the drug abuse offense attempted would be 588
if that drug abuse offense had been committed and had involved 589
an amount or number of unit doses of the controlled substance 590
that is within the next lower range of controlled substance 591
amounts than was involved in the attempt. 592

(K) As used in this section: 593

(1) "Community addiction services provider" has the same 594
meaning as in section 5119.01 of the Revised Code. 595

(2) "Drug abuse offense" has the same meaning as in 596
section 2925.01 of the Revised Code. 597

(3) "Minor drug possession offense" has the same meaning 598
as in section 2925.11 of the Revised Code. 599

(4) "Qualifying assault offense" means a violation of 600
section 2903.13 of the Revised Code for which the penalty 601
provision in division (C) (8) (b) or (C) (9) (b) of that section 602
applies. 603

(L) At the time of sentencing an offender for any sexually 604
oriented offense, if the offender is a tier III sex 605
offender/child-victim offender relative to that offense and the 606
offender does not serve a prison term or jail term, the court 607
may require that the offender be monitored by means of a global 608
positioning device. If the court requires such monitoring, the 609
cost of monitoring shall be borne by the offender. If the 610
offender is indigent, the cost of compliance shall be paid by 611
the crime victims reparations fund. 612

Sec. 2929.15. (A) (1) If in sentencing an offender for a 613
felony the court is not required to impose a prison term, a 614
mandatory prison term, or a term of life imprisonment upon the 615

offender, the court may directly impose a sentence that consists 616
of one or more community control sanctions authorized pursuant 617
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 618
the court is sentencing an offender for a fourth degree felony 619
OVI offense under division (G) (1) of section 2929.13 of the 620
Revised Code, in addition to the mandatory term of local 621
incarceration imposed under that division and the mandatory fine 622
required by division (B) (3) of section 2929.18 of the Revised 623
Code, the court may impose upon the offender a community control 624
sanction or combination of community control sanctions in 625
accordance with sections 2929.16 and 2929.17 of the Revised 626
Code. If the court is sentencing an offender for a third or 627
fourth degree felony OVI offense under division (G) (2) of 628
section 2929.13 of the Revised Code, in addition to the 629
mandatory prison term or mandatory prison term and additional 630
prison term imposed under that division, the court also may 631
impose upon the offender a community control sanction or 632
combination of community control sanctions under section 2929.16 633
or 2929.17 of the Revised Code, but the offender shall serve all 634
of the prison terms so imposed prior to serving the community 635
control sanction. 636

The duration of all community control sanctions imposed 637
upon an offender under this division shall not exceed five 638
years. If the offender absconds or otherwise leaves the 639
jurisdiction of the court in which the offender resides without 640
obtaining permission from the court or the offender's probation 641
officer to leave the jurisdiction of the court, or if the 642
offender is confined in any institution for the commission of 643
any offense while under a community control sanction, the period 644
of the community control sanction ceases to run until the 645
offender is brought before the court for its further action. If 646

the court sentences the offender to one or more nonresidential 647
sanctions under section 2929.17 of the Revised Code, the court 648
shall impose as a condition of the nonresidential sanctions 649
that, during the period of the sanctions, the offender must 650
abide by the law and must not leave the state without the 651
permission of the court or the offender's probation officer. The 652
court may impose any other conditions of release under a 653
community control sanction that the court considers appropriate, 654
including, but not limited to, requiring that the offender not 655
ingest or be injected with a drug of abuse and submit to random 656
drug testing as provided in division (D) of this section to 657
determine whether the offender ingested or was injected with a 658
drug of abuse and requiring that the results of the drug test 659
indicate that the offender did not ingest or was not injected 660
with a drug of abuse. 661

(2) (a) If a court sentences an offender to any community 662
control sanction or combination of community control sanctions 663
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 664
the Revised Code, the court shall place the offender under the 665
general control and supervision of a department of probation in 666
the county that serves the court for purposes of reporting to 667
the court a violation of any condition of the sanctions, any 668
condition of release under a community control sanction imposed 669
by the court, a violation of law, or the departure of the 670
offender from this state without the permission of the court or 671
the offender's probation officer. Alternatively, if the offender 672
resides in another county and a county department of probation 673
has been established in that county or that county is served by 674
a multicounty probation department established under section 675
2301.27 of the Revised Code, the court may request the court of 676
common pleas of that county to receive the offender into the 677

general control and supervision of that county or multicounty 678
department of probation for purposes of reporting to the court a 679
violation of any condition of the sanctions, any condition of 680
release under a community control sanction imposed by the court, 681
a violation of law, or the departure of the offender from this 682
state without the permission of the court or the offender's 683
probation officer, subject to the jurisdiction of the trial 684
judge over and with respect to the person of the offender, and 685
to the rules governing that department of probation. 686

If there is no department of probation in the county that 687
serves the court, the court shall place the offender, regardless 688
of the offender's county of residence, under the general control 689
and supervision of the adult parole authority or an entity 690
authorized under division (B) of section 2301.27 of the Revised 691
Code to provide probation and supervisory services to counties 692
for purposes of reporting to the court a violation of any of the 693
sanctions, any condition of release under a community control 694
sanction imposed by the court, a violation of law, or the 695
departure of the offender from this state without the permission 696
of the court or the offender's probation officer. 697

(b) If the court imposing sentence upon an offender 698
sentences the offender to any community control sanction or 699
combination of community control sanctions authorized pursuant 700
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 701
if the offender violates any condition of the sanctions, any 702
condition of release under a community control sanction imposed 703
by the court, violates any law, or departs the state without the 704
permission of the court or the offender's probation officer, the 705
public or private person or entity that operates or administers 706
the sanction or the program or activity that comprises the 707
sanction shall report the violation or departure directly to the 708

sentencing court, or shall report the violation or departure to 709
the county or multicounty department of probation with general 710
control and supervision over the offender under division (A) (2) 711
(a) of this section or the officer of that department who 712
supervises the offender, or, if there is no such department with 713
general control and supervision over the offender under that 714
division, to the adult parole authority or an entity authorized 715
under division (B) of section 2301.27 of the Revised Code to 716
provide probation and supervisory services to the county. If the 717
public or private person or entity that operates or administers 718
the sanction or the program or activity that comprises the 719
sanction reports the violation or departure to the county or 720
multicounty department of probation ~~or,~~ the adult parole 721
authority, or any other entity providing probation and 722
supervisory services to the county, the department's ~~or,~~ 723
authority's, or other entity's officers may treat the offender 724
as if the offender were on probation and in violation of the 725
probation, and shall report the violation of the condition of 726
the sanction, any condition of release under a community control 727
sanction imposed by the court, the violation of law, or the 728
departure from the state without the required permission to the 729
sentencing court. 730

(3) If an offender who is eligible for community control 731
sanctions under this section admits to being drug addicted or 732
the court has reason to believe that the offender is drug 733
addicted, and if the offense for which the offender is being 734
sentenced was related to the addiction, the court may require 735
that the offender be assessed by a properly credentialed 736
professional within a specified period of time and shall require 737
the professional to file a written assessment of the offender 738
with the court. If a court imposes treatment and recovery 739

support services as a community control sanction, the court 740
shall direct the level and type of treatment and recovery 741
support services after consideration of the written assessment, 742
if available at the time of sentencing, and recommendations of 743
the professional and other treatment and recovery support 744
services providers. 745

(4) If an assessment completed pursuant to division (A) (3) 746
of this section indicates that the offender is addicted to drugs 747
or alcohol, the court may include in any community control 748
sanction imposed for a violation of section 2925.02, 2925.03, 749
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 750
2925.36, or 2925.37 of the Revised Code a requirement that the 751
offender participate in alcohol and drug addiction services and 752
recovery supports certified under section 5119.36 of the Revised 753
Code or offered by a properly credentialed community addiction 754
services provider. 755

(B) (1) If the conditions of a community control sanction 756
are violated or if the offender violates a law or leaves the 757
state without the permission of the court or the offender's 758
probation officer, the sentencing court may impose upon the 759
violator one or more of the following penalties: 760

(a) A longer time under the same sanction if the total 761
time under the sanctions does not exceed the five-year limit 762
specified in division (A) of this section; 763

(b) A more restrictive sanction under section 2929.16, 764
2929.17, or 2929.18 of the Revised Code, including but not 765
limited to, a new term in a community-based correctional 766
facility, halfway house, or jail pursuant to division (A) (6) of 767
section 2929.16 of the Revised Code; 768

(c) A prison term on the offender pursuant to section 769
2929.14 of the Revised Code and division (B) (3) of this section, 770
provided that a prison term imposed under this division is 771
subject to the following limitations, as applicable: 772

(i) If the prison term is imposed for any technical 773
violation of the conditions of a community control sanction 774
imposed for a felony of the fifth degree or for any violation of 775
law committed while under a community control sanction imposed 776
for such a felony that consists of a new criminal offense and 777
that is not a felony, the prison term shall not exceed ninety 778
days. 779

(ii) If the prison term is imposed for any technical 780
violation of the conditions of a community control sanction 781
imposed for a felony of the fourth degree that is not an offense 782
of violence and is not a sexually oriented offense or for any 783
violation of law committed while under a community control 784
sanction imposed for such a felony that consists of a new 785
criminal offense and that is not a felony, the prison term shall 786
not exceed one hundred eighty days. 787

(2) If an offender was acting pursuant to division (B) (2) 788
(b) of section 2925.11 of the Revised Code and in so doing 789
violated the conditions of a community control sanction based on 790
a minor drug possession offense, as defined in section 2925.11 791
of the Revised Code, the sentencing court may consider the 792
offender's conduct in seeking or obtaining medical assistance 793
for another in good faith or for self or may consider the 794
offender being the subject of another person seeking or 795
obtaining medical assistance in accordance with that division as 796
a mitigating factor before imposing any of the penalties 797
described in division (B) (1) of this section. 798

(3) The prison term, if any, imposed upon a violator 799
pursuant to division (B) (1) of this section shall be within the 800
range of prison terms available for the offense for which the 801
sanction that was violated was imposed and shall not exceed the 802
prison term specified in the notice provided to the offender at 803
the sentencing hearing pursuant to division (B) (2) of section 804
2929.19 of the Revised Code. The court may reduce the longer 805
period of time that the offender is required to spend under the 806
longer sanction, the more restrictive sanction, or a prison term 807
imposed pursuant to division (B) (1) of this section by the time 808
the offender successfully spent under the sanction that was 809
initially imposed. 810

(C) If an offender, for a significant period of time, 811
fulfills the conditions of a sanction imposed pursuant to 812
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 813
exemplary manner, the court may reduce the period of time under 814
the sanction or impose a less restrictive sanction, but the 815
court shall not permit the offender to violate any law or permit 816
the offender to leave the state without the permission of the 817
court or the offender's probation officer. 818

(D) (1) If a court under division (A) (1) of this section 819
imposes a condition of release under a community control 820
sanction that requires the offender to submit to random drug 821
testing, the department of probation ~~or,~~ the adult parole 822
authority, or any other entity that has general control and 823
supervision of the offender under division (A) (2) (a) of this 824
section may cause the offender to submit to random drug testing 825
performed by a laboratory or entity that has entered into a 826
contract with any of the governmental entities or officers 827
authorized to enter into a contract with that laboratory or 828
entity under section 341.26, 753.33, or 5120.63 of the Revised 829

Code. 830

(2) If no laboratory or entity described in division (D) 831
(1) of this section has entered into a contract as specified in 832
that division, the department of probation ~~or,~~ the adult parole 833
authority, or any other entity that has general control and 834
supervision of the offender under division (A) (2) (a) of this 835
section shall cause the offender to submit to random drug 836
testing performed by a reputable public laboratory to determine 837
whether the individual who is the subject of the drug test 838
ingested or was injected with a drug of abuse. 839

(3) A laboratory or entity that has entered into a 840
contract pursuant to section 341.26, 753.33, or 5120.63 of the 841
Revised Code shall perform the random drug tests under division 842
(D) (1) of this section in accordance with the applicable 843
standards that are included in the terms of that contract. A 844
public laboratory shall perform the random drug tests under 845
division (D) (2) of this section in accordance with the standards 846
set forth in the policies and procedures established by the 847
department of rehabilitation and correction pursuant to section 848
5120.63 of the Revised Code. An offender who is required under 849
division (A) (1) of this section to submit to random drug testing 850
as a condition of release under a community control sanction and 851
whose test results indicate that the offender ingested or was 852
injected with a drug of abuse shall pay the fee for the drug 853
test if the department of probation ~~or,~~ the adult parole 854
authority, or any other entity that has general control and 855
supervision of the offender requires payment of a fee. A 856
laboratory or entity that performs the random drug testing on an 857
offender under division (D) (1) or (2) of this section shall 858
transmit the results of the drug test to the appropriate 859
department of probation ~~or,~~ the adult parole authority, or any 860

other entity that has general control and supervision of the 861
offender under division (A)(2)(a) of this section. 862

Sec. 2929.16. (A) Except as provided in this division, the 863
court imposing a sentence for a felony upon an offender who is 864
not required to serve a mandatory prison term may impose any 865
community residential sanction or combination of community 866
residential sanctions under this section. The court imposing a 867
sentence for a fourth degree felony OVI offense under division 868
(G)(1) or (2) of section 2929.13 of the Revised Code or for a 869
third degree felony OVI offense under division (G)(2) of that 870
section may impose upon the offender, in addition to the 871
mandatory term of local incarceration or mandatory prison term 872
imposed under the applicable division, a community residential 873
sanction or combination of community residential sanctions under 874
this section, and the offender shall serve or satisfy the 875
sanction or combination of sanctions after the offender has 876
served the mandatory term of local incarceration or mandatory 877
prison term required for the offense. Community residential 878
sanctions include, but are not limited to, the following: 879

(1) ~~A-Except as otherwise provided in division (A)(6) of~~ 880
this section, a term of up to six months at a community-based 881
correctional facility that serves the county; 882

(2) Except as otherwise provided in division (A)(3) or (6) 883
of this section and subject to division (D) of this section, a 884
term of up to six months in a jail; 885

(3) If the offender is convicted of a fourth degree felony 886
OVI offense and is sentenced under division (G)(1) of section 887
2929.13 of the Revised Code, subject to division (D) of this 888
section, a term of up to one year in a jail less the mandatory 889
term of local incarceration of sixty or one hundred twenty 890

consecutive days of imprisonment imposed pursuant to that 891
division; 892

(4) A term in a halfway house; 893

(5) A term in an alternative residential facility; 894

(6) If the offender is sentenced to a community control 895
sanction and violates the conditions of the sanction, a new term 896
of up to six months in a community-based correctional facility 897
that serves the county, in a halfway house, or in a jail, which 898
term shall be in addition to any other term imposed under this 899
division. 900

(B) The court that assigns any offender convicted of a 901
felony to a residential sanction under this section may 902
authorize the offender to be released so that the offender may 903
seek or maintain employment, receive education or training, or 904
receive treatment. A release pursuant to this division shall be 905
only for the duration of time that is needed to fulfill the 906
purpose of the release and for travel that reasonably is 907
necessary to fulfill the purposes of the release. 908

(C) If the court assigns an offender to a county jail that 909
is not a minimum security misdemeanor jail in a county that has 910
established a county jail industry program pursuant to section 911
5147.30 of the Revised Code, the court shall specify, as part of 912
the sentence, whether the sheriff of that county may consider 913
the offender for participation in the county jail industry 914
program. During the offender's term in the county jail, the 915
court shall retain jurisdiction to modify its specification upon 916
a reassessment of the offender's qualifications for 917
participation in the program. 918

