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Representatives White, Yates

**Cosponsors: Representatives Seitz, Peterson, Hagan, R., Carano, Miller,
Yuko, Wagner, McGregor, J., Flowers, Letson, Strahorn, Williams, S.,
DeWine, Luckie, Brinkman, Celeste, DeBose, Heard, Otterman, J., Sykes
Senators Seitz, Turner, Fedor, Harris, Lehner, Kearney, Miller, D., Miller, R.,
Morano, Niehaus, Padgett, Patton, Roberts, Sawyer, Schuler, Smith, Wilson,
Bocchieri, Cafaro**

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A B I L L

To amend sections 9.06, 121.05, 124.11, 135.804, 1
321.44, 322.07, 323.151, 323.152, 323.153, 2
323.154, 323.155, 323.156, 323.159, 341.192, 3
1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 4
2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 5
2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 6
2953.08, 2953.13, 2967.03, 2967.05, 2967.12, 7
2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 8
3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 9
4507.51, 4735.18, 5120.52, 5120.63, 5120.66, 10
5139.02, 5139.18, 5139.281, 5139.31, 5139.36, 11
5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 12
5145.163, and 5149.06, to enact sections 9.871, 13
109.37, 2967.29, 4735.24, 4743.06, 5120.07, 14
5120.59, and 5120.70, and to repeal section 15
2967.11 of the Revised Code to modify sentencing 16
procedures with respect to post-release control 17
and related releases from prison, to conform the 18

Revised Code to the decision of the Ohio Supreme 19
Court in *State ex rel. Bray v. Russell* (2000), 89 20
Ohio St.3d 132 by removing provisions related to 21
bad time, to authorize courts to participate in 22
the supervision of released prisoners, to provide 23
released prisoners with identification cards and 24
additional procedures for access to social 25
services, to make other changes relative to 26
opportunities for prisoner training and 27
employment, to modify procedures for the judicial 28
or medical release of prisoners and intervention 29
in lieu of conviction, to grant the Adult Parole 30
Authority more flexibility in determining periods 31
of post-release control, to adopt other 32
cost-control measures, to create the Ex-offender 33
Reentry Coalition, to provide for the 34
indemnification of the Department of 35
Rehabilitation and Correction for legal costs 36
incurred in certain cases, to provide for legal 37
representation of Department employees charged 38
with offenses in certain cases until a grand jury 39
has acted, to create a fund for the deposit of 40
money received in certain federal law enforcement 41
cases, to authorize the Department to enter into 42
contracts to provide water and sewage treatment 43
services, to make other changes related to the 44
operations of the Department of Rehabilitation and 45
Correction, to clarify the duties of juvenile 46
parole officers, to establish reimbursement rates 47
paid by the Department of Youth Services for 48
outside medical providers, to authorize the 49
Director of Youth Services to designate a deputy 50
director, to modify the formula for expending 51

appropriations for the care and custody of felony 52
delinquents and the purposes for which money in 53
the Felony Delinquent Care and Custody Fund may be 54
used, to allow for unlimited reappointments of 55
members of the Release Authority, to make other 56
changes related to the operations of the 57
Department of Youth Services, to terminate the 58
ex-offender reentry coalition on December 31, 59
2011, by repealing section 5120.07 of the Revised 60
Code on that date, to modify the homestead 61
exemption, to modify how state funding for joint 62
vocational school districts is computed when a new 63
school district is added to the joint district, 64
and to establish requirements for the disbursement 65
of earnest money deposited in a real estate 66
broker's trust or special account. 67

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

Section 1. That sections 9.06, 121.05, 124.11, 135.804, 68
321.44, 322.07, 323.151, 323.152, 323.153, 323.154, 323.155, 69
323.156, 323.159, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 70
2929.14, 2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 2935.36, 71
2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 72
2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 73
3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 4507.51, 4735.18, 74
5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 75
5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, 76
and 5149.06 be amended and sections 9.871, 109.37, 2967.29, 77
4735.24, 4743.06, 5120.07, 5120.59, and 5120.70 of the Revised 78
Code be enacted to read as follows: 79

Sec. 9.06. (A)(1) The department of rehabilitation and 80

correction shall contract for the private operation and management 81
pursuant to this section of the initial intensive program prison 82
established pursuant to section 5120.033 of the Revised Code and 83
may contract for the private operation and management of any other 84
facility under this section. Counties and municipal corporations 85
to the extent authorized in sections 307.93, 341.35, 753.03, and 86
753.15 of the Revised Code, may contract for the private operation 87
and management of a facility under this section. A contract 88
entered into under this section shall be for an initial term of 89
not more than two years, with an option to renew for additional 90
periods of two years. 91

(2) The department of rehabilitation and correction, by rule, 92
shall adopt minimum criteria and specifications that a person or 93
entity, other than a person or entity that satisfies the criteria 94
set forth in division (A)(3)(a) of this section and subject to 95
division (I) of this section, must satisfy in order to apply to 96
operate and manage as a contractor pursuant to this section the 97
initial intensive program prison established pursuant to section 98
5120.033 of the Revised Code. 99

(3) Subject to division (I) of this section, any person or 100
entity that applies to operate and manage a facility as a 101
contractor pursuant to this section shall satisfy one or more of 102
the following criteria: 103

(a) The person or entity is accredited by the American 104
correctional association and, at the time of the application, 105
operates and manages one or more facilities accredited by the 106
American correctional association. 107

(b) The person or entity satisfies all of the minimum 108
criteria and specifications adopted by the department of 109
rehabilitation and correction pursuant to division (A)(2) of this 110
section, provided that this alternative shall be available only in 111
relation to the initial intensive program prison established 112

pursuant to section 5120.033 of the Revised Code. 113

(4) Subject to division (I) of this section, before a public 114
entity may enter into a contract under this section, the 115
contractor shall convincingly demonstrate to the public entity 116
that it can operate the facility with the inmate capacity required 117
by the public entity and provide the services required in this 118
section and realize at least a five per cent savings over the 119
projected cost to the public entity of providing these same 120
services to operate the facility that is the subject of the 121
contract. No out-of-state prisoners may be housed in any facility 122
that is the subject of a contract entered into under this section. 123

(B) Subject to division (I) of this section, any contract 124
entered into under this section shall include all of the 125
following: 126

(1) A requirement that the contractor retain the contractor's 127
accreditation from the American correctional association 128
throughout the contract term or, if the contractor applied 129
pursuant to division (A)(3)(b) of this section, continue complying 130
with the applicable criteria and specifications adopted by the 131
department of rehabilitation and correction pursuant to division 132
(A)(2) of this section; 133

(2) A requirement that all of the following conditions be 134
met: 135

(a) The contractor begins the process of accrediting the 136
facility with the American correctional association no later than 137
sixty days after the facility receives its first inmate. 138

(b) The contractor receives accreditation of the facility 139
within twelve months after the date the contractor applies to the 140
American correctional association for accreditation. 141

(c) Once the accreditation is received, the contractor 142
maintains it for the duration of the contract term. 143

(d) If the contractor does not comply with divisions 144
(B)(2)(a) to (c) of this section, the contractor is in violation 145
of the contract, and the public entity may revoke the contract at 146
its discretion. 147

(3) A requirement that the contractor comply with all rules 148
promulgated by the department of rehabilitation and correction 149
that apply to the operation and management of correctional 150
facilities, including the minimum standards for jails in Ohio and 151
policies regarding the use of force and the use of deadly force, 152
although the public entity may require more stringent standards, 153
and comply with any applicable laws, rules, or regulations of the 154
federal, state, and local governments, including, but not limited 155
to, sanitation, food service, safety, and health regulations. The 156
contractor shall be required to send copies of reports of 157
inspections completed by the appropriate authorities regarding 158
compliance with rules and regulations to the director of 159
rehabilitation and correction or the director's designee and, if 160
contracting with a local public entity, to the governing authority 161
of that entity. 162

(4) A requirement that the contractor report for 163
investigation all crimes in connection with the facility to the 164
public entity, to all local law enforcement agencies with 165
jurisdiction over the place at which the facility is located, and, 166
for a crime committed at a state correctional institution, to the 167
state highway patrol; 168

(5) A requirement that the contractor immediately report all 169
escapes from the facility, and the apprehension of all escapees, 170
by telephone and in writing to all local law enforcement agencies 171
with jurisdiction over the place at which the facility is located, 172
to the prosecuting attorney of the county in which the facility is 173
located, to the state highway patrol, to a daily newspaper having 174
general circulation in the county in which the facility is 175

located, and, if the facility is a state correctional institution, 176
to the department of rehabilitation and correction. The written 177
notice may be by either facsimile transmission or mail. A failure 178
to comply with this requirement regarding an escape is a violation 179
of section 2921.22 of the Revised Code. 180