(D) If a court sentences an offender to a term in jail 919

under division (A) (2) ~~or~~, (3), or (6) of this section and if the 920
sentence is imposed for a felony of the fourth or fifth degree 921
that is not an offense of violence, the court may specify that 922
it prefers that the offender serve the term in a minimum 923
security jail established under section 341.34 or 753.21 of the 924
Revised Code. If the court includes a specification of that type 925
in the sentence and if the administrator of the appropriate 926
minimum security jail or the designee of that administrator 927
classifies the offender in accordance with section 341.34 or 928
753.21 of the Revised Code as a minimal security risk, the 929
offender shall serve the term in the minimum security jail 930
established under section 341.34 or 753.21 of the Revised Code. 931
Absent a specification of that type and a finding of that type, 932
the offender shall serve the term in a jail other than a minimum 933
security jail established under section 341.34 or 753.21 of the 934
Revised Code. 935

(E) If a person who has been convicted of or pleaded 936
guilty to a felony is sentenced to a community residential 937
sanction as described in division (A) of this section, at the 938
time of reception and at other times the person in charge of the 939
operation of the community-based correctional facility, jail, 940
halfway house, alternative residential facility, or other place 941
at which the offender will serve the residential sanction 942
determines to be appropriate, the person in charge of the 943
operation of the community-based correctional facility, jail, 944
halfway house, alternative residential facility, or other place 945
may cause the convicted offender to be examined and tested for 946
tuberculosis, HIV infection, hepatitis, including but not 947
limited to hepatitis A, B, and C, and other contagious diseases. 948
The person in charge of the operation of the community-based 949
correctional facility, jail, halfway house, alternative 950

residential facility, or other place at which the offender will 951
serve the residential sanction may cause a convicted offender in 952
the community-based correctional facility, jail, halfway house, 953
alternative residential facility, or other place who refuses to 954
be tested or treated for tuberculosis, HIV infection, hepatitis, 955
including but not limited to hepatitis A, B, and C, or another 956
contagious disease to be tested and treated involuntarily. 957

Sec. 2929.19. (A) The court shall hold a sentencing 958
hearing before imposing a sentence under this chapter upon an 959
offender who was convicted of or pleaded guilty to a felony and 960
before resentencing an offender who was convicted of or pleaded 961
guilty to a felony and whose case was remanded pursuant to 962
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 963
the offender, the prosecuting attorney, the victim or the 964
victim's representative in accordance with section 2930.14 of 965
the Revised Code, and, with the approval of the court, any other 966
person may present information relevant to the imposition of 967
sentence in the case. The court shall inform the offender of the 968
verdict of the jury or finding of the court and ask the offender 969
whether the offender has anything to say as to why sentence 970
should not be imposed upon the offender. 971

(B) (1) At the sentencing hearing, the court, before 972
imposing sentence, shall consider the record, any information 973
presented at the hearing by any person pursuant to division (A) 974
of this section, and, if one was prepared, the presentence 975
investigation report made pursuant to section 2951.03 of the 976
Revised Code or Criminal Rule 32.2, and any victim impact 977
statement made pursuant to section 2947.051 of the Revised Code. 978

(2) Subject to division (B) (3) of this section, if the 979
sentencing court determines at the sentencing hearing that a 980

prison term is necessary or required, the court shall do all of 981
the following: 982

(a) Impose a stated prison term and, if the court imposes 983
a mandatory prison term, notify the offender that the prison 984
term is a mandatory prison term; 985

(b) In addition to any other information, include in the 986
sentencing entry the name and section reference to the offense 987
or offenses, the sentence or sentences imposed and whether the 988
sentence or sentences contain mandatory prison terms, if 989
sentences are imposed for multiple counts whether the sentences 990
are to be served concurrently or consecutively, and the name and 991
section reference of any specification or specifications for 992
which sentence is imposed and the sentence or sentences imposed 993
for the specification or specifications; 994

(c) Notify the offender that the offender will be 995
supervised under section 2967.28 of the Revised Code after the 996
offender leaves prison if the offender is being sentenced for a 997
felony of the first degree or second degree, for a felony sex 998
offense, or for a felony of the third degree that is not a 999
felony sex offense and in the commission of which the offender 1000
caused or threatened to cause physical harm to a person. This 1001
division applies with respect to all prison terms imposed for an 1002
offense of a type described in this division, including a term 1003
imposed for any such offense that is a risk reduction sentence, 1004
as defined in section 2967.28 of the Revised Code. If a court 1005
imposes a sentence including a prison term of a type described 1006
in division (B) (2) (c) of this section on or after July 11, 2006, 1007
the failure of a court to notify the offender pursuant to 1008
division (B) (2) (c) of this section that the offender will be 1009
supervised under section 2967.28 of the Revised Code after the 1010

offender leaves prison or to include in the judgment of 1011
conviction entered on the journal a statement to that effect 1012
does not negate, limit, or otherwise affect the mandatory period 1013
of supervision that is required for the offender under division 1014
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1015
the Revised Code applies if, prior to July 11, 2006, a court 1016
imposed a sentence including a prison term of a type described 1017
in division (B) (2) (c) of this section and failed to notify the 1018
offender pursuant to division (B) (2) (c) of this section 1019
regarding post-release control or to include in the judgment of 1020
conviction entered on the journal or in the sentence a statement 1021
regarding post-release control. 1022

(d) Notify the offender that the offender may be 1023
supervised under section 2967.28 of the Revised Code after the 1024
offender leaves prison if the offender is being sentenced for a 1025
felony of the third, fourth, or fifth degree that is not subject 1026
to division (B) (2) (c) of this section. This division applies 1027
with respect to all prison terms imposed for an offense of a 1028
type described in this division, including a term imposed for 1029
any such offense that is a risk reduction sentence, as defined 1030
in section 2967.28 of the Revised Code. Section 2929.191 of the 1031
Revised Code applies if, prior to July 11, 2006, a court imposed 1032
a sentence including a prison term of a type described in 1033
division (B) (2) (d) of this section and failed to notify the 1034
offender pursuant to division (B) (2) (d) of this section 1035
regarding post-release control or to include in the judgment of 1036
conviction entered on the journal or in the sentence a statement 1037
regarding post-release control. 1038

(e) Notify the offender that, if a period of supervision 1039
is imposed following the offender's release from prison, as 1040
described in division (B) (2) (c) or (d) of this section, and if 1041

the offender violates that supervision or a condition of post- 1042
release control imposed under division (B) of section 2967.131 1043
of the Revised Code, the parole board may impose a prison term, 1044
as part of the sentence, of up to one-half of the stated prison 1045
term originally imposed upon the offender. If a court imposes a 1046
sentence including a prison term on or after July 11, 2006, the 1047
failure of a court to notify the offender pursuant to division 1048
(B) (2) (e) of this section that the parole board may impose a 1049
prison term as described in division (B) (2) (e) of this section 1050
for a violation of that supervision or a condition of post- 1051
release control imposed under division (B) of section 2967.131 1052
of the Revised Code or to include in the judgment of conviction 1053
entered on the journal a statement to that effect does not 1054
negate, limit, or otherwise affect the authority of the parole 1055
board to so impose a prison term for a violation of that nature 1056
if, pursuant to division (D) (1) of section 2967.28 of the 1057
Revised Code, the parole board notifies the offender prior to 1058
the offender's release of the board's authority to so impose a 1059
prison term. Section 2929.191 of the Revised Code applies if, 1060
prior to July 11, 2006, a court imposed a sentence including a 1061
prison term and failed to notify the offender pursuant to 1062
division (B) (2) (e) of this section regarding the possibility of 1063
the parole board imposing a prison term for a violation of 1064
supervision or a condition of post-release control. 1065

~~(f) Require that the offender not ingest or be injected 1066
with a drug of abuse and submit to random drug testing as 1067
provided in section 341.26, 753.33, or 5120.63 of the Revised 1068
Code, whichever is applicable to the offender who is serving a 1069
prison term, and require that the results of the drug test 1070
administered under any of those sections indicate that the 1071
offender did not ingest or was not injected with a drug of 1072~~

~~abuse.~~ 1073

~~(g)~~(i) Determine, notify the offender of, and include in 1074
the sentencing entry the total number of days, including the 1075
sentencing date but excluding conveyance time, that the offender 1076
has been confined for any reason arising out of the offense for 1077
which the offender is being sentenced and by which the 1078
department of rehabilitation and correction must reduce the 1079
stated prison term under section 2967.191 of the Revised Code. 1080
The court's calculation shall not include the number of days, if 1081
any, that the offender ~~previously~~ served in the custody of the 1082
department of rehabilitation and correction arising out of ~~the~~ 1083
any prior offense for which the prisoner was convicted and 1084
sentenced. 1085

(ii) In making a determination under division (B) (2) ~~(g) (f)~~ 1086
(i) of this section, the court shall consider the arguments of 1087
the parties and conduct a hearing if one is requested. 1088

(iii) The sentencing court retains continuing jurisdiction 1089
to correct any error not previously raised at sentencing in 1090
making a determination under division (B) (2) ~~(g) (f)~~ (i) of this 1091
section. The offender may, at any time after sentencing, file a 1092
motion in the sentencing court to correct any error made in 1093
making a determination under division (B) (2) ~~(g) (f)~~ (i) of this 1094
section, and the court may in its discretion grant or deny that 1095
motion. If the court changes the number of days in its 1096
determination or redetermination, the court shall cause the 1097
entry granting that change to be delivered to the department of 1098
rehabilitation and correction without delay. Sections 2931.15 1099
and 2953.21 of the Revised Code do not apply to a motion made 1100
under this section. 1101

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 1102

(f) (i) of this section is not grounds for setting aside the 1103
offender's conviction or sentence and does not otherwise render 1104
the sentence void or voidable. 1105

(v) The department of rehabilitation and correction shall 1106
rely upon the latest journal entry of the court in determining 1107
the total days of local confinement for purposes of division (B) 1108
(2) (f) (i) to (iii) of this section and section 2967.191 of the 1109
Revised Code. 1110

(3) (a) The court shall include in the offender's sentence 1111
a statement that the offender is a tier III sex offender/child- 1112
victim offender, and the court shall comply with the 1113
requirements of section 2950.03 of the Revised Code if any of 1114
the following apply: 1115

(i) The offender is being sentenced for a violent sex 1116
offense or designated homicide, assault, or kidnapping offense 1117
that the offender committed on or after January 1, 1997, and the 1118
offender is adjudicated a sexually violent predator in relation 1119
to that offense. 1120

(ii) The offender is being sentenced for a sexually 1121
oriented offense that the offender committed on or after January 1122
1, 1997, and the offender is a tier III sex offender/child- 1123
victim offender relative to that offense. 1124

(iii) The offender is being sentenced on or after July 31, 1125
2003, for a child-victim oriented offense, and the offender is a 1126
tier III sex offender/child-victim offender relative to that 1127
offense. 1128

(iv) The offender is being sentenced under section 2971.03 1129
of the Revised Code for a violation of division (A) (1) (b) of 1130
section 2907.02 of the Revised Code committed on or after 1131

January 2, 2007. 1132

(v) The offender is sentenced to a term of life without 1133
parole under division (B) of section 2907.02 of the Revised 1134
Code. 1135

(vi) The offender is being sentenced for attempted rape 1136
committed on or after January 2, 2007, and a specification of 1137
the type described in section 2941.1418, 2941.1419, or 2941.1420 1138
of the Revised Code. 1139

(vii) The offender is being sentenced under division (B) 1140
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1141
for an offense described in those divisions committed on or 1142
after January 1, 2008. 1143

(b) Additionally, if any criterion set forth in divisions 1144
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1145
circumstances described in division (E) of section 2929.14 of 1146
the Revised Code, the court shall impose sentence on the 1147
offender as described in that division. 1148

(4) If the sentencing court determines at the sentencing 1149
hearing that a community control sanction should be imposed and 1150
the court is not prohibited from imposing a community control 1151
sanction, the court shall impose a community control sanction. 1152
The court shall notify the offender that, if the conditions of 1153
the sanction are violated, if the offender commits a violation 1154
of any law, or if the offender leaves this state without the 1155
permission of the court or the offender's probation officer, the 1156
court may impose a longer time under the same sanction, may 1157
impose a more restrictive sanction, or may impose a prison term 1158
on the offender and shall indicate the specific prison term that 1159
may be imposed as a sanction for the violation, as selected by 1160

the court from the range of prison terms for the offense 1161
pursuant to section 2929.14 of the Revised Code. 1162

(5) Before imposing a financial sanction under section 1163
2929.18 of the Revised Code or a fine under section 2929.32 of 1164
the Revised Code, the court shall consider the offender's 1165
present and future ability to pay the amount of the sanction or 1166
fine. 1167

(6) If the sentencing court sentences the offender to a 1168
sanction of confinement pursuant to section 2929.14 or 2929.16 1169
of the Revised Code that is to be served in a local detention 1170
facility, as defined in section 2929.36 of the Revised Code, and 1171
if the local detention facility is covered by a policy adopted 1172
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1173
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1174
and section 2929.37 of the Revised Code, both of the following 1175
apply: 1176

(a) The court shall specify both of the following as part 1177
of the sentence: 1178

(i) If the offender is presented with an itemized bill 1179
pursuant to section 2929.37 of the Revised Code for payment of 1180
the costs of confinement, the offender is required to pay the 1181
bill in accordance with that section. 1182

(ii) If the offender does not dispute the bill described 1183
in division (B) (6) (a) (i) of this section and does not pay the 1184
bill by the times specified in section 2929.37 of the Revised 1185
Code, the clerk of the court may issue a certificate of judgment 1186
against the offender as described in that section. 1187

(b) The sentence automatically includes any certificate of 1188
judgment issued as described in division (B) (6) (a) (ii) of this 1189

section. 1190

(7) The failure of the court to notify the offender that a 1191
prison term is a mandatory prison term pursuant to division (B) 1192
(2) (a) of this section or to include in the sentencing entry any 1193
information required by division (B) (2) (b) of this section does 1194
not affect the validity of the imposed sentence or sentences. If 1195
the sentencing court notifies the offender at the sentencing 1196
hearing that a prison term is mandatory but the sentencing entry 1197
does not specify that the prison term is mandatory, the court 1198
may complete a corrected journal entry and send copies of the 1199
corrected entry to the offender and the department of 1200
rehabilitation and correction, or, at the request of the state, 1201
the court shall complete a corrected journal entry and send 1202
copies of the corrected entry to the offender and department of 1203
rehabilitation and correction. 1204

(C) (1) If the offender is being sentenced for a fourth 1205
degree felony OVI offense under division (G) (1) of section 1206
2929.13 of the Revised Code, the court shall impose the 1207
mandatory term of local incarceration in accordance with that 1208
division, shall impose a mandatory fine in accordance with 1209
division (B) (3) of section 2929.18 of the Revised Code, and, in 1210
addition, may impose additional sanctions as specified in 1211
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1212
Code. The court shall not impose a prison term on the offender 1213
except that the court may impose a prison term upon the offender 1214
as provided in division (A) (1) of section 2929.13 of the Revised 1215
Code. 1216

(2) If the offender is being sentenced for a third or 1217
fourth degree felony OVI offense under division (G) (2) of 1218
section 2929.13 of the Revised Code, the court shall impose the 1219

mandatory prison term in accordance with that division, shall 1220
impose a mandatory fine in accordance with division (B) (3) of 1221
section 2929.18 of the Revised Code, and, in addition, may 1222
impose an additional prison term as specified in section 2929.14 1223
of the Revised Code. In addition to the mandatory prison term or 1224
mandatory prison term and additional prison term the court 1225
imposes, the court also may impose a community control sanction 1226
on the offender, but the offender shall serve all of the prison 1227
terms so imposed prior to serving the community control 1228
sanction. 1229