(6) A requirement that, if the facility is a state 181
correctional institution, the contractor provide a written report 182
within specified time limits to the director of rehabilitation and 183
correction or the director's designee of all unusual incidents at 184
the facility as defined in rules promulgated by the department of 185
rehabilitation and correction or, if the facility is a local 186
correctional institution, that the contractor provide a written 187
report of all unusual incidents at the facility to the governing 188
authority of the local public entity; 189

(7) A requirement that the contractor maintain proper control 190
of inmates' personal funds pursuant to rules promulgated by the 191
department of rehabilitation and correction, for state 192
correctional institutions, or pursuant to the minimum standards 193
for jails along with any additional standards established by the 194
local public entity, for local correctional institutions, and that 195
records pertaining to these funds be made available to 196
representatives of the public entity for review or audit; 197

(8) A requirement that the contractor prepare and distribute 198
to the director of rehabilitation and correction or, if 199
contracting with a local public entity, to the governing authority 200
of the local entity, annual budget income and expenditure 201
statements and funding source financial reports; 202

(9) A requirement that the public entity appoint and 203
supervise a full-time contract monitor, that the contractor 204
provide suitable office space for the contract monitor at the 205
facility, and that the contractor allow the contract monitor 206
unrestricted access to all parts of the facility and all records 207

of the facility except the contractor's financial records;	208
(10) A requirement that if the facility is a state	209
correctional institution, designated department of rehabilitation	210
and correction staff members be allowed access to the facility in	211
accordance with rules promulgated by the department;	212
(11) A requirement that the contractor provide internal and	213
perimeter security as agreed upon in the contract;	214
(12) If the facility is a state correctional institution, a	215
requirement that the contractor impose discipline on inmates	216
housed in a state correctional institution, only in accordance	217
with rules promulgated by the department of rehabilitation and	218
correction;	219
(13) A requirement that the facility be staffed at all times	220
with a staffing pattern approved by the public entity and adequate	221
both to ensure supervision of inmates and maintenance of security	222
within the facility, and to provide for programs, transportation,	223
security, and other operational needs. In determining security	224
needs, the contractor shall be required to consider, among other	225
things, the proximity of the facility to neighborhoods and	226
schools.	227
(14) If the contract is with a local public entity, a	228
requirement that the contractor provide services and programs,	229
consistent with the minimum standards for jails promulgated by the	230
department of rehabilitation and correction under section 5120.10	231
of the Revised Code;	232
(15) A clear statement that no immunity from liability	233
granted to the state, and no immunity from liability granted to	234
political subdivisions under Chapter 2744. of the Revised Code,	235
shall extend to the contractor or any of the contractor's	236
employees;	237
(16) A statement that all documents and records relevant to	238

the facility shall be maintained in the same manner required for, 239
and subject to the same laws, rules, and regulations as apply to, 240
the records of the public entity; 241

(17) Authorization for the public entity to impose a fine on 242
the contractor from a schedule of fines included in the contract 243
for the contractor's failure to perform its contractual duties, or 244
to cancel the contract, as the public entity considers 245
appropriate. If a fine is imposed, the public entity may reduce 246
the payment owed to the contractor pursuant to any invoice in the 247
amount of the imposed fine. 248

(18) A statement that all services provided or goods produced 249
at the facility shall be subject to the same regulations, and the 250
same distribution limitations, as apply to goods and services 251
produced at other correctional institutions; 252

(19) Authorization for the department to establish one or 253
more prison industries at a facility operated and managed by a 254
contractor for the department; 255

(20) A requirement that, if the facility is an intensive 256
program prison established pursuant to section 5120.033 of the 257
Revised Code, the facility shall comply with all criteria for 258
intensive program prisons of that type that are set forth in that 259
section; 260

(21) If the institution is a state correctional institution, 261
a requirement that the contractor provide clothing for all inmates 262
housed in the facility that is conspicuous in its color, style, or 263
color and style, that conspicuously identifies its wearer as an 264
inmate, and that is readily distinguishable from clothing of a 265
nature that normally is worn outside the facility by non-inmates, 266
that the contractor require all inmates housed in the facility to 267
wear the clothing so provided, and that the contractor not permit 268
any inmate, while inside or on the premises of the facility or 269

while being transported to or from the facility, to wear any 270
clothing of a nature that does not conspicuously identify its 271
wearer as an inmate and that normally is worn outside the facility 272
by non-inmates. 273

(C) No contract entered into under this section may require, 274
authorize, or imply a delegation of the authority or 275
responsibility of the public entity to a contractor for any of the 276
following: 277

(1) Developing or implementing procedures for calculating 278
inmate release and parole eligibility dates and recommending the 279
granting or denying of parole, although the contractor may submit 280
written reports that have been prepared in the ordinary course of 281
business; 282

(2) Developing or implementing procedures for calculating and 283
awarding earned credits, approving the type of work inmates may 284
perform and the wage or earned credits, if any, that may be 285
awarded to inmates engaging in that work, and granting, denying, 286
or revoking earned credits; 287

(3) For inmates serving a term imposed for a felony offense 288
committed prior to July 1, 1996, or for a misdemeanor offense, 289
developing or implementing procedures for calculating and awarding 290
good time, approving the goodtime, if any, that may be awarded to 291
inmates engaging in work, and granting, denying, or revoking good 292
time; 293

~~(4) For inmates serving a term imposed for a felony offense 294
committed on or after July 1, 1996, extending an inmate's term 295
pursuant to the provisions of law governing bad time; 296~~

~~(5) Classifying an inmate or placing an inmate in a more or a 297
less restrictive custody than the custody ordered by the public 298
entity; 299~~

~~(6)~~(5) Approving inmates for work release; 300

~~(7)~~(6) Contracting for local or long distance telephone 301
services for inmates or receiving commissions from those services 302
at a facility that is owned by or operated under a contract with 303
the department. 304

(D) A contractor that has been approved to operate a facility 305
under this section, and a person or entity that enters into a 306
contract for specialized services, as described in division (I) of 307
this section, relative to an intensive program prison established 308
pursuant to section 5120.033 of the Revised Code to be operated by 309
a contractor that has been approved to operate the prison under 310
this section, shall provide an adequate policy of insurance 311
specifically including, but not limited to, insurance for civil 312
rights claims as determined by a risk management or actuarial firm 313
with demonstrated experience in public liability for state 314
governments. The insurance policy shall provide that the state, 315
including all state agencies, and all political subdivisions of 316
the state with jurisdiction over the facility or in which a 317
facility is located are named as insured, and that the state and 318
its political subdivisions shall be sent any notice of 319
cancellation. The contractor may not self-insure. 320

A contractor that has been approved to operate a facility 321
under this section, and a person or entity that enters into a 322
contract for specialized services, as described in division (I) of 323
this section, relative to an intensive program prison established 324
pursuant to section 5120.033 of the Revised Code to be operated by 325
a contractor that has been approved to operate the prison under 326
this section, shall indemnify and hold harmless the state, its 327
officers, agents, and employees, and any local government entity 328
in the state having jurisdiction over the facility or ownership of 329
the facility, shall reimburse the state for its costs in defending 330
the state or any of its officers, agents, or employees, and shall 331
reimburse any local government entity of that nature for its costs 332

in defending the local government entity, from all of the	333
following:	334
(1) Any claims or losses for services rendered by the	335
contractor, person, or entity performing or supplying services in	336
connection with the performance of the contract;	337
(2) Any failure of the contractor, person, or entity or its	338
officers or employees to adhere to the laws, rules, regulations,	339
or terms agreed to in the contract;	340
(3) Any constitutional, federal, state, or civil rights claim	341
brought against the state related to the facility operated and	342
managed by the contractor;	343
(4) Any claims, losses, demands, or causes of action arising	344
out of the contractor's, person's, or entity's activities in this	345
state;	346
(5) Any attorney's fees or court costs arising from any	347
habeas corpus actions or other inmate suits that may arise from	348
any event that occurred at the facility or was a result of such an	349
event, or arise over the conditions, management, or operation of	350
the facility, which fees and costs shall include, but not be	351
limited to, attorney's fees for the state's representation and for	352
any court-appointed representation of any inmate, and the costs of	353
any special judge who may be appointed to hear those actions or	354
suits.	355
(E) Private correctional officers of a contractor operating	356
and managing a facility pursuant to a contract entered into under	357
this section may carry and use firearms in the course of their	358
employment only after being certified as satisfactorily completing	359
an approved training program as described in division (A) of	360
section 109.78 of the Revised Code.	361
(F) Upon notification by the contractor of an escape from, or	362
of a disturbance at, the facility that is the subject of a	363

contract entered into under this section, the department of 364
rehabilitation and correction and state and local law enforcement 365
agencies shall use all reasonable means to recapture escapees or 366
quell any disturbance. Any cost incurred by the state or its 367
political subdivisions relating to the apprehension of an escapee 368
or the quelling of a disturbance at the facility shall be 369
chargeable to and borne by the contractor. The contractor shall 370
also reimburse the state or its political subdivisions for all 371
reasonable costs incurred relating to the temporary detention of 372
the escapee following recapture. 373

(G) Any offense that would be a crime if committed at a state 374
correctional institution or jail, workhouse, prison, or other 375
correctional facility shall be a crime if committed by or with 376
regard to inmates at facilities operated pursuant to a contract 377
entered into under this section. 378

(H) A contractor operating and managing a facility pursuant 379
to a contract entered into under this section shall pay any inmate 380
workers at the facility at the rate approved by the public entity. 381
Inmates working at the facility shall not be considered employees 382
of the contractor. 383

(I) In contracting for the private operation and management 384
pursuant to division (A) of this section of the initial intensive 385
program prison established pursuant to section 5120.033 of the 386
Revised Code or of any other intensive program prison established 387
pursuant to that section, the department of rehabilitation and 388
correction may enter into a contract with a contractor for the 389
general operation and management of the prison and may enter into 390
one or more separate contracts with other persons or entities for 391
the provision of specialized services for persons confined in the 392
prison, including, but not limited to, security or training 393
services or medical, counseling, educational, or similar treatment 394
programs. If, pursuant to this division, the department enters 395

into a contract with a contractor for the general operation and 396
management of the prison and also enters into one or more 397
specialized service contracts with other persons or entities, all 398
of the following apply: 399

(1) The contract for the general operation and management 400
shall comply with all requirements and criteria set forth in this 401
section, and all provisions of this section apply in relation to 402
the prison operated and managed pursuant to the contract. 403

(2) Divisions (A)(2), (B), and (C) of this section do not 404
apply in relation to any specialized services contract, except to 405
the extent that the provisions of those divisions clearly are 406
relevant to the specialized services to be provided under the 407
specialized services contract. Division (D) of this section 408
applies in relation to each specialized services contract. 409

(J) As used in this section: 410

(1) "Public entity" means the department of rehabilitation 411
and correction, or a county or municipal corporation or a 412
combination of counties and municipal corporations, that has 413
jurisdiction over a facility that is the subject of a contract 414
entered into under this section. 415

(2) "Local public entity" means a county or municipal 416
corporation, or a combination of counties and municipal 417
corporations, that has jurisdiction over a jail, workhouse, or 418
other correctional facility used only for misdemeanants that is 419
the subject of a contract entered into under this section. 420

(3) "Governing authority of a local public entity" means, for 421
a county, the board of county commissioners; for a municipal 422
corporation, the legislative authority; for a combination of 423
counties and municipal ~~corporation~~ corporations, all the boards of 424
county commissioners and municipal legislative authorities that 425
joined to create the facility. 426

(4) "Contractor" means a person or entity that enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.

(5) "Facility" means the specific county, multicounty, municipal, municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants, or a state correctional institution, that is the subject of a contract entered into under this section.

(6) "Person or entity" in the case of a contract for the private operation and management of a state correctional institution, includes an employee organization, as defined in section 4117.01 of the Revised Code, that represents employees at state correctional institutions.

Sec. 9.871. (A) If an employee of the department of rehabilitation and correction is subject to criminal charges for actions occurring within the scope and in the course of the employee's assigned duties, and if the charges are dismissed or the employee is acquitted of any wrongdoing as a result, the employee may be indemnified for the reasonable cost of legal representation. An employee shall request indemnification by submitting a written request to the director of rehabilitation and correction. The director shall determine whether to recommend indemnification and shall transmit the recommendation to the attorney general. The attorney general shall review the request, the recommendation of the director, and any other information that the attorney general may require and shall decide whether or not the employee is to be indemnified.

(B) A decision of the attorney general made under division (A) of this section is not subject to appeal or review in any court or other forum. No person has a right of action against the

department of rehabilitation and correction in the court of claims 458
or any other court based on a decision of the attorney general 459
made under division (A) of this section. 460

(C) The indemnification of an employee of the department of 461
rehabilitation and correction pursuant to this section shall be 462
accomplished only through the following procedure: 463

(1) If the director of rehabilitation and correction 464
determines that the actions or omissions of the employee that gave 465
rise to the claim were within the scope of the employee's 466
employment and that the costs of legal representation should be 467
indemnified, the attorney general shall prepare an indemnity 468
agreement. The indemnity agreement shall specify that the 469
department of rehabilitation and correction will indemnify the 470
employee for the expenses of legal representation. The agreement 471
shall not be effective until it is approved by the employee, the 472
director, and the attorney general. 473

(2) The attorney general shall forward a copy of the 474
indemnity agreement to the director of budget and management. 475

(3) The director of budget and management shall charge any 476
indemnification paid pursuant to this section against available 477
unencumbered moneys in the appropriations of the department of 478
rehabilitation and correction. The director of budget and 479
management shall have sole discretion to determine whether or not 480
unencumbered moneys in a particular appropriation are available 481
for payment of the indemnification. 482

(4) The director of budget and management shall, upon receipt 483
of the agreement from the attorney general pursuant to division 484
(C)(1) of this section, provide for payment to the employee in the 485
amount specified in the agreement. 486

(5) If the director of budget and management determines that 487
sufficient unencumbered moneys do not exist in the particular 488

appropriations to pay the indemnification, the director of budget and management shall make application for payment of the indemnification out of the emergency purposes account or any other appropriation for emergencies or contingencies, and payment out of this account or other appropriation shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. 489
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(6) If sufficient moneys do not exist in the emergency purposes account or any other appropriation for emergencies or contingencies to pay the indemnification, the director of rehabilitation and correction shall request the general assembly to make an appropriation sufficient to pay the indemnification, and no payment shall be made until the appropriation has been made. The department shall make the appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made. 497
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Sec. 109.37. (A) An employee of the department of rehabilitation and correction may be represented in a criminal proceeding by an attorney selected pursuant to division (B) of this section when all of the following apply: 506
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(1) The employee used deadly force that resulted in the death of another. 510
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(2) The use of deadly force occurred within the scope and in the course of the employee's assigned duties. 512
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(3) The employee's use of deadly force is being investigated by a prosecuting attorney or other criminal investigating authority for possible criminal charges. 514
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(B) When all of the conditions set forth in division (A) of this section apply, the employee may submit a request for legal 517
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representation to the director of rehabilitation and correction. 519
If the director determines that all of the conditions in that 520
division apply, and if the director considers the requested legal 521
representation to be appropriate, the director may approve the 522
request and submit it to the attorney general. Upon receipt of the 523
request, the attorney general shall furnish the employee the names 524
of three attorneys who are admitted to the practice of law in this 525
state and are experienced in the defense of criminal charges. The 526
employee may select one of the attorneys to represent the employee 527
until the grand jury concludes its proceedings or the case is 528
disposed of before the grand jury concludes its proceedings. 529

(C) An attorney who represents an employee pursuant to 530
division (B) of this section shall be paid at the usual rate for 531
like services in the community in which the criminal proceedings 532
occur or at the usual rate paid to special counsel under section 533
109.07 of the Revised Code, as the attorney general decides. The 534
department of rehabilitation and correction shall pay the 535
attorney's compensation and all reasonable expenses and court 536
costs incurred in the defense of the employee. The attorney 537
general may adopt rules concerning the compensation of attorneys 538
pursuant to this division. 539

(D) If a criminal investigation described in division (A)(3) 540
of this section of an employee results in an indictment based on 541
the employee's use of deadly force, an attorney who represents the 542
employee pursuant to division (B) of this section may continue to 543
represent the employee in the criminal proceeding on any terms to 544
which the attorney and employee mutually agree. Subject to section 545
9.871 of the Revised Code, neither the attorney general nor the 546
department of rehabilitation and correction is obligated to 547
provide the employee with legal representation or to pay 548
attorney's fees, expenses, or court costs incurred by the employee 549
following the indictment of the employee. 550