(D) The sentencing court, pursuant to division (I) (1) of 1230
section 2929.14 of the Revised Code, may recommend placement of 1231
the offender in a program of shock incarceration under section 1232
5120.031 of the Revised Code or an intensive program prison 1233
under section 5120.032 of the Revised Code, disapprove placement 1234
of the offender in a program or prison of that nature, or make 1235
no recommendation. If the court recommends or disapproves 1236
placement, it shall make a finding that gives its reasons for 1237
its recommendation or disapproval. 1238

Sec. 2935.36. (A) The prosecuting attorney may establish 1239
pre-trial diversion programs for adults who are accused of 1240
committing criminal offenses and whom the prosecuting attorney 1241
believes probably will not offend again. The prosecuting 1242
attorney may require, as a condition of an accused's 1243
participation in the program, the accused to pay a reasonable 1244
fee for supervision services that include, but are not limited 1245
to, monitoring and drug testing. The programs shall be operated 1246
pursuant to written standards approved by journal entry by the 1247
presiding judge or, in courts with only one judge, the judge of 1248
the court of common pleas and shall not be applicable to any of 1249
the following: 1250

(1) Repeat offenders or dangerous offenders;	1251
(2) Persons accused of an offense of violence, of a violation of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:	1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262
(a) The accused did not cause, threaten, or intend serious physical harm to any person;	1263 1264
(b) The offense was the result of circumstances not likely to recur;	1265 1266
(c) The accused has no history of prior delinquency or criminal activity;	1267 1268
(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;	1269 1270
(e) Substantial grounds tending to excuse or justify the alleged offense.	1271 1272
(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code, <u>with the exception that the prosecuting attorney may permit persons accused of any of the following to enter a pre-trial diversion program:</u>	1273 1274 1275 1276
(a) <u>A misdemeanor, fifth degree felony, or fourth degree felony violation of section 2925.11 of the Revised Code;</u>	1277 1278

(b) A misdemeanor violation of section 2925.12, 2925.13, 1279
or division (C) (1) of section 2925.14 of the Revised Code. 1280

(4) Persons accused of a violation of section 4511.19 of 1281
the Revised Code or a violation of any substantially similar 1282
municipal ordinance; 1283

(5) (a) Persons who are accused of an offense while 1284
operating a commercial motor vehicle or persons who hold a 1285
commercial driver's license and are accused of any offense, if 1286
conviction of the offense would disqualify the person from 1287
operating a commercial motor vehicle under Chapter 4506. of the 1288
Revised Code or would subject the person to any other sanction 1289
under that chapter; 1290

(b) As used in division (A) (5) of this section, 1291
"commercial driver's license" and "commercial motor vehicle" 1292
have the same meanings as in section 4506.01 of the Revised 1293
Code. 1294

(B) An accused who enters a diversion program shall do all 1295
of the following: 1296

(1) Waive, in writing and contingent upon the accused's 1297
successful completion of the program, the accused's right to a 1298
speedy trial, the preliminary hearing, the time period within 1299
which the grand jury may consider an indictment against the 1300
accused, and arraignment, unless the hearing, indictment, or 1301
arraignment has already occurred; 1302

(2) Agree, in writing, to the tolling while in the program 1303
of all periods of limitation established by statutes or rules of 1304
court, that are applicable to the offense with which the accused 1305
is charged and to the conditions of the diversion program 1306
established by the prosecuting attorney; 1307

(3) Agree, in writing, to pay any reasonable fee for supervision services established by the prosecuting attorney. 1308
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(C) The trial court, upon the application of the prosecuting attorney, shall order the release from confinement of any accused who has agreed to enter a pre-trial diversion program and shall discharge and release any existing bail and release any sureties on recognizances and shall release the accused on a recognizance bond conditioned upon the accused's compliance with the terms of the diversion program. The prosecuting attorney shall notify every victim of the crime and the arresting officers of the prosecuting attorney's intent to permit the accused to enter a pre-trial diversion program. The victim of the crime and the arresting officers shall have the opportunity to file written objections with the prosecuting attorney prior to the commencement of the pre-trial diversion program. 1310
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(D) If the accused satisfactorily completes the diversion program, the prosecuting attorney shall recommend to the trial court that the charges against the accused be dismissed, and the court, upon the recommendation of the prosecuting attorney, shall dismiss the charges. If the accused chooses not to enter the prosecuting attorney's diversion program, or if the accused violates the conditions of the agreement pursuant to which the accused has been released, the accused may be brought to trial upon the charges in the manner provided by law, and the waiver executed pursuant to division (B) (1) of this section shall be void on the date the accused is removed from the program for the violation. 1324
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(E) As used in this section: 1336

(1) "Repeat offender" means a person who has a history of 1337

persistent criminal activity and whose character and condition 1338
reveal a substantial risk that the person will commit another 1339
offense. It is prima-facie evidence that a person is a repeat 1340
offender if any of the following applies: 1341

(a) Having been convicted of one or more offenses of 1342
violence and having been imprisoned pursuant to sentence for any 1343
such offense, the person commits a subsequent offense of 1344
violence; 1345

(b) Having been convicted of one or more sexually oriented 1346
offenses or child-victim oriented offenses, both as defined in 1347
section 2950.01 of the Revised Code, and having been imprisoned 1348
pursuant to sentence for one or more of those offenses, the 1349
person commits a subsequent sexually oriented offense or child- 1350
victim oriented offense; 1351

(c) Having been convicted of one or more theft offenses as 1352
defined in section 2913.01 of the Revised Code and having been 1353
imprisoned pursuant to sentence for one or more of those theft 1354
offenses, the person commits a subsequent theft offense; 1355

(d) Having been convicted of one or more felony drug abuse 1356
offenses as defined in section 2925.01 of the Revised Code and 1357
having been imprisoned pursuant to sentence for one or more of 1358
those felony drug abuse offenses, the person commits a 1359
subsequent felony drug abuse offense; 1360

(e) Having been convicted of two or more felonies and 1361
having been imprisoned pursuant to sentence for one or more 1362
felonies, the person commits a subsequent offense; 1363

(f) Having been convicted of three or more offenses of any 1364
type or degree other than traffic offenses, alcoholic 1365
intoxication offenses, or minor misdemeanors and having been 1366

imprisoned pursuant to sentence for any such offense, the person 1367
commits a subsequent offense. 1368

(2) "Dangerous offender" means a person who has committed 1369
an offense, whose history, character, and condition reveal a 1370
substantial risk that the person will be a danger to others, and 1371
whose conduct has been characterized by a pattern of repetitive, 1372
compulsive, or aggressive behavior with heedless indifference to 1373
the consequences. 1374

Sec. 2951.041. (A) (1) If an offender is charged with a 1375
criminal offense, including but not limited to a violation of 1376
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1377
of the Revised Code, and the court has reason to believe that 1378
drug or alcohol usage by the offender was a factor leading to 1379
the criminal offense with which the offender is charged or that, 1380
at the time of committing that offense, the offender had a 1381
mental illness, was a person with an intellectual disability, or 1382
was a victim of a violation of section 2905.32 of the Revised 1383
Code and that the mental illness, status as a person with an 1384
intellectual disability, or fact that the offender was a victim 1385
of a violation of section 2905.32 of the Revised Code was a 1386
factor leading to the offender's criminal behavior, the court 1387
may accept, prior to the entry of a guilty plea, the offender's 1388
request for intervention in lieu of conviction. The request 1389
shall include a statement from the offender as to whether the 1390
offender is alleging that drug or alcohol usage by the offender 1391
was a factor leading to the criminal offense with which the 1392
offender is charged or is alleging that, at the time of 1393
committing that offense, the offender had a mental illness, was 1394
a person with an intellectual disability, or was a victim of a 1395
violation of section 2905.32 of the Revised Code and that the 1396
mental illness, status as a person with an intellectual 1397

disability, or fact that the offender was a victim of a 1398
violation of section 2905.32 of the Revised Code was a factor 1399
leading to the criminal offense with which the offender is 1400
charged. The request also shall include a waiver of the 1401
defendant's right to a speedy trial, the preliminary hearing, 1402
the time period within which the grand jury may consider an 1403
indictment against the offender, and arraignment, unless the 1404
hearing, indictment, or arraignment has already occurred. The 1405
court may reject an offender's request without a hearing. If the 1406
court elects to consider an offender's request, the court shall 1407
conduct a hearing to determine whether the offender is eligible 1408
under this section for intervention in lieu of conviction and 1409
shall stay all criminal proceedings pending the outcome of the 1410
hearing. If the court schedules a hearing, the court shall order 1411
an assessment of the offender for the purpose of determining the 1412
offender's program eligibility for intervention in lieu of 1413
conviction and recommending an appropriate intervention plan. 1414

If the offender alleges that drug or alcohol usage by the 1415
offender was a factor leading to the criminal offense with which 1416
the offender is charged, the court may order that the offender 1417
be assessed by a community addiction services provider or a 1418
properly credentialed professional for the purpose of 1419
determining the offender's program eligibility for intervention 1420
in lieu of conviction and recommending an appropriate 1421
intervention plan. The community addiction services provider or 1422
the properly credentialed professional shall provide a written 1423
assessment of the offender to the court. 1424

(2) The victim notification provisions of division (C) of 1425
section 2930.06 of the Revised Code apply in relation to any 1426
hearing held under division (A)(1) of this section. 1427

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

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

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

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

degree. 1458

(4) If an offender alleges that drug or alcohol usage by 1459
the offender was a factor leading to the criminal offense with 1460
which the offender is charged, the court has ordered that the 1461
offender be assessed by a community addiction services provider 1462
or a properly credentialed professional for the purpose of 1463
determining the offender's program eligibility for intervention 1464
in lieu of conviction and recommending an appropriate 1465
intervention plan, the offender has been assessed by a community 1466
addiction services provider of that nature or a properly 1467
credentialed professional in accordance with the court's order, 1468
and the community addiction services provider or properly 1469
credentialed professional has filed the written assessment of 1470
the offender with the court. 1471

(5) If an offender alleges that, at the time of committing 1472
the criminal offense with which the offender is charged, the 1473
offender had a mental illness, was a person with an intellectual 1474
disability, or was a victim of a violation of section 2905.32 of 1475
the Revised Code and that the mental illness, status as a person 1476
with an intellectual disability, or fact that the offender was a 1477
victim of a violation of section 2905.32 of the Revised Code was 1478
a factor leading to that offense, the offender has been assessed 1479
by a psychiatrist, psychologist, independent social worker, 1480
licensed professional clinical counselor, or independent 1481
marriage and family therapist for the purpose of determining the 1482
offender's program eligibility for intervention in lieu of 1483
conviction and recommending an appropriate intervention plan. 1484

(6) The offender's drug usage, alcohol usage, mental 1485
illness, or intellectual disability, or the fact that the 1486
offender was a victim of a violation of section 2905.32 of the 1487

Revised Code, whichever is applicable, was a factor leading to 1488
the criminal offense with which the offender is charged, 1489
intervention in lieu of conviction would not demean the 1490
seriousness of the offense, and intervention would substantially 1491
reduce the likelihood of any future criminal activity. 1492

(7) The alleged victim of the offense was not sixty-five 1493
years of age or older, permanently and totally disabled, under 1494
thirteen years of age, or a peace officer engaged in the 1495
officer's official duties at the time of the alleged offense. 1496

(8) If the offender is charged with a violation of section 1497
2925.24 of the Revised Code, the alleged violation did not 1498
result in physical harm to any person, ~~and the offender~~ 1499
~~previously has not been treated for drug abuse.~~ 1500

(9) The offender is willing to comply with all terms and 1501
conditions imposed by the court pursuant to division (D) of this 1502
section. 1503

(10) The offender is not charged with an offense that 1504
would result in the offender being disqualified under Chapter 1505
4506. of the Revised Code from operating a commercial motor 1506
vehicle or would subject the offender to any other sanction 1507
under that chapter. 1508

(C) At the conclusion of a hearing held pursuant to 1509
division (A) of this section, the court shall enter its 1510
determination as to whether the offender ~~is eligible for~~ will be 1511
granted intervention in lieu of conviction ~~and as to whether to~~ 1512
~~grant the offender's request.~~ If the court finds under this 1513
division and division (B) of this section that the offender is 1514
eligible for intervention in lieu of conviction and grants the 1515
offender's request, the court shall accept the offender's plea 1516

of guilty and waiver of the defendant's right to a speedy trial, 1517
the preliminary hearing, the time period within which the grand 1518
jury may consider an indictment against the offender, and 1519
arraignment, unless the hearing, indictment, or arraignment has 1520
already occurred. In addition, the court then may stay all 1521
criminal proceedings and order the offender to comply with all 1522
terms and conditions imposed by the court pursuant to division 1523
(D) of this section. If the court finds that the offender is not 1524
eligible or does not grant the offender's request, the criminal 1525
proceedings against the offender shall proceed as if the 1526
offender's request for intervention in lieu of conviction had 1527
not been made. 1528

(D) If the court grants an offender's request for 1529
intervention in lieu of conviction, the court shall place the 1530
offender under the general control and supervision of the county 1531
probation department, the adult parole authority, or another 1532
appropriate local probation or court services agency, if one 1533
exists, as if the offender was subject to a community control 1534
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 1535
the Revised Code. The court shall establish an intervention plan 1536
for the offender. The terms and conditions of the intervention 1537
plan shall require the offender, for at least one year from the 1538
date on which the court grants the order of intervention in lieu 1539
of conviction, to abstain from the use of illegal drugs and 1540
alcohol, to participate in treatment and recovery support 1541
services, and to submit to regular random testing for drug and 1542
alcohol use and may include any other treatment terms and 1543
conditions, or terms and conditions similar to community control 1544
sanctions, which may include community service or restitution, 1545
that are ordered by the court. 1546

(E) If the court grants an offender's request for 1547

intervention in lieu of conviction and the court finds that the 1548
offender has successfully completed the intervention plan for 1549
the offender, including the requirement that the offender 1550
abstain from using illegal drugs and alcohol for a period of at 1551
least one year from the date on which the court granted the 1552
order of intervention in lieu of conviction, the requirement 1553
that the offender participate in treatment and recovery support 1554
services, and all other terms and conditions ordered by the 1555
court, the court shall dismiss the proceedings against the 1556
offender. Successful completion of the intervention plan and 1557
period of abstinence under this section shall be without 1558
adjudication of guilt and is not a criminal conviction for 1559
purposes of any disqualification or disability imposed by law 1560
and upon conviction of a crime, and the court may order the 1561
sealing of records related to the offense in question in the 1562
manner provided in sections 2953.31 to 2953.36 of the Revised 1563
Code. 1564

(F) If the court grants an offender's request for 1565
intervention in lieu of conviction and the offender fails to 1566
comply with any term or condition imposed as part of the 1567
intervention plan for the offender, the supervising authority 1568
for the offender promptly shall advise the court of this 1569
failure, and the court shall hold a hearing to determine whether 1570
the offender failed to comply with any term or condition imposed 1571
as part of the plan. If the court determines that the offender 1572
has failed to comply with any of those terms and conditions, it 1573
may continue the offender on intervention in lieu of conviction, 1574
continue the offender on intervention in lieu of conviction with 1575
additional terms, conditions, and sanctions, or enter a finding 1576
of guilty and impose an appropriate sanction under Chapter 2929. 1577
of the Revised Code. If the court sentences the offender to a 1578

prison term, the court, after consulting with the department of 1579
rehabilitation and correction regarding the availability of 1580
services, may order continued court-supervised activity and 1581
treatment of the offender during the prison term and, upon 1582
consideration of reports received from the department concerning 1583
the offender's progress in the program of activity and 1584
treatment, may consider judicial release under section 2929.20 1585
of the Revised Code. 1586

(G) As used in this section: 1587

(1) "Community addiction services provider" has the same 1588
meaning as in section 5119.01 of the Revised Code. 1589

(2) "Community control sanction" has the same meaning as 1590
in section 2929.01 of the Revised Code. 1591

(3) "Intervention in lieu of conviction" means any court- 1592
supervised activity that complies with this section. 1593

(4) "Intellectual disability" has the same meaning as in 1594
section 5123.01 of the Revised Code. 1595

(5) "Peace officer" has the same meaning as in section 1596
2935.01 of the Revised Code. 1597

(6) "Mental illness" and "psychiatrist" have the same 1598
meanings as in section 5122.01 of the Revised Code. 1599

(7) "Psychologist" has the same meaning as in section 1600
4732.01 of the Revised Code. 1601

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 1602
the Revised Code: 1603

(A) (1) "Eligible offender" means ~~anyone~~ either of the 1604
following: 1605

(a) Anyone who has been convicted of one or more, but not more than five, offenses in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense;

(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A) (1) (a) of this section does not apply, and who has not more than one felony conviction, not more than two misdemeanor convictions, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act 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) (b) 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 1637
similar to any section in those chapters is not a conviction. 1638
However, a conviction for a violation of section 4511.19, 1639
4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or 1640
sections 4549.41 to 4549.46 of the Revised Code, for a violation 1641
of section 4510.11 or 4510.14 of the Revised Code that is based 1642
upon the offender's operation of a vehicle during a suspension 1643
imposed under section 4511.191 or 4511.196 of the Revised Code, 1644
for a violation of a substantially equivalent municipal 1645
ordinance, for a felony violation of Title XLV of the Revised 1646
Code, or for a violation of a substantially equivalent former 1647
law of this state or former municipal ordinance shall be 1648
considered a conviction. 1649

(B) "Prosecutor" means the county prosecuting attorney, 1650
city director of law, village solicitor, or similar chief legal 1651
officer, who has the authority to prosecute a criminal case in 1652
the court in which the case is filed. 1653

(C) "Bail forfeiture" means the forfeiture of bail by a 1654
defendant who is arrested for the commission of a misdemeanor, 1655
other than a defendant in a traffic case as defined in Traffic 1656
Rule 2, if the forfeiture is pursuant to an agreement with the 1657
court and prosecutor in the case. 1658

(D) "Official records" has the same meaning as in division 1659
(D) of section 2953.51 of the Revised Code. 1660

(E) "Official proceeding" has the same meaning as in 1661
section 2921.01 of the Revised Code. 1662

(F) "Community control sanction" has the same meaning as 1663
in section 2929.01 of the Revised Code. 1664

(G) "Post-release control" and "post-release control 1665

sanction" have the same meanings as in section 2967.01 of the Revised Code.

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

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

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction. Application may be made at one of the following times:

(a) At the expiration of three years after the offender's final discharge if convicted of a ~~one~~ felony, or at;

(b) When division (A) (1) (a) of section 2953.31 of the Revised Code applies to the offender, at the expiration of four years after the offender's final discharge if convicted of two felonies, or at the expiration of five years after final discharge if convicted of three, four, or five felonies;

(c) At the expiration of one year after the offender's final discharge if convicted of a misdemeanor.

(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing of the

record of the case that pertains to the charge. Except as 1695
provided in section 2953.61 of the Revised Code, the application 1696
may be filed at any time after the expiration of one year from 1697
the date on which the bail forfeiture was entered upon the 1698
minutes of the court or the journal, whichever entry occurs 1699
first. 1700

(B) Upon the filing of an application under this section, 1701
the court shall set a date for a hearing and shall notify the 1702
prosecutor for the case of the hearing on the application. The 1703
prosecutor may object to the granting of the application by 1704
filing an objection with the court prior to the date set for the 1705
hearing. The prosecutor shall specify in the objection the 1706
reasons for believing a denial of the application is justified. 1707
The court shall direct its regular probation officer, a state 1708
probation officer, or the department of probation of the county 1709
in which the applicant resides to make inquiries and written 1710
reports as the court requires concerning the applicant. The 1711
probation officer or county department of probation that the 1712
court directs to make inquiries concerning the applicant shall 1713
determine whether or not the applicant was fingerprinted at the 1714
time of arrest or under section 109.60 of the Revised Code. If 1715
the applicant was so fingerprinted, the probation officer or 1716
county department of probation shall include with the written 1717
report a record of the applicant's fingerprints. If the 1718
applicant was convicted of or pleaded guilty to a violation of 1719
division (A) (2) or (B) of section 2919.21 of the Revised Code, 1720
the probation officer or county department of probation that the 1721
court directed to make inquiries concerning the applicant shall 1722
contact the child support enforcement agency enforcing the 1723
applicant's obligations under the child support order to inquire 1724
about the offender's compliance with the child support order. 1725

(C) (1) The court shall do each of the following: 1726

(a) Determine whether the applicant is an eligible 1727
offender or whether the forfeiture of bail was agreed to by the 1728
applicant and the prosecutor in the case. If the applicant 1729
applies as an eligible offender pursuant to division (A) (1) of 1730
this section and has two or three convictions that result from 1731
the same indictment, information, or complaint, from the same 1732
plea of guilty, or from the same official proceeding, and result 1733
from related criminal acts that were committed within a three- 1734
month period but do not result from the same act or from 1735
offenses committed at the same time, in making its determination 1736
under this division, the court initially shall determine whether 1737
it is not in the public interest for the two or three 1738
convictions to be counted as one conviction. If the court 1739
determines that it is not in the public interest for the two or 1740
three convictions to be counted as one conviction, the court 1741
shall determine that the applicant is not an eligible offender; 1742
if the court does not make that determination, the court shall 1743
determine that the offender is an eligible offender. 1744

(b) Determine whether criminal proceedings are pending 1745
against the applicant; 1746

(c) If the applicant is an eligible offender who applies 1747
pursuant to division (A) (1) of this section, determine whether 1748
the applicant has been rehabilitated to the satisfaction of the 1749
court; 1750

(d) If the prosecutor has filed an objection in accordance 1751
with division (B) of this section, consider the reasons against 1752
granting the application specified by the prosecutor in the 1753
objection; 1754

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A) (1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (C) (4), (G), (H), or (I) of this section, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed and, except as provided in division (F) of this section, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed, except that upon conviction of a subsequent offense, the sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33 of the Revised Code.

(3) An applicant may request the sealing of the records of more than one case in a single application under this section.

Upon the filing of an application under this section, the 1786
applicant, unless indigent, shall pay a fee of fifty dollars, 1787
regardless of the number of records the application requests to 1788
have sealed. The court shall pay thirty dollars of the fee into 1789
the state treasury. It shall pay twenty dollars of the fee into 1790
the county general revenue fund if the sealed conviction or bail 1791
forfeiture was pursuant to a state statute, or into the general 1792
revenue fund of the municipal corporation involved if the sealed 1793
conviction or bail forfeiture was pursuant to a municipal 1794
ordinance. 1795

(4) If the court orders the official records pertaining to 1796
the case sealed, the court shall do one of the following: 1797

(a) If the applicant was fingerprinted at the time of 1798
arrest or under section 109.60 of the Revised Code and the 1799
record of the applicant's fingerprints was provided to the court 1800
under division (B) of this section, forward a copy of the 1801
sealing order and the record of the applicant's fingerprints to 1802
the bureau of criminal identification and investigation. 1803

(b) If the applicant was not fingerprinted at the time of 1804
arrest or under section 109.60 of the Revised Code, or the 1805
record of the applicant's fingerprints was not provided to the 1806
court under division (B) of this section, but fingerprinting was 1807
required for the offense, order the applicant to appear before a 1808
sheriff to have the applicant's fingerprints taken according to 1809
the fingerprint system of identification on the forms furnished 1810
by the superintendent of the bureau of criminal identification 1811
and investigation. The sheriff shall forward the applicant's 1812
fingerprints to the court. The court shall forward the 1813
applicant's fingerprints and a copy of the sealing order to the 1814
bureau of criminal identification and investigation. 1815

Failure of the court to order fingerprints at the time of 1816
sealing does not constitute a reversible error. 1817

(5) At the time an applicant files an application under 1818
division (A) of this section, the following shall apply: 1819

(a) The clerk of court shall notify the applicant in 1820
writing that the court will send notice of any order under 1821
division (C) (2) of this section to the qualified third party 1822
selected by the attorney general under section 109.38 of the 1823
Revised Code and shall inform the applicant of the procedures 1824
under section 109.381 of the Revised Code. 1825

(b) The applicant shall then notify the clerk if the 1826
applicant wishes to opt out of receiving the benefits of having 1827
the court send notice of its order under division (C) (2) of this 1828
section to the qualified third party and having the procedures 1829
under section 109.381 of the Revised Code apply to the records 1830
that are subject to the order. 1831

(c) If the applicant does not opt out under division (C) 1832
(5) (b) of this section, the applicant shall pay to the clerk of 1833
court the fee provided in the contract between the attorney 1834
general and the qualified third party under division (D) (2) (b) 1835
of section 109.38 of the Revised Code. 1836

(6) (a) Upon the issuance of an order under division (C) (2) 1837
of this section, and unless the applicant opts out under 1838
division (C) (5) (b) of this section, the clerk shall remit the 1839
fee paid by the applicant under division (C) (5) (c) of this 1840
section to the qualified third party. The court shall send 1841
notice of the order under division (C) (2) of this section to the 1842
qualified third party. 1843

(b) If the applicant's application under division (A) of 1844

this section is denied for any reason or if the applicant 1845
informs the clerk of court in writing, before the issuance of 1846
the order under division (C) (2) of this section, that the 1847
applicant wishes to opt out of having the court send notice of 1848
its order under division (C) (2) of this section to the qualified 1849
third party, the clerk shall remit the fee paid by the applicant 1850
under division (C) (5) (c) of this section that is intended for 1851
the qualified third party back to the applicant. 1852

(D) Inspection of the sealed records included in the order 1853
may be made only by the following persons or for the following 1854
purposes: 1855

(1) By a law enforcement officer or prosecutor, or the 1856
assistants of either, to determine whether the nature and 1857
character of the offense with which a person is to be charged 1858
would be affected by virtue of the person's previously having 1859
been convicted of a crime; 1860

(2) By the parole or probation officer of the person who 1861
is the subject of the records, for the exclusive use of the 1862
officer in supervising the person while on parole or under a 1863
community control sanction or a post-release control sanction, 1864
and in making inquiries and written reports as requested by the 1865
court or adult parole authority; 1866

(3) Upon application by the person who is the subject of 1867
the records, by the persons named in the application; 1868

(4) By a law enforcement officer who was involved in the 1869
case, for use in the officer's defense of a civil action arising 1870
out of the officer's involvement in that case; 1871

(5) By a prosecuting attorney or the prosecuting 1872
attorney's assistants, to determine a defendant's eligibility to 1873

enter a pre-trial diversion program established pursuant to 1874
section 2935.36 of the Revised Code; 1875

(6) By any law enforcement agency or any authorized 1876
employee of a law enforcement agency or by the department of 1877
rehabilitation and correction or department of youth services as 1878
part of a background investigation of a person who applies for 1879
employment with the agency or with the department; 1880

(7) By any law enforcement agency or any authorized 1881
employee of a law enforcement agency, for the purposes set forth 1882
in, and in the manner provided in, section 2953.321 of the 1883
Revised Code; 1884

(8) By the bureau of criminal identification and 1885
investigation or any authorized employee of the bureau for the 1886
purpose of providing information to a board or person pursuant 1887
to division (F) or (G) of section 109.57 of the Revised Code; 1888

(9) By the bureau of criminal identification and 1889
investigation or any authorized employee of the bureau for the 1890
purpose of performing a criminal history records check on a 1891
person to whom a certificate as prescribed in section 109.77 of 1892
the Revised Code is to be awarded; 1893

(10) By the bureau of criminal identification and 1894
investigation or any authorized employee of the bureau for the 1895
purpose of conducting a criminal records check of an individual 1896
pursuant to division (B) of section 109.572 of the Revised Code 1897
that was requested pursuant to any of the sections identified in 1898
division (B)(1) of that section; 1899

(11) By the bureau of criminal identification and 1900
investigation, an authorized employee of the bureau, a sheriff, 1901
or an authorized employee of a sheriff in connection with a 1902

criminal records check described in section 311.41 of the 1903
Revised Code; 1904

(12) By the attorney general or an authorized employee of 1905
the attorney general or a court for purposes of determining a 1906
person's classification pursuant to Chapter 2950. of the Revised 1907
Code; 1908

(13) By a court, the registrar of motor vehicles, a 1909
prosecuting attorney or the prosecuting attorney's assistants, 1910
or a law enforcement officer for the purpose of assessing points 1911
against a person under section 4510.036 of the Revised Code or 1912
for taking action with regard to points assessed. 1913

When the nature and character of the offense with which a 1914
person is to be charged would be affected by the information, it 1915
may be used for the purpose of charging the person with an 1916
offense. 1917

(E) In any criminal proceeding, proof of any otherwise 1918
admissible prior conviction may be introduced and proved, 1919
notwithstanding the fact that for any such prior conviction an 1920
order of sealing previously was issued pursuant to sections 1921
2953.31 to 2953.36 of the Revised Code. 1922

(F) The person or governmental agency, office, or 1923
department that maintains sealed records pertaining to 1924
convictions or bail forfeitures that have been sealed pursuant 1925
to this section may maintain a manual or computerized index to 1926
the sealed records. The index shall contain only the name of, 1927
and alphanumeric identifiers that relate to, the persons who are 1928
the subject of the sealed records, the word "sealed," and the 1929
name of the person, agency, office, or department that has 1930
custody of the sealed records, and shall not contain the name of 1931

the crime committed. The index shall be made available by the 1932
person who has custody of the sealed records only for the 1933
purposes set forth in divisions (C), (D), and (E) of this 1934
section. 1935

(G) Notwithstanding any provision of this section or 1936
section 2953.33 of the Revised Code that requires otherwise, a 1937
board of education of a city, local, exempted village, or joint 1938
vocational school district that maintains records of an 1939
individual who has been permanently excluded under sections 1940
3301.121 and 3313.662 of the Revised Code is permitted to 1941
maintain records regarding a conviction that was used as the 1942
basis for the individual's permanent exclusion, regardless of a 1943
court order to seal the record. An order issued under this 1944
section to seal the record of a conviction does not revoke the 1945
adjudication order of the superintendent of public instruction 1946
to permanently exclude the individual who is the subject of the 1947
sealing order. An order issued under this section to seal the 1948
record of a conviction of an individual may be presented to a 1949
district superintendent as evidence to support the contention 1950
that the superintendent should recommend that the permanent 1951
exclusion of the individual who is the subject of the sealing 1952
order be revoked. Except as otherwise authorized by this 1953
division and sections 3301.121 and 3313.662 of the Revised Code, 1954
any school employee in possession of or having access to the 1955
sealed conviction records of an individual that were the basis 1956
of a permanent exclusion of the individual is subject to section 1957
2953.35 of the Revised Code. 1958