(E) If an employee is represented by an attorney as described 551
in division (B) of this section and if the employee is 552
subsequently convicted of or pleads guilty to a criminal offense 553
based on the employee's use of deadly force, the attorney general 554
or the department of rehabilitation and correction may seek to 555
recover, including by means of a civil action, from the employee 556
the costs of legal representation paid by the department pursuant 557
to division (B) of this section. 558

Sec. 121.05. Except as otherwise provided in this section, in 559
each department, there shall be an assistant director designated 560
by the director of that department. In the department of health, 561
there shall be two assistant directors, each of whom shall be 562
designated by the director of health. In the department of 563
transportation, there shall be an assistant director for business 564
management, an assistant director for field operations, and an 565
assistant director for transportation policy, each of whom shall 566
be designated by the director of transportation. In the department 567
of insurance, the deputy superintendent of insurance shall be the 568
assistant director. In the department of administrative services, 569
there shall be two assistant directors, each of whom shall be 570
designated by the director of administrative services. In the 571
department of commerce, there shall be two assistant directors, 572
each of whom shall be designated by the director of commerce. In 573
the department of ~~human~~ job and family services, there may be up 574
to two assistant directors, each of whom shall be designated by 575
the director of ~~human~~ job and family services. In each department 576
with an assistant director, the assistant director shall act as 577
director in the absence or disability of the director and also 578
shall act as director when the position of director is vacant, 579
except that in the department of transportation, the department of 580
health, the department of commerce, the department of 581
administrative services, and the department of ~~human~~ job and 582

family services, the director shall designate which assistant 583
director shall act as director in the director's absence. In each 584
department without an assistant director, the director shall 585
designate a deputy director to act as director in the absence or 586
disability of the director. 587

A director may designate any of the director's assistant 588
directors or a deputy director to serve in the director's place as 589
a member of any board, committee, authority, or commission of 590
which the director is, by law, a member. The designee, when 591
present, shall be counted in determining whether a quorum is 592
present at any meeting. The designee may vote and participate in 593
all proceedings and actions of the board, committee, authority, or 594
commission, provided that the designee shall not execute or cause 595
a facsimile of the designee's signature to be placed on any 596
obligation, or execute any trust agreement or indenture. The 597
designation shall be in writing, executed by the designating 598
director, filed with the secretary of the board, committee, 599
authority, or commission, and shall be in effect until withdrawn 600
or superseded by a new designation. 601

Sec. 124.11. The civil service of the state and the several 602
counties, cities, civil service townships, city health districts, 603
general health districts, and city school districts of the state 604
shall be divided into the unclassified service and the classified 605
service. 606

(A) The unclassified service shall comprise the following 607
positions, which shall not be included in the classified service, 608
and which shall be exempt from all examinations required by this 609
chapter: 610

(1) All officers elected by popular vote or persons appointed 611
to fill vacancies in those offices; 612

(2) All election officers as defined in section 3501.01 of 613

the Revised Code; 614

(3)(a) The members of all boards and commissions, and heads 615
of principal departments, boards, and commissions appointed by the 616
governor or by and with the governor's consent; 617

(b) The heads of all departments appointed by a board of 618
county commissioners; 619

(c) The members of all boards and commissions and all heads 620
of departments appointed by the mayor, or, if there is no mayor, 621
such other similar chief appointing authority of any city or city 622
school district; 623

Except as otherwise provided in division (A)(17) or (C) of 624
this section, this chapter does not exempt the chiefs of police 625
departments and chiefs of fire departments of cities or civil 626
service townships from the competitive classified service. 627

(4) The members of county or district licensing boards or 628
commissions and boards of revision, and not more than five deputy 629
county auditors; 630

(5) All officers and employees elected or appointed by either 631
or both branches of the general assembly, and employees of the 632
city legislative authority engaged in legislative duties; 633

(6) All commissioned, warrant, and noncommissioned officers 634
and enlisted persons in the Ohio organized militia, including 635
military appointees in the adjutant general's department; 636

(7)(a) All presidents, business managers, administrative 637
officers, superintendents, assistant superintendents, principals, 638
deans, assistant deans, instructors, teachers, and such employees 639
as are engaged in educational or research duties connected with 640
the public school system, colleges, and universities, as 641
determined by the governing body of the public school system, 642
colleges, and universities; 643

(b) The library staff of any library in the state supported 644
wholly or in part at public expense. 645

(8) Four clerical and administrative support employees for 646
each of the elective state officers, four clerical and 647
administrative support employees for each board of county 648
commissioners and one such employee for each county commissioner, 649
and four clerical and administrative support employees for other 650
elective officers and each of the principal appointive executive 651
officers, boards, or commissions, except for civil service 652
commissions, that are authorized to appoint such clerical and 653
administrative support employees; 654

(9) The deputies and assistants of state agencies authorized 655
to act for and on behalf of the agency, or holding a fiduciary or 656
administrative relation to that agency and those persons employed 657
by and directly responsible to elected county officials or a 658
county administrator and holding a fiduciary or administrative 659
relationship to such elected county officials or county 660
administrator, and the employees of such county officials whose 661
fitness would be impracticable to determine by competitive 662
examination, provided that division (A)(9) of this section shall 663
not affect those persons in county employment in the classified 664
service as of September 19, 1961. Nothing in division (A)(9) of 665
this section applies to any position in a county department of job 666
and family services created pursuant to Chapter 329. of the 667
Revised Code. 668

(10) Bailiffs, constables, official stenographers, and 669
commissioners of courts of record, deputies of clerks of the 670
courts of common pleas who supervise or who handle public moneys 671
or secured documents, and such officers and employees of courts of 672
record and such deputies of clerks of the courts of common pleas 673
as the director of administrative services finds it impracticable 674
to determine their fitness by competitive examination; 675

(11) Assistants to the attorney general, special counsel 676
appointed or employed by the attorney general, assistants to 677
county prosecuting attorneys, and assistants to city directors of 678
law; 679

(12) Such teachers and employees in the agricultural 680
experiment stations; such students in normal schools, colleges, 681
and universities of the state who are employed by the state or a 682
political subdivision of the state in student or intern 683
classifications; and such unskilled labor positions as the 684
director of administrative services or any municipal civil service 685
commission may find it impracticable to include in the competitive 686
classified service; provided such exemptions shall be by order of 687
the commission or the director, duly entered on the record of the 688
commission or the director with the reasons for each such 689
exemption; 690

(13) Any physician or dentist who is a full-time employee of 691
the department of mental health, the department of mental 692
retardation and developmental disabilities, or an institution 693
under the jurisdiction of either department; and physicians who 694
are in residency programs at the institutions; 695

(14) Up to twenty positions at each institution under the 696
jurisdiction of the department of mental health or the department 697
of mental retardation and developmental disabilities that the 698
department director determines to be primarily administrative or 699
managerial; and up to fifteen positions in any division of either 700
department, excluding administrative assistants to the director 701
and division chiefs, which are within the immediate staff of a 702
division chief and which the director determines to be primarily 703
and distinctively administrative and managerial; 704

(15) Noncitizens of the United States employed by the state, 705
or its counties or cities, as physicians or nurses who are duly 706
licensed to practice their respective professions under the laws 707

of this state, or medical assistants, in mental or chronic disease	708
hospitals, or institutions;	709
(16) Employees of the governor's office;	710
(17) Fire chiefs and chiefs of police in civil service	711
townships appointed by boards of township trustees under section	712
505.38 or 505.49 of the Revised Code;	713
(18) Executive directors, deputy directors, and program	714
directors employed by boards of alcohol, drug addiction, and	715
mental health services under Chapter 340. of the Revised Code, and	716
secretaries of the executive directors, deputy directors, and	717
program directors;	718
(19) Superintendents, and management employees as defined in	719
section 5126.20 of the Revised Code, of county boards of mental	720
retardation and developmental disabilities;	721
(20) Physicians, nurses, and other employees of a county	722
hospital who are appointed pursuant to sections 339.03 and 339.06	723
of the Revised Code;	724
(21) The executive director of the state medical board, who	725
is appointed pursuant to division (B) of section 4731.05 of the	726
Revised Code;	727
(22) County directors of job and family services as provided	728
in section 329.02 of the Revised Code and administrators appointed	729
under section 329.021 of the Revised Code;	730
(23) A director of economic development who is hired pursuant	731
to division (A) of section 307.07 of the Revised Code;	732
(24) Chiefs of construction and compliance, of operations and	733
maintenance, and of licensing and certification in the division of	734
industrial compliance in the department of commerce;	735
(25) The executive director of a county transit system	736
appointed under division (A) of section 306.04 of the Revised	737