(H) For purposes of sections 2953.31 to 2953.36 of the 1959
Revised Code, DNA records collected in the DNA database and 1960
fingerprints filed for record by the superintendent of the 1961
bureau of criminal identification and investigation shall not be 1962

sealed unless the superintendent receives a certified copy of a 1963
final court order establishing that the offender's conviction 1964
has been overturned. For purposes of this section, a court order 1965
is not "final" if time remains for an appeal or application for 1966
discretionary review with respect to the order. 1967

(I) The sealing of a record under this section does not 1968
affect the assessment of points under section 4510.036 of the 1969
Revised Code and does not erase points assessed against a person 1970
as a result of the sealed record. 1971

Sec. 2967.16. (A) Except as provided in division (D) of 1972
this section, when a paroled prisoner has faithfully performed 1973
the conditions and obligations of the paroled prisoner's parole 1974
and has obeyed the rules and regulations adopted by the adult 1975
parole authority that apply to the paroled prisoner, the 1976
authority ~~upon the recommendation of the superintendent of~~ 1977
~~parole supervision may enter upon its minutes grant~~ a final 1978
release and thereupon shall issue to the paroled prisoner a 1979
certificate of final release that shall serve as the minutes of 1980
the authority, but the authority shall not grant a final release 1981
earlier than one year after the paroled prisoner is released 1982
from the institution on parole, and, in the case of a paroled 1983
prisoner whose ~~minimum~~ sentence is life imprisonment, the 1984
authority shall not grant a final release earlier than five 1985
years after the paroled prisoner is released from the 1986
institution on parole. 1987

(B) (1) When a prisoner who has been released under a 1988
period of post-release control pursuant to section 2967.28 of 1989
the Revised Code has faithfully performed the conditions and 1990
obligations of the released prisoner's post-release control 1991
sanctions and has obeyed the rules and regulations adopted by 1992

the adult parole authority that apply to the released prisoner 1993
or has the period of post-release control terminated by a court 1994
pursuant to section 2929.141 of the Revised Code, the authority,~~—~~ 1995
~~upon the recommendation of the superintendent of parole—~~ 1996
~~supervision, may enter upon its minutes a final release and,~~ 1997
~~upon the entry of the final release, shall terminate the period~~ 1998
of post-release control and issue to the released prisoner a 1999
certificate of final release termination, which shall serve as 2000
the minutes of the authority. In the case of a prisoner who has 2001
been released under a period of post-release control pursuant to 2002
division (B) of section 2967.28 of the Revised Code, the 2003
authority shall not ~~grant a final release~~ terminate post-release 2004
control earlier than one year after the released prisoner is 2005
released from the institution under a period of post-release 2006
control. The authority shall classify the termination of post- 2007
release control as favorable or unfavorable depending on the 2008
offender's conduct and compliance with the conditions of 2009
supervision. In the case of a released prisoner whose sentence 2010
is life imprisonment, the authority shall not ~~grant a final~~ 2011
~~release~~ terminate post-release control earlier than five years 2012
after the released prisoner is released from the institution 2013
under a period of post-release control. 2014

(2) The department of rehabilitation and correction, no 2015
later than six months after July 8, 2002, shall adopt a rule in 2016
accordance with Chapter 119. of the Revised Code that 2017
establishes the criteria for the classification of a post- 2018
release control termination as "favorable" or "unfavorable." 2019

(C) (1) Except as provided in division (C) (2) of this 2020
section, the following prisoners or person shall be restored to 2021
the rights and privileges forfeited by a conviction: 2022

(a) A prisoner who has served the entire prison term that 2023
comprises or is part of the prisoner's sentence and has not been 2024
placed under any post-release control sanctions; 2025

(b) A prisoner who has been granted a final release or 2026
termination of post-release control by the adult parole 2027
authority pursuant to division (A) or (B) of this section; 2028

(c) A person who has completed the period of a community 2029
control sanction or combination of community control sanctions, 2030
as defined in section 2929.01 of the Revised Code, that was 2031
imposed by the sentencing court. 2032

(2) (a) As used in division (C) (2) (c) of this section: 2033

(i) "Position of honor, trust, or profit" has the same 2034
meaning as in section 2929.192 of the Revised Code. 2035

(ii) "Public office" means any elected federal, state, or 2036
local government office in this state. 2037

(b) For purposes of division (C) (2) (c) of this section, a 2038
violation of section 2923.32 of the Revised Code or any other 2039
violation or offense that includes as an element a course of 2040
conduct or the occurrence of multiple acts is "committed on or 2041
~~after the effective date of this amendment~~ May 13, 2008," if the 2042
course of conduct continues, one or more of the multiple acts 2043
occurs, or the subject person's accountability for the course of 2044
conduct or for one or more of the multiple acts continues, on or 2045
~~after the effective date of this amendment~~ May 13, 2008. 2046

(c) Division (C) (1) of this section does not restore a 2047
prisoner or person to the privilege of holding a position of 2048
honor, trust, or profit if the prisoner or person was convicted 2049
of or pleaded guilty to committing on or after ~~the effective~~ 2050
~~date of this amendment~~ May 13, 2008, any of the following 2051

offenses that is a felony:	2052
(i) A violation of section 2921.02, 2921.03, 2921.05,	2053
2921.41, 2921.42, or 2923.32 of the Revised Code;	2054
(ii) A violation of section 2913.42, 2921.04, 2921.11,	2055
2921.12, 2921.31, or 2921.32 of the Revised Code, when the	2056
person committed the violation while the person was serving in a	2057
public office and the conduct constituting the violation was	2058
related to the duties of the person's public office or to the	2059
person's actions as a public official holding that public	2060
office;	2061
(iii) A violation of an existing or former municipal	2062
ordinance or law of this or any other state or the United States	2063
that is substantially equivalent to any violation listed in	2064
division (C) (2) (c) (i) of this section;	2065
(iv) A violation of an existing or former municipal	2066
ordinance or law of this or any other state or the United States	2067
that is substantially equivalent to any violation listed in	2068
division (C) (2) (c) (ii) of this section, when the person	2069
committed the violation while the person was serving in a public	2070
office and the conduct constituting the violation was related to	2071
the duties of the person's public office or to the person's	2072
actions as a public official holding that public office;	2073
(v) A conspiracy to commit, attempt to commit, or	2074
complicity in committing any offense listed in division (C) (2)	2075
(c) (i) or described in division (C) (2) (c) (iii) of this section;	2076
(vi) A conspiracy to commit, attempt to commit, or	2077
complicity in committing any offense listed in division (C) (2)	2078
(c) (ii) or described in division (C) (2) (c) (iv) of this section,	2079
if the person committed the violation while the person was	2080

serving in a public office and the conduct constituting the 2081
offense that was the subject of the conspiracy, that would have 2082
constituted the offense attempted, or constituting the offense 2083
in which the person was complicit was or would have been related 2084
to the duties of the person's public office or to the person's 2085
actions as a public official holding that public office. 2086

(D) Division (A) of this section does not apply to a 2087
prisoner in the shock incarceration program established pursuant 2088
to section 5120.031 of the Revised Code. 2089

(E) ~~The adult parole authority shall record the final~~ 2090
~~release certificate of a parolee or and the certificate of~~ 2091
~~termination of a prisoner in shall serve as~~ the official minutes 2092
of the adult parole authority, and the authority shall consider 2093
those certificates as its official minutes. 2094

Sec. 2967.191. The department of rehabilitation and 2095
correction shall reduce the stated prison term of a prisoner or, 2096
if the prisoner is serving a term for which there is parole 2097
eligibility, the minimum and maximum term or the parole 2098
eligibility date of the prisoner by the total number of days 2099
that the prisoner was confined for any reason arising out of the 2100
offense for which the prisoner was convicted and sentenced, 2101
including confinement in lieu of bail while awaiting trial, 2102
confinement for examination to determine the prisoner's 2103
competence to stand trial or sanity, confinement while awaiting 2104
transportation to the place where the prisoner is to serve the 2105
prisoner's prison term, as determined by the sentencing court 2106
under division (B) (2) ~~(g)~~ (f) (i) of section 2929.19 of the Revised 2107
Code, and confinement in a juvenile facility. The department of 2108
rehabilitation and correction also shall reduce the stated 2109
prison term of a prisoner or, if the prisoner is serving a term 2110

for which there is parole eligibility, the minimum and maximum 2111
term or the parole eligibility date of the prisoner by the total 2112
number of days, if any, that the prisoner previously served in 2113
the custody of the department of rehabilitation and correction 2114
arising out of the offense for which the prisoner was convicted 2115
and sentenced. 2116

Sec. 2967.28. (A) As used in this section: 2117

(1) "Monitored time" means the monitored time sanction 2118
specified in section 2929.17 of the Revised Code. 2119

(2) "Deadly weapon" and "dangerous ordnance" have the same 2120
meanings as in section 2923.11 of the Revised Code. 2121

(3) "Felony sex offense" means a violation of a section 2122
contained in Chapter 2907. of the Revised Code that is a felony. 2123

(4) "Risk reduction sentence" means a prison term imposed 2124
by a court, when the court recommends pursuant to section 2125
2929.143 of the Revised Code that the offender serve the 2126
sentence under section 5120.036 of the Revised Code, and the 2127
offender may potentially be released from imprisonment prior to 2128
the expiration of the prison term if the offender successfully 2129
completes all assessment and treatment or programming required 2130
by the department of rehabilitation and correction under section 2131
5120.036 of the Revised Code. 2132

(5) "Victim's immediate family" has the same meaning as in 2133
section 2967.12 of the Revised Code. 2134

(6) "Minor drug possession offense" has the same meaning 2135
as in section 2925.11 of the Revised Code. 2136

(B) Each sentence to a prison term for a felony of the 2137
first degree, for a felony of the second degree, for a felony 2138

sex offense, or for a felony of the third degree that is an 2139
offense of violence and is not a felony sex offense shall 2140
include a requirement that the offender be subject to a period 2141
of post-release control imposed by the parole board after the 2142
offender's release from imprisonment. This division applies with 2143
respect to all prison terms of a type described in this 2144
division, including a term of any such type that is a risk 2145
reduction sentence. If a court imposes a sentence including a 2146
prison term of a type described in this division on or after 2147
July 11, 2006, the failure of a sentencing court to notify the 2148
offender pursuant to division (B) (2) (c) of section 2929.19 of 2149
the Revised Code of this requirement or to include in the 2150
judgment of conviction entered on the journal a statement that 2151
the offender's sentence includes this requirement does not 2152
negate, limit, or otherwise affect the mandatory period of 2153
supervision that is required for the offender under this 2154
division. Section 2929.191 of the Revised Code applies if, prior 2155
to July 11, 2006, a court imposed a sentence including a prison 2156
term of a type described in this division and failed to notify 2157
the offender pursuant to division (B) (2) (c) of section 2929.19 2158
of the Revised Code regarding post-release control or to include 2159
in the judgment of conviction entered on the journal or in the 2160
sentence pursuant to division (D) (1) of section 2929.14 of the 2161
Revised Code a statement regarding post-release control. Unless 2162
reduced by the parole board pursuant to division (D) of this 2163
section when authorized under that division, a period of post- 2164
release control required by this division for an offender shall 2165
be of one of the following periods: 2166

(1) For a felony of the first degree or for a felony sex 2167
offense, five years; 2168

(2) For a felony of the second degree that is not a felony 2169

sex offense, three years; 2170

(3) For a felony of the third degree that is an offense of 2171
violence and is not a felony sex offense, three years. 2172

(C) Any sentence to a prison term for a felony of the 2173
third, fourth, or fifth degree that is not subject to division 2174
(B) (1) or (3) of this section shall include a requirement that 2175
the offender be subject to a period of post-release control of 2176
up to three years after the offender's release from 2177
imprisonment, if the parole board, in accordance with division 2178
(D) of this section, determines that a period of post-release 2179
control is necessary for that offender. This division applies 2180
with respect to all prison terms of a type described in this 2181
division, including a term of any such type that is a risk 2182
reduction sentence. Section 2929.191 of the Revised Code applies 2183
if, prior to July 11, 2006, a court imposed a sentence including 2184
a prison term of a type described in this division and failed to 2185
notify the offender pursuant to division (B) (2) (d) of section 2186
2929.19 of the Revised Code regarding post-release control or to 2187
include in the judgment of conviction entered on the journal or 2188
in the sentence pursuant to division (D) (2) of section 2929.14 2189
of the Revised Code a statement regarding post-release control. 2190
Pursuant to an agreement entered into under section 2967.29 of 2191
the Revised Code, a court of common pleas or parole board may 2192
impose sanctions or conditions on an offender who is placed on 2193
post-release control under this division. 2194

(D) (1) Before the prisoner is released from imprisonment, 2195
the parole board or, pursuant to an agreement under section 2196
2967.29 of the Revised Code, the court shall impose upon a 2197
prisoner described in division (B) of this section, shall impose 2198
upon a prisoner described in division (C) of this section who is 2199

to be released before the expiration of the prisoner's stated 2200
prison term under a risk reduction sentence, may impose upon a 2201
prisoner described in division (C) of this section who is not to 2202
be released before the expiration of the prisoner's stated 2203
prison term under a risk reduction sentence, and shall impose 2204
upon a prisoner described in division (B)(2)(b) of section 2205
5120.031 or in division (B)(1) of section 5120.032 of the 2206
Revised Code, one or more post-release control sanctions to 2207
apply during the prisoner's period of post-release control. 2208
Whenever the board or court imposes one or more post-release 2209
control sanctions upon a prisoner, the board or court, in 2210
addition to imposing the sanctions, also shall include as a 2211
condition of the post-release control that the offender not 2212
leave the state without permission of the court or the 2213
offender's parole or probation officer and that the offender 2214
abide by the law. The board or court may impose any other 2215
conditions of release under a post-release control sanction that 2216
the board or court considers appropriate, and the conditions of 2217
release may include any community residential sanction, 2218
community nonresidential sanction, or financial sanction that 2219
the sentencing court was authorized to impose pursuant to 2220
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 2221
Prior to the release of a prisoner for whom it will impose one 2222
or more post-release control sanctions under this division, the 2223
parole board or court shall review the prisoner's criminal 2224
history, results from the single validated risk assessment tool 2225
selected by the department of rehabilitation and correction 2226
under section 5120.114 of the Revised Code, all juvenile court 2227
adjudications finding the prisoner, while a juvenile, to be a 2228
delinquent child, and the record of the prisoner's conduct while 2229
imprisoned. The parole board or court shall consider any 2230
recommendation regarding post-release control sanctions for the 2231

prisoner made by the office of victims' services. After 2232
considering those materials, the board or court shall determine, 2233
for a prisoner described in division (B) of this section, 2234
division (B) (2) (b) of section 5120.031, or division (B) (1) of 2235
section 5120.032 of the Revised Code and for a prisoner 2236
described in division (C) of this section who is to be released 2237
before the expiration of the prisoner's stated prison term under 2238
a risk reduction sentence, which post-release control sanction 2239
or combination of post-release control sanctions is reasonable 2240
under the circumstances or, for a prisoner described in division 2241
(C) of this section who is not to be released before the 2242
expiration of the prisoner's stated prison term under a risk 2243
reduction sentence, whether a post-release control sanction is 2244
necessary and, if so, which post-release control sanction or 2245
combination of post-release control sanctions is reasonable 2246
under the circumstances. In the case of a prisoner convicted of 2247
a felony of the fourth or fifth degree other than a felony sex 2248
offense, the board or court shall presume that monitored time is 2249
the appropriate post-release control sanction unless the board 2250
or court determines that a more restrictive sanction is 2251
warranted. A post-release control sanction imposed under this 2252
division takes effect upon the prisoner's release from 2253
imprisonment. 2254

Regardless of whether the prisoner was sentenced to the 2255
prison term prior to, on, or after July 11, 2006, prior to the 2256
release of a prisoner for whom it will impose one or more post- 2257
release control sanctions under this division, the parole board 2258
shall notify the prisoner that, if the prisoner violates any 2259
sanction so imposed or any condition of post-release control 2260
described in division (B) of section 2967.131 of the Revised 2261
Code that is imposed on the prisoner, the parole board may 2262

impose a prison term of up to one-half of the stated prison term 2263
originally imposed upon the prisoner. 2264

At least thirty days before the prisoner is released from 2265
imprisonment, except as otherwise provided in this paragraph, 2266
the department of rehabilitation and correction shall notify the 2267
victim and the victim's immediate family of the date on which 2268
the prisoner will be released, the period for which the prisoner 2269
will be under post-release control supervision, and the terms 2270
and conditions of the prisoner's post-release control regardless 2271
of whether the victim or victim's immediate family has requested 2272
the notification. The notice described in this paragraph shall 2273
not be given to a victim or victim's immediate family if the 2274
victim or the victim's immediate family has requested pursuant 2275
to division (B)(2) of section 2930.03 of the Revised Code that 2276
the notice not be provided to the victim or the victim's 2277
immediate family. At least thirty days before the prisoner is 2278
released from imprisonment and regardless of whether the victim 2279
or victim's immediate family has requested that the notice 2280
described in this paragraph be provided or not be provided to 2281
the victim or the victim's immediate family, the department also 2282
shall provide notice of that nature to the prosecuting attorney 2283
in the case and the law enforcement agency that arrested the 2284
prisoner if any officer of that agency was a victim of the 2285
offense. 2286

If the notice given under the preceding paragraph to the 2287
victim or the victim's immediate family is based on an offense 2288
committed prior to March 22, 2013, and if the department of 2289
rehabilitation and correction has not previously successfully 2290
provided any notice to the victim or the victim's immediate 2291
family under division (B), (C), or (D) of section 2930.16 of the 2292
Revised Code with respect to that offense and the offender who 2293

committed it, the notice also shall inform the victim or the 2294
victim's immediate family that the victim or the victim's 2295
immediate family may request that the victim or the victim's 2296
immediate family not be provided any further notices with 2297
respect to that offense and the offender who committed it and 2298
shall describe the procedure for making that request. The 2299
department may give the notices to which the preceding paragraph 2300
applies by any reasonable means, including regular mail, 2301
telephone, and electronic mail. If the department attempts to 2302
provide notice to any specified person under the preceding 2303
paragraph but the attempt is unsuccessful because the department 2304
is unable to locate the specified person, is unable to provide 2305
the notice by its chosen method because it cannot determine the 2306
mailing address, electronic mail address, or telephone number at 2307
which to provide the notice, or, if the notice is sent by mail, 2308
the notice is returned, the department shall make another 2309
attempt to provide the notice to the specified person. If the 2310
second attempt is unsuccessful, the department shall make at 2311
least one more attempt to provide the notice. If the notice is 2312
based on an offense committed prior to March 22, 2013, in each 2313
attempt to provide the notice to the victim or victim's 2314
immediate family, the notice shall include the opt-out 2315
information described in this paragraph. The department, in the 2316
manner described in division (D) (2) of section 2930.16 of the 2317
Revised Code, shall keep a record of all attempts to provide the 2318
notice, and of all notices provided, under this paragraph and 2319
the preceding paragraph. The record shall be considered as if it 2320
was kept under division (D) (2) of section 2930.16 of the Revised 2321
Code. This paragraph, the preceding paragraph, and the notice- 2322
related provisions of divisions (E) (2) and (K) of section 2323
2929.20, division (D) (1) of section 2930.16, division (H) of 2324
section 2967.12, division (E) (1) (b) of section 2967.19, division 2325

(A) (3) (b) of section 2967.26, and division (A) (2) of section 2326
5149.101 of the Revised Code enacted in the act in which this 2327
paragraph and the preceding paragraph were enacted, shall be 2328
known as "Roberta's Law." 2329

(2) If a prisoner who is placed on post-release control 2330
under this section is released before the expiration of the 2331
prisoner's stated prison term by reason of credit earned under 2332
section 2967.193 of the Revised Code and if the prisoner earned 2333
sixty or more days of credit, the adult parole authority shall 2334
supervise the offender with an active global positioning system 2335
device for the first fourteen days after the offender's release 2336
from imprisonment. This division does not prohibit or limit the 2337
imposition of any post-release control sanction otherwise 2338
authorized by this section. 2339

(3) At any time after a prisoner is released from 2340
imprisonment and during the period of post-release control 2341
applicable to the releasee, the adult parole authority or, 2342
pursuant to an agreement under section 2967.29 of the Revised 2343
Code, the court may review the releasee's behavior under the 2344
post-release control sanctions imposed upon the releasee under 2345
this section. The authority or court may determine, based upon 2346
the review and in accordance with the standards established 2347
under division (E) of this section, that a more restrictive or a 2348
less restrictive sanction is appropriate and may impose a 2349
different sanction. The authority also may recommend that the 2350
parole board or court increase or reduce the duration of the 2351
period of post-release control imposed by the court. If the 2352
authority recommends that the board or court increase the 2353
duration of post-release control, the board or court shall 2354
review the releasee's behavior and may increase the duration of 2355
the period of post-release control imposed by the court up to 2356

eight years. If the authority recommends that the board or court 2357
reduce the duration of control for an offense described in 2358
division (B) or (C) of this section, the board or court shall 2359
review the releasee's behavior and may reduce the duration of 2360
the period of control imposed by the court. In no case shall the 2361
board or court reduce the duration of the period of control 2362
imposed for an offense described in division (B)(1) of this 2363
section to a period less than the length of the stated prison 2364
term originally imposed, and in no case shall the board or court 2365
permit the releasee to leave the state without permission of the 2366
court or the releasee's parole or probation officer. 2367

(E) The department of rehabilitation and correction, in 2368
accordance with Chapter 119. of the Revised Code, shall adopt 2369
rules that do all of the following: 2370

(1) Establish standards for the imposition by the parole 2371
board of post-release control sanctions under this section that 2372
are consistent with the overriding purposes and sentencing 2373
principles set forth in section 2929.11 of the Revised Code and 2374
that are appropriate to the needs of releasees; 2375

(2) Establish standards that provide for a period of post- 2376
release control of up to three years for all prisoners described 2377
in division (C) of this section who are to be released before 2378
the expiration of their stated prison term under a risk 2379
reduction sentence and standards by which the parole board can 2380
determine which prisoners described in division (C) of this 2381
section who are not to be released before the expiration of 2382
their stated prison term under a risk reduction sentence should 2383
be placed under a period of post-release control; 2384

(3) Establish standards to be used by the parole board in 2385
reducing the duration of the period of post-release control 2386

imposed by the court when authorized under division (D) of this 2387
section, in imposing a more restrictive post-release control 2388
sanction than monitored time upon a prisoner convicted of a 2389
felony of the fourth or fifth degree other than a felony sex 2390
offense, or in imposing a less restrictive control sanction upon 2391
a releasee based on the releasee's activities including, but not 2392
limited to, remaining free from criminal activity and from the 2393
abuse of alcohol or other drugs, successfully participating in 2394
approved rehabilitation programs, maintaining employment, and 2395
paying restitution to the victim or meeting the terms of other 2396
financial sanctions; 2397

(4) Establish standards to be used by the adult parole 2398
authority in modifying a releasee's post-release control 2399
sanctions pursuant to division (D)(2) of this section; 2400

(5) Establish standards to be used by the adult parole 2401
authority or parole board in imposing further sanctions under 2402
division (F) of this section on releasees who violate post- 2403
release control sanctions, including standards that do the 2404
following: 2405

(a) Classify violations according to the degree of 2406
seriousness; 2407

(b) Define the circumstances under which formal action by 2408
the parole board is warranted; 2409

(c) Govern the use of evidence at violation hearings; 2410

(d) Ensure procedural due process to an alleged violator; 2411

(e) Prescribe nonresidential community control sanctions 2412
for most misdemeanor and technical violations; 2413

(f) Provide procedures for the return of a releasee to 2414

imprisonment for violations of post-release control. 2415

(F) (1) Whenever the parole board imposes one or more post- 2416
release control sanctions upon an offender under this section, 2417
the offender upon release from imprisonment shall be under the 2418
general jurisdiction of the adult parole authority and generally 2419
shall be supervised by the field services section through its 2420
staff of parole and field officers as described in section 2421
5149.04 of the Revised Code, as if the offender had been placed 2422
on parole. If the offender upon release from imprisonment 2423
violates the post-release control sanction or any conditions 2424
described in division (A) of section 2967.131 of the Revised 2425
Code that are imposed on the offender, the public or private 2426
person or entity that operates or administers the sanction or 2427
the program or activity that comprises the sanction shall report 2428
the violation directly to the adult parole authority or to the 2429
officer of the authority who supervises the offender. The 2430
authority's officers may treat the offender as if the offender 2431
were on parole and in violation of the parole, and otherwise 2432
shall comply with this section. 2433

(2) If the adult parole authority or, pursuant to an 2434
agreement under section 2967.29 of the Revised Code, the court 2435
determines that a releasee has violated a post-release control 2436
sanction or any conditions described in division (A) of section 2437
2967.131 of the Revised Code imposed upon the releasee and that 2438
a more restrictive sanction is appropriate, the authority or 2439
court may impose a more restrictive sanction upon the releasee, 2440
in accordance with the standards established under division (E) 2441
of this section or in accordance with the agreement made under 2442
section 2967.29 of the Revised Code, or may report the violation 2443
to the parole board for a hearing pursuant to division (F) (3) of 2444
this section. The authority or court may not, pursuant to this 2445

division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-

release control sanction imposed for a violation of post-release 2477
control when the violation involves a deadly weapon or dangerous 2478
ordnance, physical harm or attempted serious physical harm to a 2479
person, or sexual misconduct, ~~or when the releasee committed~~ 2480
~~repeated violations of post-release control sanctions.~~ Unless a 2481
releasee's stated prison term was reduced pursuant to section 2482
5120.032 of the Revised Code, the period of a prison term that 2483
is imposed as a post-release control sanction under this 2484
division shall not exceed nine months, and the maximum 2485
cumulative prison term for all violations under this division 2486
shall not exceed one-half of the stated prison term originally 2487
imposed upon the offender as part of this sentence. If a 2488
releasee's stated prison term was reduced pursuant to section 2489
5120.032 of the Revised Code, the period of a prison term that 2490
is imposed as a post-release control sanction under this 2491
division and the maximum cumulative prison term for all 2492
violations under this division shall not exceed the period of 2493
time not served in prison under the sentence imposed by the 2494
court. The period of a prison term that is imposed as a post- 2495
release control sanction under this division shall not count as, 2496
or be credited toward, the remaining period of post-release 2497
control. 2498

If an offender is imprisoned for a felony committed while 2499
under post-release control supervision and is again released on 2500
post-release control for a period of time determined by division 2501
(F) (4) (d) of this section, the maximum cumulative prison term 2502
for all violations under this division shall not exceed one-half 2503
of the total stated prison terms of the earlier felony, reduced 2504
by any prison term administratively imposed by the parole board 2505
or court, plus one-half of the total stated prison term of the 2506
new felony. 2507

(4) Any period of post-release control shall commence upon 2508
an offender's actual release from prison. If an offender is 2509
serving an indefinite prison term or a life sentence in addition 2510
to a stated prison term, the offender shall serve the period of 2511
post-release control in the following manner: 2512

(a) If a period of post-release control is imposed upon 2513
the offender and if the offender also is subject to a period of 2514
parole under a life sentence or an indefinite sentence, and if 2515
the period of post-release control ends prior to the period of 2516
parole, the offender shall be supervised on parole. The offender 2517
shall receive credit for post-release control supervision during 2518
the period of parole. The offender is not eligible for final 2519
release under section 2967.16 of the Revised Code until the 2520
post-release control period otherwise would have ended. 2521

(b) If a period of post-release control is imposed upon 2522
the offender and if the offender also is subject to a period of 2523
parole under an indefinite sentence, and if the period of parole 2524
ends prior to the period of post-release control, the offender 2525
shall be supervised on post-release control. The requirements of 2526
parole supervision shall be satisfied during the post-release 2527
control period. 2528

(c) If an offender is subject to more than one period of 2529
post-release control, the period of post-release control for all 2530
of the sentences shall be the period of post-release control 2531
that expires last, as determined by the parole board or court. 2532
Periods of post-release control shall be served concurrently and 2533
shall not be imposed consecutively to each other. 2534

(d) The period of post-release control for a releasee who 2535
commits a felony while under post-release control for an earlier 2536
felony shall be the longer of the period of post-release control 2537

specified for the new felony under division (B) or (C) of this 2538
section or the time remaining under the period of post-release 2539
control imposed for the earlier felony as determined by the 2540
parole board or court. 2541

Sec. 5120.114. (A) The department of rehabilitation and 2542
correction shall select a single validated risk assessment tool 2543
for adult offenders. This assessment tool shall be used by the 2544
following entities: 2545

(1) Municipal courts, when the particular court orders an 2546
assessment of an offender for sentencing or another purpose; 2547

(2) Common pleas courts, when the particular court orders 2548
an assessment of an offender for sentencing or another purpose; 2549

(3) County courts, when the particular court orders an 2550
assessment of an offender for sentencing or another purpose; 2551

(4) Municipal court departments of probation; 2552

(5) County departments of probation; 2553

(6) Probation departments established by two or more 2554
counties; 2555

(7) State and local correctional institutions; 2556

(8) Private correctional facilities; 2557

(9) Community-based correctional facilities; 2558

(10) The adult parole authority; 2559

(11) The parole board; 2560

(12) The department of mental health and addiction 2561
services; 2562

(13) Halfway houses. 2563

(B) For each entity required to use the assessment tool, 2564
every employee of the entity who actually uses the tool shall be 2565
trained and certified by a trainer who is certified by the 2566
department. Each entity utilizing the assessment tool shall 2567
develop policies and protocols regarding all of the following 2568
activities: 2569

(1) Application and integration of the assessment tool 2570
into operations, supervision, and case planning; 2571

(2) Administrative oversight of the use of the assessment 2572
tool; 2573

(3) Staff training; 2574

(4) Quality assurance; 2575

(5) Data collection and sharing as described under section 2576
5120.115 of the Revised Code. 2577

Sec. 5120.115. (A) Each authorized user of the single 2578
validated risk assessment tool described in section 5120.114 of 2579
the Revised Code shall have access to all reports generated by 2580
the risk assessment tool and all data stored in the risk 2581
assessment tool. An authorized user may disclose any report 2582
generated by the risk assessment tool to law enforcement 2583
agencies, halfway houses, and medical, mental health, and 2584
substance abuse treatment providers for penological and 2585
rehabilitative purposes. ~~The user shall make the disclosure~~ An 2586
authorized user may also disclose any report generated by the 2587
risk assessment tool to qualified persons and research 2588
organizations for research, evaluative, and statistical purposes 2589
under the terms of written agreements between the authorized 2590
user and the recipients of the report. Reports generated by the 2591
risk assessment tool shall be disclosed in a manner ~~calculated~~ 2592