Code;	738
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.	739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756
(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;	757 758
(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;	759 760 761 762 763
(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;	764 765 766
(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory	767 768

authority to set compensation; 769

(31) Employees appointed to highway patrol cadet or highway 770
patrol cadet candidate classifications; 771

(32) Employees placed in the unclassified service by another 772
section of the Revised Code. 773

(B) The classified service shall comprise all persons in the 774
employ of the state and the several counties, cities, city health 775
districts, general health districts, and city school districts of 776
the state, not specifically included in the unclassified service. 777
Upon the creation by the board of trustees of a civil service 778
township civil service commission, the classified service shall 779
also comprise, except as otherwise provided in division (A)(17) or 780
(C) of this section, all persons in the employ of a civil service 781
township police or fire department having ten or more full-time 782
paid employees. The classified service consists of two classes, 783
which shall be designated as the competitive class and the 784
unskilled labor class. 785

(1) The competitive class shall include all positions and 786
employments in the state and the counties, cities, city health 787
districts, general health districts, and city school districts of 788
the state, and, upon the creation by the board of trustees of a 789
civil service township of a township civil service commission, all 790
positions in a civil service township police or fire department 791
having ten or more full-time paid employees, for which it is 792
practicable to determine the merit and fitness of applicants by 793
competitive examinations. Appointments shall be made to, or 794
employment shall be given in, all positions in the competitive 795
class that are not filled by promotion, reinstatement, transfer, 796
or reduction, as provided in this chapter, and the rules of the 797
director of administrative services, by appointment from those 798
certified to the appointing officer in accordance with this 799
chapter. 800

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from that evidence or in those tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the director or commission, as applicable, shall certify from the highest on the list double the number to be employed; from this number, the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

(C) A municipal or civil service township civil service commission may place volunteer firefighters who are paid on a fee-for-service basis in either the classified or the unclassified civil service.

(D) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, 5119.071, ~~5120.07~~, 5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the

Revised Code. 833

An appointing authority whose employees are paid directly by 834
warrant of the director of budget and management may appoint a 835
person who holds a certified position in the classified service 836
within the appointing authority's agency to a position in the 837
unclassified service within that agency. A person appointed 838
pursuant to this division to a position in the unclassified 839
service shall retain the right to resume the position and status 840
held by the person in the classified service immediately prior to 841
the person's appointment to the position in the unclassified 842
service, regardless of the number of positions the person held in 843
the unclassified service. An employee's right to resume a position 844
in the classified service may only be exercised when an appointing 845
authority demotes the employee to a pay range lower than the 846
employee's current pay range or revokes the employee's appointment 847
to the unclassified service. An employee forfeits the right to 848
resume a position in the classified service when the employee is 849
removed from the position in the unclassified service due to 850
incompetence, inefficiency, dishonesty, drunkenness, immoral 851
conduct, insubordination, discourteous treatment of the public, 852
neglect of duty, violation of this chapter or the rules of the 853
director of administrative services, any other failure of good 854
behavior, any other acts of misfeasance, malfeasance, or 855
nonfeasance in office, or conviction of a felony. An employee also 856
forfeits the right to resume a position in the classified service 857
upon transfer to a different agency. 858

Reinstatement to a position in the classified service shall 859
be to a position substantially equal to that position in the 860
classified service held previously, as certified by the director 861
of administrative services. If the position the person previously 862
held in the classified service has been placed in the unclassified 863
service or is otherwise unavailable, the person shall be appointed 864

to a position in the classified service within the appointing 865
authority's agency that the director of administrative services 866
certifies is comparable in compensation to the position the person 867
previously held in the classified service. Service in the position 868
in the unclassified service shall be counted as service in the 869
position in the classified service held by the person immediately 870
prior to the person's appointment to the position in the 871
unclassified service. When a person is reinstated to a position in 872
the classified service as provided in this division, the person is 873
entitled to all rights, status, and benefits accruing to the 874
position in the classified service during the person's time of 875
service in the position in the unclassified service. 876

Sec. 135.804. As used in sections 135.804 to 135.807 of the 877
Revised Code: 878

(A) "Taxes" has the same meaning as in section 323.01 of the 879
Revised Code. 880

(B) "Eligible borrower" means a person meeting all of the 881
following: 882

(1) The person is the owner of a homestead that is not 883
charged with more than two years' worth of certified delinquent 884
taxes. 885

(2) The person had total income in the year prior to 886
submitting an application for a reduced rate loan under a property 887
tax payment linked deposit program of the lesser of fifty thousand 888
dollars or the total income limit established pursuant to section 889
135.805 of the Revised Code by the board of county commissioners 890
as an eligibility requirement for participation in a property tax 891
payment linked deposit program. 892

(3) The person meets all other eligibility requirements 893
established pursuant to section 135.805 of the Revised Code by the 894

board of county commissioners for participation in a property tax
payment linked deposit program. 895
896

(C) "Eligible lending institution" means a financial 897
institution that meets all of the following: 898

(1) The financial institution is eligible to make loans to 899
individuals that are secured by mortgages, including mortgages 900
commonly known as reverse mortgages. 901

(2) The financial institution has an office located within 902
the territorial limits of the county. 903

(3) The financial institution is an eligible public 904
depository described in section 135.32 of the Revised Code into 905
which the county's investing authority may deposit the public 906
moneys of the county. 907

(4) The financial institution has entered into an agreement 908
described in division (B)(4) of section 135.805 of the Revised 909
Code with the investing authority of the county to participate in 910
the property tax payment linked deposit program. 911

(D)~~(1)~~ "Homestead" means either of the following: 912

~~(1)~~(a) A dwelling, including a unit in a multiple-unit 913
dwelling and a manufactured home or mobile home taxed as real 914
property pursuant to division (B) of section 4503.06 of the 915
Revised Code, owned and occupied as a home by an individual whose 916
domicile is in this state and who has not acquired ownership from 917
a person, other than the individual's spouse, related by 918
consanguinity or affinity for the purpose of qualifying for a 919
property tax payment linked deposit program. 920

~~(2)~~(b) A unit in a housing cooperative that is occupied as a 921
home, but not owned, by an individual whose domicile is in this 922
state. 923

(2) The homestead shall include so much of the land 924

surrounding it, not exceeding one acre, as is reasonably necessary 925
for the use of the dwelling or unit as a home. An owner includes a 926
holder of one of the several estates in fee, a vendee in 927
possession under a purchase agreement or a land contract, a 928
mortgagor, a life tenant, one or more tenants with a right of 929
survivorship, tenants in common, and a settlor of a revocable or 930
irrevocable inter vivos trust holding the title to a homestead 931
occupied by the settlor as of right under the trust. 932

(E) "Housing cooperative" means a housing complex of at least 933
two ~~hundred fifty~~ units that is owned and operated by a nonprofit 934
corporation that issues a share of the corporation's stock to an 935
individual, entitling the individual to live in a unit of the 936
complex, and collects a monthly maintenance fee from the 937
individual to maintain, operate, and pay the taxes of the complex. 938

(F) "Investing authority" and "public moneys" have the same 939
meanings as in section 135.31 of the Revised Code. 940

(G) "Lien certificate" means the certificate described in 941
section 135.807 of the Revised Code. 942

(H) "Old age and survivors benefits received pursuant to the 943
'Social Security Act'" or "tier I railroad retirement benefits 944
received pursuant to the 'Railroad Retirement Act'" means: 945

(1) Old age benefits payable under the social security or 946
railroad retirement laws in effect on the last day of the calendar 947
year prior to the year for which a reduced rate loan under a 948
property tax payment linked deposit program is applied for, or, if 949
no such benefits are payable that year, old age benefits payable 950
the first succeeding year in which old age benefits under the 951
social security or railroad retirement laws are payable, except in 952
those cases where a change in social security or railroad 953
retirement benefits results in a reduction in income. 954

(2) The lesser of: 955

(a) Survivors benefits payable under the social security or 956
railroad retirement laws in effect on the last day of the calendar 957
year prior to the year for which a reduced rate loan under a 958
property tax payment linked deposit program is applied for, or, if 959
no such benefits are payable that year, survivors benefits payable 960
the first succeeding year in which survivors benefits are payable; 961
or 962