~~to maintain that ensures the report's security and~~ 2593
~~confidentiality of information in the reports.~~ 2594

(B) All reports generated by or data collected in the risk 2595
assessment tool are confidential information and are not a 2596
public record. No person shall disclose any report generated by 2597
or data collected in the risk assessment tool except as provided 2598
in division (A) of this section. 2599

(C) As used in this section, "public record" has the same 2600
meaning as in section 149.43 of the Revised Code. 2601

Sec. 5503.02. (A) The state highway patrol shall enforce 2602
the laws of the state relating to the titling, registration, and 2603
licensing of motor vehicles; enforce on all roads and highways, 2604
notwithstanding section 4513.39 of the Revised Code, the laws 2605
relating to the operation and use of vehicles on the highways; 2606
enforce and prevent the violation of the laws relating to the 2607
size, weight, and speed of commercial motor vehicles and all 2608
laws designed for the protection of the highway pavements and 2609
structures on the highways; investigate and enforce rules and 2610
laws of the public utilities commission governing the 2611
transportation of persons and property by motor carriers and 2612
report violations of such rules and laws to the commission; 2613
enforce against any motor carrier as defined in section 4923.01 2614
of the Revised Code those rules and laws that, if violated, may 2615
result in a forfeiture as provided in section 4923.99 of the 2616
Revised Code; investigate and report violations of all laws 2617
relating to the collection of excise taxes on motor vehicle 2618
fuels; and regulate the movement of traffic on the roads and 2619
highways of the state, notwithstanding section 4513.39 of the 2620
Revised Code. 2621

The patrol, whenever possible, shall determine the 2622

identity of the persons who are causing or who are responsible 2623
for the breaking, damaging, or destruction of any improved 2624
surfaced roadway, structure, sign, marker, guardrail, or other 2625
appurtenance constructed or maintained by the department of 2626
transportation and shall arrest the persons who are responsible 2627
for the breaking, damaging, or destruction and bring them before 2628
the proper officials for prosecution. 2629

State highway patrol troopers shall investigate and report 2630
all motor vehicle accidents on all roads and highways outside of 2631
municipal corporations. The superintendent of the patrol or any 2632
state highway patrol trooper may arrest, without a warrant, any 2633
person, who is the driver of or a passenger in any vehicle 2634
operated or standing on a state highway, whom the superintendent 2635
or trooper has reasonable cause to believe is guilty of a 2636
felony, under the same circumstances and with the same power 2637
that any peace officer may make such an arrest. 2638

The superintendent or any state highway patrol trooper may 2639
enforce the criminal laws on all state properties and state 2640
institutions, owned or leased by the state, and, when so ordered 2641
by the governor in the event of riot, civil disorder, or 2642
insurrection, may, pursuant to sections 2935.03 to 2935.05 of 2643
the Revised Code, arrest offenders against the criminal laws 2644
wherever they may be found within the state if the violations 2645
occurred upon, or resulted in injury to person or property on, 2646
state properties or state institutions, or under the conditions 2647
described in division (B) of this section. This authority of the 2648
superintendent and any state highway patrol trooper to enforce 2649
the criminal laws shall extend to the Lake Erie Correctional 2650
Institution and the Northeast Ohio Correctional Center, to the 2651
same extent as if ~~that prison~~ those prisons were owned by this 2652
state. 2653

(B) In the event of riot, civil disorder, or insurrection, 2654
or the reasonable threat of riot, civil disorder, or 2655
insurrection, and upon request, as provided in this section, of 2656
the sheriff of a county or the mayor or other chief executive of 2657
a municipal corporation, the governor may order the state 2658
highway patrol to enforce the criminal laws within the area 2659
threatened by riot, civil disorder, or insurrection, as 2660
designated by the governor, upon finding that law enforcement 2661
agencies within the counties involved will not be reasonably 2662
capable of controlling the riot, civil disorder, or insurrection 2663
and that additional assistance is necessary. In cities in which 2664
the sheriff is under contract to provide exclusive police 2665
services pursuant to section 311.29 of the Revised Code, in 2666
villages, and in the unincorporated areas of the county, the 2667
sheriff has exclusive authority to request the use of the 2668
patrol. In cities in which the sheriff does not exclusively 2669
provide police services, the mayor, or other chief executive 2670
performing the duties of mayor, has exclusive authority to 2671
request the use of the patrol. 2672

The superintendent or any state highway patrol trooper may 2673
enforce the criminal laws within the area designated by the 2674
governor during the emergency arising out of the riot, civil 2675
disorder, or insurrection until released by the governor upon 2676
consultation with the requesting authority. State highway patrol 2677
troopers shall never be used as peace officers in connection 2678
with any strike or labor dispute. 2679

When a request for the use of the patrol is made pursuant 2680
to this division, the requesting authority shall notify the law 2681
enforcement authorities in contiguous communities and the 2682
sheriff of each county within which the threatened area, or any 2683
part of the threatened area, lies of the request, but the 2684

failure to notify the authorities or a sheriff shall not affect 2685
the validity of the request. 2686

(C) Any person who is arrested by the superintendent or a 2687
state highway patrol trooper shall be taken before any court or 2688
magistrate having jurisdiction of the offense with which the 2689
person is charged. Any person who is arrested or apprehended 2690
within the limits of a municipal corporation shall be brought 2691
before the municipal court or other tribunal of the municipal 2692
corporation. 2693

(D) (1) State highway patrol troopers have the same right 2694
and power of search and seizure as other peace officers. 2695

No state official shall command, order, or direct any 2696
state highway patrol trooper to perform any duty or service that 2697
is not authorized by law. The powers and duties conferred on the 2698
patrol are supplementary to, and in no way a limitation on, the 2699
powers and duties of sheriffs or other peace officers of the 2700
state. 2701

(2) (a) A state highway patrol trooper, pursuant to the 2702
policy established by the superintendent of the state highway 2703
patrol under division (D) (2) (b) of this section, may render 2704
emergency assistance to any other peace officer who has arrest 2705
authority under section 2935.03 of the Revised Code, if both of 2706
the following apply: 2707

(i) There is a threat of imminent physical danger to the 2708
peace officer, a threat of physical harm to another person, or 2709
any other serious emergency situation; 2710

(ii) Either the peace officer requests emergency 2711
assistance, or it appears that the peace officer is unable to 2712
request emergency assistance and the circumstances observed by 2713

the state highway patrol trooper reasonably indicate that 2714
emergency assistance is appropriate, or the peace officer 2715
requests emergency assistance and in the request the peace 2716
officer specifies a particular location and the state highway 2717
patrol trooper arrives at that location prior to the time that 2718
the peace officer arrives at that location and the circumstances 2719
observed by the state highway patrol trooper reasonably indicate 2720
that emergency assistance is appropriate. 2721

(b) The superintendent of the state highway patrol shall 2722
establish, within sixty days of August 8, 1991, a policy that 2723
sets forth the manner and procedures by which a state highway 2724
patrol trooper may render emergency assistance to any other 2725
peace officer under division (D) (2) (a) of this section. The 2726
policy shall include a provision that a state highway patrol 2727
trooper never be used as a peace officer in connection with any 2728
strike or labor dispute. 2729

(3) (a) A state highway patrol trooper who renders 2730
emergency assistance to any other peace officer under the policy 2731
established by the superintendent pursuant to division (D) (2) (b) 2732
of this section shall be considered to be performing regular 2733
employment for the purposes of compensation, pension, indemnity 2734
fund rights, workers' compensation, and other rights or benefits 2735
to which the trooper may be entitled as incident to regular 2736
employment. 2737

(b) A state highway patrol trooper who renders emergency 2738
assistance to any other peace officer under the policy 2739
established by the superintendent pursuant to division (D) (2) (b) 2740
of this section retains personal immunity from liability as 2741
specified in section 9.86 of the Revised Code. 2742

(c) A state highway patrol trooper who renders emergency 2743

assistance under the policy established by the superintendent 2744
pursuant to division (D) (2) (b) of this section has the same 2745
authority as the peace officer for or with whom the state 2746
highway patrol trooper is providing emergency assistance. 2747

(E) (1) Subject to the availability of funds specifically 2748
appropriated by the general assembly for security detail 2749
purposes, the state highway patrol shall provide security as 2750
follows: 2751

(a) For the governor; 2752

(b) At the direction of the governor, for other officials 2753
of the state government of this state; officials of the state 2754
governments of other states who are visiting this state; 2755
officials of the United States government who are visiting this 2756
state; officials of the governments of foreign countries or 2757
their political subdivisions who are visiting this state; or 2758
other officials or dignitaries who are visiting this state, 2759
including, but not limited to, members of trade missions; 2760

(c) For the capitol square, as defined in section 105.41 2761
of the Revised Code; 2762

(d) For the Vern Riffe center and the James A. Rhodes 2763
state office tower, as directed by the department of public 2764
safety; 2765

(e) For other state property. 2766

(2) To carry out the security responsibilities of the 2767
patrol listed in division (E) (1) of this section, the 2768
superintendent may assign state highway patrol troopers to a 2769
separate unit that is responsible for security details. The 2770
number of troopers assigned to particular security details shall 2771
be determined by the superintendent. 2772

(3) The superintendent and any state highway patrol trooper, when providing security pursuant to division (E) (1) (a) or (b) of this section, have the same arrest powers as other peace officers to apprehend offenders against the criminal laws who endanger or threaten the security of any person being protected, no matter where the offense occurs.

The superintendent, any state highway patrol trooper, and any special police officer designated under section 5503.09 of the Revised Code, if providing security pursuant to division (E) (1) (c) of this section, shall enforce any rules governing capitol square adopted by the capitol square review and advisory board.

(F) The governor may order the state highway patrol to undertake major criminal investigations that involve state property interests. If an investigation undertaken pursuant to this division results in either the issuance of a no bill or the filing of an indictment, the superintendent shall file a complete and accurate report of the investigation with the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives within fifteen days after the issuance of the no bill or the filing of an indictment. If the investigation does not have as its result any prosecutorial action, the superintendent shall, upon reporting this fact to the governor, file a complete and accurate report of the investigation with the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives.

(G) The superintendent may purchase or lease real property

and buildings needed by the patrol, negotiate the sale of real 2803
property owned by the patrol, rent or lease real property owned 2804
or leased by the patrol, and make or cause to be made repairs to 2805
all property owned or under the control of the patrol. Any 2806
instrument by which real property is acquired pursuant to this 2807
division shall identify the agency of the state that has the use 2808
and benefit of the real property as specified in section 2809
5301.012 of the Revised Code. 2810

Sections 123.01 and 125.02 of the Revised Code do not 2811
limit the powers granted to the superintendent by this division. 2812

Sec. 5747.99. (A) Whoever violates section 5747.19 of the 2813
Revised Code, ~~or whoever violates section 5747.06 or 5747.07 of~~ 2814
~~the Revised Code by failing to remit state income taxes withheld~~ 2815
~~from an employee,~~ is guilty of a felony of the fifth degree. 2816

(B) Whoever violates any provision of sections 5747.01 to 2817
5747.19 of the Revised Code, or any lawful rule promulgated by 2818
the tax commissioner under authority of any provision of those 2819
sections, for the violation of which no other penalty is 2820
provided in this section, shall be fined not less than one 2821
hundred nor more than five thousand dollars. 2822

(C) Whoever violates section 5747.49 of the Revised Code 2823
shall be fined not more than five dollars for each day that 2824
elapses between the date specified by law for performance and 2825
the date when the duty is actually performed. 2826

(D) Whoever violates section 5747.06 or 5747.07 of the 2827
Revised Code by failing to remit state income taxes withheld 2828
from an employee shall be penalized as follows: 2829

(1) Except as otherwise provided in division (D) (2) of 2830
this section, the offender shall be fined not less than one 2831

hundred dollars nor more than one thousand dollars, or 2832

imprisoned not more than sixty days, or both. 2833

(2) If the offender previously has been convicted of or 2834

pleaded guilty to a violation of section 5747.06 or 5747.07 of 2835

the Revised Code involving a failure to remit state income taxes 2836

withheld from an employee, the offender is guilty of a felony of 2837

the fifth degree. 2838

Section 2. That existing sections 2929.11, 2929.13, 2839

2929.15, 2929.16, 2929.19, 2935.36, 2951.041, 2953.31, 2953.32, 2840

2967.16, 2967.191, 2967.28, 5120.114, 5120.115, 5503.02, and 2841

5747.99 of the Revised Code are hereby repealed. 2842

Section 3. Section 2929.19 of the Revised Code is 2843

presented in this act as a composite of the section as amended 2844

by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th 2845

General Assembly. The General Assembly, applying the principle 2846

stated in division (B) of section 1.52 of the Revised Code that 2847

amendments are to be harmonized if reasonably capable of 2848

simultaneous operation, finds that the composite is the 2849

resulting version of the section in effect prior to the 2850

effective date of the section as presented in this act. 2851

Section 4. (A) The Governor may execute a Governor's Deed 2852

in the name of the State conveying to the Madison County 2853

Commissioners ("Grantee"), and its successors and assigns, all 2854

of the State's right, title, and interest in the following 2855

described real estate: 2856

Water Tower Parcel 2857

Situated in the State of Ohio, Madison County, Union 2858

Township and being a part of those lands conveyed to the State 2859

of Ohio as recorded in Deed Book 255 Page 44 in the Offices of 2860

the Madison County Recorder, and being more particularly 2861
described as follows: 2862

Commencing at the intersection of the center of Old 2863
Springfield Road and the east property line of the said State of 2864
Ohio lands; 2865

Thence, N 83° 30' W, along the centerline of Old 2866
Springfield Road, 2515 +/- feet to the center of a paved drive 2867
to the north; 2868

Thence, N 5° 30' E, along the center of the paved drive, 2869
4480 +/- feet to a point, said point is on the projected center 2870
of a paved drive to the west; 2871

Thence, N 84° 30' W, along the center of said paved drive, 2872
150 +/- feet to a point; 2873

Thence, S 5° 30' W, 25 feet to the True Place of 2874
Beginning; 2875

Thence, continuing S 6° 30' W, 150 feet to a point; 2876

Thence, N 84° 30' W, 150 feet to a point; 2877

Thence, N 5° 30' E, 150 feet to a point, said point being 2878
25 feet south of the center of a paved drive; 2879

Thence, S 84° 30' E, parallel to and 25 feet from the 2880
center of a paved drive, 150 feet to the True Place of Beginning 2881
and containing 0.5 acres more or less. 2882

Bearings are to an assumed meridian and are used to denote 2883
relative angles only. 2884

WWPRE-TP Parcel 2885

Situated in the State of Ohio, Madison County, Union 2886
Township and being a part of those lands conveyed to the State 2887

of Ohio as recorded in Deed Book 255 Page 44 in the Offices of 2888
the Madison County Recorder, and being more particularly 2889
described as follows: 2890

Commencing at the intersection of the center of Old 2891
Springfield Road and the east property line of the said State of 2892
Ohio lands; 2893

Thence, N 83° 30' W, along the centerline of Old 2894
Springfield Road, 2515 +/- feet to the center of a paved drive 2895
to the north; 2896

Thence, N 5° 30' E, along the center of the paved drive, 2897
3835 +/- feet to a point, said point is 5 feet north of the 2898
north edge of a farm drive projected from the east; 2899

Thence S 85° 30' E, and running 5 feet north of the north 2900
edge of a farm drive, 25 feet to a point and the True Place of 2901
Beginning; 2902

Thence, N 5° 30' E, parallel to and 25 feet from the 2903
center of a paved drive, 395 +/- feet to a fence line; 2904

Thence, N 88° 00' E, along a fence line, 295 +/- feet to a 2905
fence corner; 2906

Thence, S 14° 30' E, along a fence line, 185 +/- feet to a 2907
fence corner; 2908

Thence, S 69° 00' E, along a fence line, 115 +/- feet to a 2909
point; 2910

Thence, S 16° 00' W, 220 +/- feet to a point, said point 2911
is 5 feet north of the north edge of a farm drive; 2912

Thence, N 85° 30' W, 430 +/- feet to the True Place of 2913
Beginning and containing 3.6 acres more or less. 2914

Bearings are to an assumed meridian and are used to denote relative angles only. 2915
2916

WTP Parcel 2917

Situated in the State of Ohio, Madison County, Union Township and being a part of those lands conveyed to the State of Ohio as recorded in Deed Book 255 Page 44 in the Offices of the Madison County Recorder, and being more particularly described as follows: 2918
2919
2920
2921
2922

Commencing at the intersection of the center of Old Springfield Road and the east property line of the said State of Ohio lands; 2923
2924
2925

Thence, N 83° 30' W, along the centerline of Old Springfield Road, 2515 +/- feet to the center of a paved drive to the north; 2926
2927
2928

Thence, N 5° 30' E, along the center of the paved drive, 2385 +/- feet to a point, said point is on the projected center of a paved drive to the west; 2929
2930
2931

Thence, N 84° 30' W, along the center of said paved drive, 100 +/- feet to a point; 2932
2933

Thence, N 5° 30' E, 25 feet to a point, said point being on the westerly top of bank of a drainage ditch; 2934
2935

Thence, N 84° 30' W, parallel to and 25 feet from the center of a paved drive, 1025 +/- feet to a point; 2936
2937

Thence, S 5° 30' W, 320 +/- feet to a fence line; 2938

Thence, S 84° 30' E, 760 +/- feet to a point on the westerly top of bank of a drainage ditch; 2939
2940

Thence, N 46° 30' E, 400 +/- feet to the True Place of 2941

Beginning and containing 6.0 acres more or less. 2942

Bearings are to an assumed meridian and are used to denote 2943
relative angles only. 2944

The foregoing legal descriptions may be corrected or 2945
modified by the Department of Administrative Services to a final 2946
form if such corrections or modifications are needed to 2947
facilitate recordation of the deed. 2948

(B) (1) The conveyance includes improvements and chattels 2949
situated on the real estate, and is subject to all easements, 2950
covenants, conditions, and restrictions of record; all legal 2951
highways and public rights-of-way; zoning, building, and other 2952
laws, ordinances, restrictions, and regulations; and real estate 2953
taxes and assessments not yet due and payable. The real estate 2954
shall be conveyed in an "as-is, where-is, with all faults" 2955
condition. 2956

(2) The deed may contain restrictions, exceptions, 2957
reservations, reversionary interests, or other terms and 2958
conditions the Director of Administrative Services determines to 2959
be in the best interest of the State, including restrictions 2960
prohibiting the Grantee from occupying, using, developing, or 2961
selling the real estate, or the wastewater pre-treatment plant, 2962
water treatment plant and/or associated water towers, 2963
(hereinafter referred to as "Plants"), thereon, such that the 2964
occupancy, use, development, or sale will interfere with the 2965
quiet enjoyment of neighboring State-owned land. The deed shall 2966
also contain a restriction that the use of the Plants shall 2967
continue to service sanitary effluent and potable water from and 2968
to the London Correctional Institution, London Correctional 2969
Training and Education Center, Madison Correctional Institution, 2970
Bureau of Criminal Investigation facilities, and the Ohio Peace 2971

Officer Training Academy, so long as the Department of 2972
Rehabilitation and Correction or the Ohio Attorney General deem 2973
it necessary as to its own facilities. 2974

(3) Subsequent to the conveyance, any restrictions, 2975
exceptions, reservations, reversionary interests, or other terms 2976
and conditions contained in the deed may be released by the 2977
State or the Department of Rehabilitation and Correction without 2978
the necessity of further legislation. 2979

(4) Notwithstanding any provision of the Revised Code, the 2980
State of Ohio may transfer to the Grantee in accordance with the 2981
real estate purchase agreement any supplies, equipment, 2982
furnishings, fixtures, or other assets of the State of Ohio 2983
considered necessary by the Directors of the Departments of 2984
Rehabilitation and Correction and Administrative Services for 2985
the continued operation and management of the Plants. Any such 2986
supplies, equipment, furnishings, fixtures, or other assets 2987
shall not be considered supplies, excess supplies, or surplus 2988
supplies as defined in section 125.12 of the Revised Code and 2989
may be disposed of as part of the sale of the real estate to the 2990
Grantee. 2991

(5) If Grantee seeks to resell or otherwise transfer the 2992
real estate and/or the Plants thereon, then Grantee irrevocably 2993
grants to the State of Ohio a first right to repurchase the real 2994
estate and/or the Plants. The Grantee must first offer the State 2995
the opportunity to repurchase the real estate and/or the Plants 2996
that is to be resold or transferred for a price not greater than 2997
the purchase price paid to the State for the real estate and the 2998
Plants thereon, less depreciation from the time of the 2999
conveyance of the real estate and the Plants thereon, plus the 3000
depreciated value of any capital improvements to the real estate 3001

and the Plants thereon, that were made to it and funded by 3002
anyone other than the State of Ohio subsequent to the conveyance 3003
to the Grantee. This repurchase opportunity must be offered to 3004
the State at least 180 days before the Grantee intends to resell 3005
or otherwise transfer the real estate and/or the Plants. After 3006
being offered the repurchase opportunity, the State may 3007
repurchase the real estate and/or the Plants that is to be 3008
resold or transferred for the price described in this division 3009
or may decline to repurchase the real estate and/or the Plants. 3010

(C) The Director of the Department of Administrative 3011
Services shall offer the real estate to the Madison County 3012
Commissioners through a negotiated real estate purchase 3013
agreement which includes, but is not limited to, the following 3014
provisions: purchase price; accepting sanitary effluent and 3015
distributing potable water, within current, average daily flow 3016
capacity, monitored by flow meters; and reasonable, negotiated 3017
user rates. Consideration for the conveyance of the real estate 3018
shall be one dollar. 3019

(D) The real estate described in division (A) of this 3020
section shall be sold as an entire tract and not in parcels. 3021

(E) Grantee shall pay all costs associated with the 3022
purchase, closing and conveyance, including surveys, title 3023
evidence, title insurance, transfer costs and fees, recording 3024
costs and fees, taxes, and any other fees, assessments, and 3025
costs that may be imposed. 3026

The proceeds of the sale shall be deposited into the State 3027
Treasury to the credit of the Adult and Juvenile Correctional 3028
Facilities Bond Retirement Fund in accordance with section 3029
5120.092 of the Revised Code. 3030

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the consideration, restrictions, and other terms and conditions, and shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the Governor's Deed for recording in the Office of the Madison County Recorder.

(G) As part of the conveyance described herein, the Department of Administrative Services will grant a perpetual easement to the Madison County Commissioners to provide access to the Grantee for purposes of inspection, repair, maintenance, replacement, or other improvement to any sanitary sewer and water lines and water wells located on the adjacent land under the jurisdiction of the Department of Rehabilitation and Correction and the Ohio Attorney General.

(H) This section expires three years after its effective date.

Section 5. (A) The Governor may execute a Governor's Deed in the name of the State conveying to the Scioto County Commissioners ("Grantee"), and its successors and assigns, all the State's right, title, and interest in the following described real estate:

Located in Valley Township, Scioto County, Ohio and being a part of the northwest part of Fractional Section 5 of Township 2 North, Range 21 West, Ohio River Survey, and a part of Lot numbers One (1) and Two (2) according to the plat in the Suit of

Partition of the north part of Section 5 entitled Lenard 3061
Groninger vs John Groninger and others in Common Pleas Court of 3062
Scioto County, Ohio recorded on Page 393 of Volume E of said 3063
court records and more particularly described as follows: 3064

Beginning at a point marking the intersection of the 3065
centerline of Cook Road with the easterly right-of-way line of 3066
the Norfolk and Western Railway Company, said point being 3067
located southerly on said right-of-way line and an extension 3068
northerly thereof, a distance of 1134.09 feet from its 3069
intersection with the township and section line between Valley 3070
Township, Township 2 North, Range 21 West, Section 5, and Valley 3071
Township, Township 3 North, Range 21 West, Section 32; thence 3072
along said easterly right-of-way line of the Norfolk and Western 3073
Railway Company, S 17° 47' E 952.04 feet to a concrete monument, 3074
passing at 30.28 feet a concrete monument on the southerly 3075
right-of-way line of Cook Road; thence continuing along said 3076
railroads easterly line, S 18° 42' 24" E 203.25 feet to a point; 3077
thence along said railroads easterly line, S 22° 04' 21" E, 3078
200.56 feet to a point; thence N 71° 00' E, 130.00 feet to a 3079
point; thence S 49° 00' E, 50.00 feet to a point; thence N 57° 3080
30' E, 445.00 feet to a point; thence N 18° 19' 56" W, 500.88' 3081
to a concrete monument; thence N 24° 56' 29" W, 327.58 feet to a 3082
concrete monument; thence S 74° 37' 32" W, 459.38 feet to a 3083
point; thence N 17° 47' W, 424.64 feet to a point in the 3084
centerline of Cook Road; thence with said centerline, S 79° 16' 3085
53" W, 100.76 feet to the place of beginning and containing 3086
13.18 acres, more or less, and subject to easements of record. 3087

Further excepting and reserving unto the grantor herein 3088
the use of the present underpass and drive east from the Norfolk 3089
and Western railway and located at the southwesterly corner of 3090
the premises described hereinabove. 3091

Being parts of the same premises described as Second 3092
Trust, in a deed dated January 2, 1934, from Union Joint Stocks 3093
Land Bank of Detroit to Carl D. Schisler and Lyda S. Schisler 3094
and recorded in Volume 204, Pages 469 and 473, and premises 3095
described in a deed dated November 3, 1966 from the Greater 3096
Portsmouth Growth Corporation to the State of Ohio and recorded 3097
in Volume 567, Pages 467, 468, 469 and 470. 3098

The foregoing legal description may be corrected or 3099
modified by the Department of Administrative Services to a final 3100
form if such corrections or modifications are needed to 3101
facilitate recordation of the deed. 3102

(B) (1) The conveyance includes improvements and chattels 3103
situated on the real estate, and is subject to all easements, 3104
covenants, conditions, and restrictions of record; all legal 3105
highways and public rights-of-way; zoning, building, and other 3106
laws, ordinances, restrictions, and regulations; and real estate 3107
taxes and assessments not yet due and payable. The real estate 3108
shall be conveyed in "as-is, where-is, with all faults" 3109
condition. 3110

(2) The deed may contain restrictions, exceptions, 3111
reservations, reversionary interests, or other terms and 3112
conditions the Director of Administrative Services determines to 3113
be in the best interest of the State including restrictions 3114
prohibiting the Grantee from occupying, using, developing, or 3115
selling, the real estate, or the wastewater treatment plant 3116
thereon, such that the occupancy, use, development, or sale will 3117
interfere with the quiet enjoyment of neighboring state-owned 3118
land. The deed also shall contain a restriction that the use of 3119
the wastewater treatment plant shall continue to service 3120
sanitary effluent from the Southern Ohio Correctional Facility 3121

so long as the Department of Rehabilitation and Correction deems 3122
it necessary. 3123

(3) Subsequent to the conveyance, any restrictions, 3124
exceptions, reservations, reversionary interests, or other terms 3125
and conditions contained in the deed may be released by the 3126
State or the Department of Rehabilitation and Correction without 3127
the necessity of further legislation. 3128

(4) Notwithstanding any provision of the Revised Code, the 3129
state of Ohio may transfer to the Grantee in accordance with the 3130
real estate purchase agreement any supplies, equipment, 3131
furnishings, fixtures, or other assets, of the State of Ohio, 3132
considered necessary by the Directors of Rehabilitation and 3133
Correction and Administrative Services for the continued 3134
operation and management of the wastewater treatment plant. Any 3135
such supplies, equipment, furnishings, fixtures, or other assets 3136
shall not be considered supplies, excess supplies, or surplus 3137
supplies as defined in section 125.12 of the Revised Code and 3138
may be disposed of as part of the sale of the real estate to the 3139
Grantee. 3140

(5) If the Grantee seeks to resell or otherwise transfer 3141
the real estate and/or the wastewater treatment plant thereon, 3142
then the Grantee irrevocably grants to the State of Ohio a right 3143
to repurchase the real estate and/or the plant. The Grantee must 3144
first offer the State the opportunity to repurchase the real 3145
estate and/or the plant that is to be resold or transferred for 3146
a price not greater than the purchase price paid to the State 3147
for the real estate and the plant thereon, less depreciation 3148
from the time of the conveyance of the real estate and the plant 3149
thereon, plus the depreciated value of any capital improvements 3150
to the real estate and the plant thereon, that were made to it 3151

and funded by anyone other than the State of Ohio subsequent to 3152
the conveyance to the Grantee. This repurchase opportunity must 3153
be offered to the State at least 180 days before the Grantee 3154
intends to resell or otherwise transfer the real estate and/or 3155
the plant that is to be resold or transferred. After being 3156
offered the repurchase opportunity, the State has the right to 3157
repurchase the real estate and/or the plant that is to be resold 3158
or transferred for the price described in this division. 3159

(C) The Director of Administrative Services shall offer 3160
the real estate to the Scioto County Commissioners through a 3161
negotiated real estate purchase agreement which includes, but is 3162
not limited to, accepting sanitary effluent within current 3163
average daily flow capacity, monitored by flow meters, from the 3164
Southern Ohio Correctional Facility at reasonable negotiated 3165
user rates; and the Grantee will improve its owned and/or 3166
operated sewer infrastructure, particularly its sanitary sewer 3167
lines to eliminate storm water inflow and infiltration. 3168
Consideration for the conveyance of the real estate shall be \$1. 3169

(D) The real estate described in division (A) of this 3170
section shall be sold as an entire tract and not in parcels. 3171

(E) The Grantee shall pay all costs associated with the 3172
purchase, closing and conveyance, including surveys, title 3173
evidence, title insurance, transfer costs and fees, recording 3174
costs and fees, taxes, and any other fees, assessments, and 3175
costs that may be imposed. 3176

The proceeds of the sale shall be deposited into the state 3177
treasury to the credit of the Adult and Juvenile Correctional 3178
Facilities Bond Retirement Fund in accordance with section 3179
5120.092 of the Revised Code. 3180

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the consideration, restrictions, and other terms and conditions, and shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the Governor's Deed for recording in the Office of the Scioto County Recorder.

(G) As part of the conveyance, the Department of Administrative Services will grant a perpetual easement to the Scioto County Commissioners to provide access, inspection, refurbishment, repair, maintenance, replacement, or other improvement to any sanitary sewer lines located on the adjacent land under the jurisdiction of the Department of Rehabilitation and Correction. If alternate access to the wastewater treatment plant is required, the Department of Administrative Services will grant an easement that may be perpetual on the adjacent land under the jurisdiction of the Department of Rehabilitation and Correction to the Scioto County Commissioners.

The Grantee shall pay for a survey of the affected area and provide a legal description of the property in conformity with the access road(s) and existing sanitary sewer line(s).

(H) This section expires three years after its effective date.