(b) Old age benefits of the deceased spouse, as determined 963
under division (H)(1) of this section, upon which the surviving 964
spouse's survivors benefits are based under the social security or 965
railroad retirement laws, except in those cases where a change in 966
benefits would cause a reduction in income. 967

Survivors benefits are those described in division (H)(2)(b) 968
of this section only if the deceased spouse received old age 969
benefits in the year in which the deceased spouse died. If the 970
deceased spouse did not receive old age benefits in the year in 971
which the deceased spouse died, then survivors benefits are those 972
described in division (H)(2)(a) of this section. 973

(I) "Permanently and totally disabled" means a person who, on 974
the first day of January of the year that a reduced rate loan 975
under a property tax payment linked deposit program is applied 976
for, has some impairment in body or mind that makes the person 977
unable to work at any substantially remunerative employment that 978
the person reasonably is able to perform and that will, with 979
reasonable probability, continue for an indefinite period of at 980
least twelve months without any present indication of recovery 981
therefrom or has been certified as permanently and totally 982
disabled by a state or federal agency having the function of so 983
classifying persons. 984

(J) "Property tax payment linked deposit program" means a 985
~~county-wide~~ countywide program authorized under section 135.805 of 986
the Revised Code and established by the board of county 987

commissioners of a county pursuant to that section.	988
(K) "Sixty-five years of age or older" means a person who has	989
attained age sixty-four prior to the first day of January of the	990
year of application for a reduced rate loan under a property tax	991
payment linked deposit program.	992
(L) "Total income" means the adjusted gross income of the	993
owner and the owner's spouse for the year preceding the year in	994
which application for a reduced rate loan under a property tax	995
payment linked deposit program is made, as determined under the	996
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as	997
amended, adjusted as follows:	998
(1) Subtract the amount of disability benefits included in	999
adjusted gross income, but not to exceed fifty-two hundred	1000
dollars;	1001
(2) Add old age and survivors benefits received pursuant to	1002
the "Social Security Act" that are not included in adjusted gross	1003
income;	1004
(3) Add retirement, pension, annuity, or other retirement	1005
payments or benefits not included in adjusted gross income;	1006
(4) Add tier I and tier II railroad retirement benefits	1007
received pursuant to the "Railroad Retirement Act," 50 Stat. 307,	1008
45 U.S.C.A. 228;	1009
(5) Add interest on federal, state, and local government	1010
obligations;	1011
(6) For a person who received a reduced rate loan under a	1012
property tax payment linked deposit program for a prior year on	1013
the basis of being permanently and totally disabled and whose	1014
current application for a reduced rate loan is made on the basis	1015
of age, subtract the following amount:	1016
(a) If the person received disability benefits that were not	1017

included in adjusted gross income in the year preceding the first 1018
year in which the person applied for a reduced rate loan on the 1019
basis of age, subtract an amount equal to the disability benefits 1020
the person received in that preceding year, to the extent included 1021
in total income in the current year and not subtracted under 1022
division (L)(1) of this section in the current year; 1023

(b) If the person received disability benefits that were 1024
included in adjusted gross income in the year preceding the first 1025
year in which the person applied for a reduced rate loan on the 1026
basis of age, subtract an amount equal to the amount of disability 1027
benefits that were subtracted pursuant to division (L)(1) of this 1028
section in that preceding year, to the extent included in total 1029
income in the current year and not subtracted under division 1030
(L)(1) of this section in the current year. 1031

Disability benefits that are paid by the department of 1032
veterans affairs or a branch of the armed forces of the United 1033
States on account of an injury or disability shall not be included 1034
in total income. 1035

Sec. 321.44. (A)(1) A county probation services fund shall be 1036
established in the county treasury of each county. The fund a 1037
county establishes under this division shall contain all moneys 1038
paid to the treasurer of the county under section 2951.021 of the 1039
Revised Code for deposit into the fund. The moneys paid into the 1040
fund shall be deposited by the treasurer of the county into the 1041
appropriate account established under divisions (A)(1)(a) to (d) 1042
of this section. Separate accounts shall be maintained in 1043
accordance with the following criteria in the fund a county 1044
establishes under this division: 1045

(a) If a county department of probation is established in the 1046
county, a separate account shall be maintained in the fund for the 1047
county department of probation. 1048

(b) If the judges of the court of common pleas of the county 1049
have affiliated with the judges of the court of common pleas of 1050
one or more other counties and have established a multicounty 1051
department of probation, a separate account shall be maintained in 1052
the fund for the multicounty department of probation. 1053

(c) If a department of probation is established in a 1054
county-operated municipal court that has jurisdiction within the 1055
county, a separate account shall be maintained in the fund for the 1056
municipal court department of probation. 1057

(d) If a county department of probation has not been 1058
established in the county and if the court of common pleas of the 1059
county, pursuant to section 2301.32 of the Revised Code, has 1060
entered into an agreement with the adult parole authority under 1061
which the court may place defendants under a community control 1062
sanction in charge of the authority, a separate account shall be 1063
maintained in the fund for the ~~adult parole authority~~ court of 1064
common pleas. 1065

(2) For any county, if a county department of probation is 1066
established in the county or if a department of probation is 1067
established in a county-operated municipal court that has 1068
jurisdiction within the county, the board of county commissioners 1069
of the county shall appropriate to the county department of 1070
probation or municipal court department of probation all money 1071
that is contained in the department's account in the county 1072
probation services fund established in the county for use only for 1073
specialized staff, purchase of equipment, purchase of services, 1074
reconciliation programs for offenders and victims, other treatment 1075
programs, including alcohol and drug addiction programs certified 1076
under section 3793.06 of the Revised Code, determined to be 1077
appropriate by the chief probation officer of the department of 1078
probation, and other similar expenses related to placing offenders 1079
under a community control sanction. 1080

For any county, if the judges of the court of common pleas of 1081
the county have affiliated with the judges of the court of common 1082
pleas of one or more other counties and have established a 1083
multicounty department of probation to serve the counties, the 1084
board of county commissioners of the county shall appropriate and 1085
the county treasurer shall transfer to the multicounty probation 1086
services fund established for the multicounty department of 1087
probation under division (B) of this section all money that is 1088
contained in the multicounty department of probation account in 1089
the county probation services fund established in the county for 1090
use in accordance with that division. 1091

For any county, if a county department of probation has not 1092
been established in the county and if the court of common pleas of 1093
the county, pursuant to section 2301.32 of the Revised Code, has 1094
entered into an agreement with the adult parole authority under 1095
which the court may place defendants under a community control 1096
sanction in charge of the authority, the board of county 1097
commissioners of the county shall appropriate ~~and the county~~ 1098
~~treasurer shall transfer to the adult parole authority probation~~ 1099
~~services fund established under section 5149.06 of the Revised~~ 1100
~~Code~~ court all money that is contained in the ~~adult parole~~ 1101
~~authority~~ court's account in the county probation services fund 1102
established in the county for use ~~in accordance with section~~ 1103
~~5149.06 of the Revised Code~~ only for specialized staff, purchase 1104
of equipment, purchase of services, reconciliation programs for 1105
offenders and victims, other treatment and recovery support 1106
services, including properly credentialed treatment and recovery 1107
support services program providers or those certified under 1108
section 3793.06 of the Revised Code, determined to be appropriate 1109
by the authority, and other similar uses related to placing 1110
offenders under a community control sanction. 1111

(B) If the judges of the courts of common pleas of two or 1112

more counties have established a multicounty department of 1113
probation, a multicounty probation services fund shall be 1114
established in the county treasury of the county whose treasurer, 1115
in accordance with section 2301.27 of the Revised Code, is 1116
designated by the judges of the courts of common pleas as the 1117
treasurer to whom monthly supervision fees are to be appropriated 1118
and transferred under division (A)(2) of this section for deposit 1119
into the fund. The fund shall contain all moneys that are paid to 1120
the treasurer of any member county under section 2951.021 of the 1121
Revised Code for deposit into the county's probation services fund 1122
and that subsequently are appropriated and transferred to the 1123
multicounty probation services fund under division (A)(2) of this 1124
section. The board of county commissioners of the county in which 1125
the multicounty probation services fund is established shall 1126
appropriate the money contained in that fund to the multicounty 1127
department of probation, for use only for specialized staff, 1128
purchase of equipment, purchase of services, reconciliation 1129
programs for offenders and victims, other treatment programs, 1130
including alcohol and drug addiction programs certified under 1131
section 3793.06 of the Revised Code, determined to be appropriate 1132
by the chief probation officer, and for other similar expenses 1133
related to placing offenders under a community control sanction. 1134

(C) Any money in a county or multicounty probation services 1135
fund at the end of a fiscal year shall not revert to the general 1136
fund of the county but shall be retained in the fund. 1137

(D) As used in this section: 1138

(1) "County-operated municipal court" has the same meaning as 1139
in section 1901.03 of the Revised Code. 1140

(2) "Multicounty department of probation" means a probation 1141
department established under section 2301.27 of the Revised Code 1142
to serve more than one county. 1143

(3) "Community control sanction" has the same meaning as in 1144
section 2929.01 of the Revised Code. 1145

Sec. 322.07. (A) By resolution the board of county 1146
commissioners may prescribe a lower rate for the real property 1147
transfer tax levied under section 322.02 of the Revised Code than 1148
the uniform rate that is otherwise levied. The lower rate shall 1149
apply to any deed conveying a homestead ~~for which the grantor has~~ 1150
~~obtained a certificate of reduction in taxes under section 323.154~~ 1151
~~of the Revised Code for~~ receiving a reduction in taxes under 1152
division (A) of section 323.152 of the Revised Code. 1153

(B) A board of county commissioners that prescribes a lower 1154
real property transfer tax rate under division (A) of this section 1155
shall prescribe the same lower rate for the manufactured home 1156
transfer tax if it levies a manufactured home transfer tax under 1157
section 322.06 of the Revised Code. The lower manufactured home 1158
transfer tax rate shall apply to any certificate of title 1159
conveying a used manufactured or used mobile home ~~for which the~~ 1160
~~grantor has obtained a certificate of~~ receiving a reduction in 1161
assessable value under section ~~4503.067~~ 4503.065 of the Revised 1162
Code. 1163

Sec. 323.151. As used in sections 323.151 to 323.159 of the 1164
Revised Code: 1165

(A) (1) "Homestead" means either of the following: 1166

~~(1)~~ (a) A dwelling, including a unit in a multiple-unit 1167
dwelling and a manufactured home or mobile home taxed as real 1168
property pursuant to division (B) of section 4503.06 of the 1169
Revised Code, owned and occupied as a home by an individual whose 1170
domicile is in this state and who has not acquired ownership from 1171
a person, other than the individual's spouse, related by 1172
consanguinity or affinity for the purpose of qualifying for the 1173

real property tax reduction provided in section 323.152 of the Revised Code. 1174
1175

~~(2)~~(b) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state. 1176
1177
1178

(2) The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads. 1179
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(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes. 1191
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(C) "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person is reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons. 1194
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(D) "Housing cooperative" means a housing complex of at least 1204

two ~~hundred-fifty~~ units that is owned and operated by a nonprofit 1205
corporation that issues a share of the corporation's stock to an 1206
individual, entitling the individual to live in a unit of the 1207
complex, and collects a monthly maintenance fee from the 1208
individual to maintain, operate, and pay the taxes of the complex. 1209

Sec. 323.152. In addition to the reduction in taxes required 1210
under section 319.302 of the Revised Code, taxes shall be reduced 1211
as provided in divisions (A) and (B) of this section. 1212

(A)(1) Division (A) of this section applies to any of the 1213
following: 1214

(a) A person who is permanently and totally disabled; 1215

(b) A person who is sixty-five years of age or older; 1216

(c) A person who is the surviving spouse of a deceased person 1217
who was permanently and totally disabled or sixty-five years of 1218
age or older and who applied and qualified for a reduction in 1219
taxes under this division in the year of death, provided the 1220
surviving spouse is at least fifty-nine but not sixty-five or more 1221
years of age on the date the deceased spouse dies. 1222

(2) Real property taxes on a homestead owned and occupied, or 1223
a homestead in a housing cooperative occupied, by a person to whom 1224
division (A) of this section applies shall be reduced for each 1225
year for which ~~the owner obtains a certificate of reduction from~~ 1226
~~the county auditor under section 323.154 of the Revised Code or~~ 1227
~~for which the occupant obtains a certificate of reduction in~~ 1228
~~accordance with section 323.159 of the Revised Code~~ an application 1229
for the reduction has been approved. The reduction shall equal the 1230
greater of the reduction granted for the tax year preceding the 1231
first tax year to which this section applies pursuant to Section 1232
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 1233
taxpayer received a reduction for that preceding tax year, or the 1234

product of the following: 1235

(a) Twenty-five thousand dollars of the true value of the 1236
property in money; 1237

(b) The assessment percentage established by the tax 1238
commissioner under division (B) of section 5715.01 of the Revised 1239
Code, not to exceed thirty-five per cent; 1240

(c) The effective tax rate used to calculate the taxes 1241
charged against the property for the current year, where 1242
"effective tax rate" is defined as in section 323.08 of the 1243
Revised Code; 1244

(d) The quantity equal to one minus the sum of the percentage 1245
reductions in taxes received by the property for the current tax 1246
year under section 319.302 of the Revised Code and division (B) of 1247
section 323.152 of the Revised Code. 1248

(B) To provide a partial exemption, real property taxes on 1249
any homestead, and manufactured home taxes on any manufactured or 1250
mobile home on which a manufactured home tax is assessed pursuant 1251
to division (D)(2) of section 4503.06 of the Revised Code, shall 1252
be reduced for each year for which ~~the owner obtains a certificate~~ 1253
~~of reduction from the county auditor under section 323.154 of the~~ 1254
~~Revised Code~~ an application for the reduction has been approved. 1255
The amount of the reduction shall equal two and one-half per cent 1256
of the amount of taxes to be levied on the homestead or the 1257
manufactured or mobile home after applying section 319.301 of the 1258
Revised Code. 1259

(C) The reductions granted by this section do not apply to 1260
special assessments or respread of assessments levied against the 1261
homestead, and if there is a transfer of ownership subsequent to 1262
the filing of an application for a reduction in taxes, such 1263
reductions are not forfeited for such year by virtue of such 1264
transfer. 1265

(D) The reductions in taxable value referred to in this 1266
section shall be applied solely as a factor for the purpose of 1267
computing the reduction of taxes under this section and shall not 1268
affect the total value of property in any subdivision or taxing 1269
district as listed and assessed for taxation on the tax lists and 1270
duplicates, or any direct or indirect limitations on indebtedness 1271
of a subdivision or taxing district. If after application of 1272
sections 5705.31 and 5705.32 of the Revised Code, including the 1273
allocation of all levies within the ten-mill limitation to debt 1274
charges to the extent therein provided, there would be 1275
insufficient funds for payment of debt charges not provided for by 1276
levies in excess of the ten-mill limitation, the reduction of 1277
taxes provided for in sections 323.151 to 323.159 of the Revised 1278
Code shall be proportionately adjusted to the extent necessary to 1279
provide such funds from levies within the ten-mill limitation. 1280

(E) No reduction shall be made on the taxes due on the 1281
homestead of any person convicted of violating division ~~(C)~~ or (D) 1282
or (E) of section 323.153 of the Revised Code for a period of 1283
three years following the conviction. 1284

Sec. 323.153. (A) To obtain a reduction in real property 1285
taxes under division (A) or (B) of section 323.152 of the Revised 1286
Code or in manufactured home taxes under division (B) of section 1287
323.152 of the Revised Code, the owner shall file an application 1288
with the county auditor of the county in which the owner's 1289
homestead is located. 1290

To obtain a reduction in real property taxes under division 1291
(A) of section 323.152 of the Revised Code, the occupant of a 1292
homestead in a housing cooperative shall file an application with 1293
the nonprofit corporation that owns and operates the housing 1294
cooperative, in accordance with this paragraph. Not later than the 1295
first day of March each year, the corporation shall obtain 1296

applications from the county auditor's office and provide one to 1297
each new occupant. Not later than the first day of May, any 1298
occupant who may be eligible for a reduction in taxes under 1299
division (A) of section 323.152 of the Revised Code shall submit 1300
the completed application to the corporation. Not later than the 1301
fifteenth day of May, the corporation shall file all completed 1302
applications, and the information required by division (B) of 1303
section 323.159 of the Revised Code, with the county auditor of 1304
the county in which the occupants' homesteads are located. 1305
Continuing applications shall be furnished to an occupant in the 1306
manner provided in division (C)(4) of this section. 1307

(1) An application for reduction based upon a physical 1308
disability shall be accompanied by a certificate signed by a 1309
physician, and an application for reduction based upon a mental 1310
disability shall be accompanied by a certificate signed by a 1311
physician or psychologist licensed to practice in this state, 1312
attesting to the fact that the applicant is permanently and 1313
totally disabled. The certificate shall be in a form that the tax 1314
commissioner requires and shall include the definition of 1315
permanently and totally disabled as set forth in section 323.151 1316
of the Revised Code. An application for reduction based upon a 1317
disability certified as permanent and total by a state or federal 1318
agency having the function of so classifying persons shall be 1319
accompanied by a certificate from that agency. 1320

An application for a reduction under division (A) of section 1321
323.152 of the Revised Code constitutes a continuing application 1322
for a reduction in taxes for each year in which the dwelling is 1323
the applicant's homestead. 1324

(2) An application for a reduction in taxes under division 1325
(B) of section 323.152 of the Revised Code shall be filed only if 1326
the homestead or manufactured or mobile home was transferred in 1327
the preceding year or did not qualify for and receive the 1328

reduction in taxes under that division for the preceding tax year. 1329
The application for homesteads transferred in the preceding year 1330
shall be incorporated into any form used by the county auditor to 1331
administer the tax law in respect to the conveyance of real 1332
property pursuant to section 319.20 of the Revised Code or of used 1333
manufactured homes or used mobile homes as defined in section 1334
5739.0210 of the Revised Code. The owner of a manufactured or 1335
mobile home who has elected under division (D)(4) of section 1336
4503.06 of the Revised Code to be taxed under division (D)(2) of 1337
that section for the ensuing year may file the application at the 1338
time of making that election. The application shall contain a 1339
statement that failure by the applicant to affirm on the 1340
application that the dwelling on the property conveyed is the 1341
applicant's homestead prohibits the owner from receiving the 1342
reduction in taxes until a proper application is filed within the 1343
period prescribed by division (A)(3) of this section. Such an 1344
application constitutes a continuing application for a reduction 1345
in taxes for each year in which the dwelling is the applicant's 1346
homestead. 1347

(3) Failure to receive a new application filed under division 1348
(A)(1) or (2) or notification under division (C) of this section 1349
~~after a certificate of reduction has been issued under section~~ 1350
~~323.154 of the Revised Code, or failure to receive a new~~ 1351
~~application filed under division (A)(1) or notification under~~ 1352
~~division (C) of this section after a certificate of reduction has~~ 1353
~~been issued under section 323.159 of the Revised Code, an~~ 1354
application for reduction has been approved is prima-facie 1355
evidence that the original applicant is entitled to the reduction 1356
in taxes calculated on the basis of the information contained in 1357
the original application. The original application and any 1358
subsequent application, including any late application, shall be 1359
in the form of a signed statement and shall be filed after the 1360
first Monday in January and not later than the first Monday in 1361

June. The original application and any subsequent application for 1362
a reduction in real property taxes shall be filed in the year for 1363
which the reduction is sought. The original application and any 1364
subsequent application for a reduction in manufactured home taxes 1365
shall be filed in the year preceding the year for which the 1366
reduction is sought. The statement shall be on a form, devised and 1367
supplied by the tax commissioner, which shall require no more 1368
information than is necessary to establish the applicant's 1369
eligibility for the reduction in taxes and the amount of the 1370
reduction, and, ~~for a certificate of reduction issued under~~ 1371
section 323.154 of the Revised Code except for homesteads that are 1372
units in a housing cooperative, shall include an affirmation by 1373
the applicant that ownership of the homestead was not acquired 1374
from a person, other than the applicant's spouse, related to the 1375
owner by consanguinity or affinity for the purpose of qualifying 1376
for the real property or manufactured home tax reduction provided 1377
for in division (A) or (B) of section 323.152 of the Revised Code. 1378
The form shall contain a statement that conviction of willfully 1379
falsifying information to obtain a reduction in taxes or failing 1380
to comply with division (C) of this section results in the 1381
revocation of the right to the reduction for a period of three 1382
years. 1383

(B) A late application for a tax reduction for the year 1384
preceding the year in which an original application is filed, or 1385
for a reduction in manufactured home taxes for the year in which 1386
an original application is filed, may be filed with the original 1387
application. If the county auditor determines the information 1388
contained in the late application is correct, the auditor shall 1389
determine the amount of the reduction in taxes to which the 1390
applicant would have been entitled for the preceding tax year had 1391
the applicant's application been timely filed and approved in that 1392
year. 1393

The amount of such reduction shall be treated by the auditor 1394
as an overpayment of taxes by the applicant and shall be refunded 1395
in the manner prescribed in section 5715.22 of the Revised Code 1396
for making refunds of overpayments. On the first day of July of 1397
each year, the county auditor shall certify the total amount of 1398
the reductions in taxes made in the current year under this 1399
division to the tax commissioner, who shall treat the full amount 1400
thereof as a reduction in taxes for the preceding tax year and 1401
shall make reimbursement to the county therefor in the manner 1402
prescribed by section 323.156 of the Revised Code, from money 1403
appropriated for that purpose. 1404

(C)(1) If, in any year after an application has been filed 1405
under division (A)(1) or (2) of this section, the owner does not 1406
qualify for a reduction in taxes on the homestead or on the 1407
manufactured or mobile home set forth on such application, the 1408
owner shall notify the county auditor that the owner is not 1409
qualified for a reduction in taxes. 1410

(2) If, in any year after an application has been filed under 1411
division (A) of this section, the occupant of a homestead in a 1412
housing cooperative does not qualify for a reduction in taxes on 1413
the homestead, the occupant shall notify the county auditor that 1414
the occupant is not qualified for a reduction in taxes or file a 1415
new application under division (A) of this section. 1416

(3) If the county auditor or county treasurer discovers that 1417
the owner of property not entitled to the reduction in taxes under 1418
division (B) of section 323.152 of the Revised Code failed to 1419
notify the county auditor as required by division (C)(1) of this 1420
section, a charge shall be imposed against the property in the 1421
amount by which taxes were reduced under that division for each 1422
tax year the county auditor ascertains that the property was not 1423
entitled to the reduction and was owned by the current owner. 1424
Interest shall accrue in the manner prescribed by division (B) of 1425

section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person ~~issued a certificate of reduction under section 323.154 or 323.159 of the Revised Code with respect to a reduction in taxes~~ receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in ownership ~~or~~ occupancy of the homestead, ~~including changes in or revocation of a revocable inter vivos trust, changes in,~~ disability, and other ~~changes in the~~ information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised

Code, the application does not need to be returned. 1459

(5) Each year during February, the county auditor, except as 1460
otherwise provided in this paragraph, shall furnish by ordinary 1461
mail an original application to the owner, as of the first day of 1462
January of that year, of a homestead or a manufactured or mobile 1463
home that transferred during the preceding calendar year and that 1464
qualified for and received a reduction in taxes under division (B) 1465
of section 323.152 of the Revised Code for the preceding tax year. 1466
In order to receive the reduction under that division, the owner 1467
shall file the application with the county auditor not later than 1468
the first Monday in June. If the application is not timely filed, 1469
the auditor shall not grant a reduction in taxes for the homestead 1470
for the current year, and shall notify the owner that the 1471
reduction in taxes has not been granted, in the same manner 1472
prescribed under section 323.154 of the Revised Code for 1473
notification of denial of an application. Failure of an owner to 1474
receive an application does not excuse the failure of the owner to 1475
file an original application. The county auditor is not required 1476
to furnish an application under this paragraph for any homestead 1477
for which application has previously been made on a form 1478
incorporated into any form used by the county auditor to 1479
administer the tax law in respect to the conveyance of real 1480
property or of used manufactured homes or used mobile homes, and 1481
an owner who previously has applied on such a form is not required 1482
to return an application furnished under this paragraph. 1483

(D) No person shall knowingly make a false statement for the 1484
purpose of obtaining a reduction in the person's real property or 1485
manufactured home taxes under section 323.152 of the Revised Code. 1486

(E) No person shall knowingly fail to notify the county 1487
auditor of changes required by division (C) of this section that 1488
have the effect of maintaining or securing a reduction in taxes 1489
under section 323.152 of the Revised Code. 1490

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code.

~~Sec. 323.154. On or before the day the county auditor has completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall issue a certificate of reduction in taxes in triplicate for each person who has complied with section 323.153 of the Revised Code and whose homestead, as defined in division (A)(1) of section 323.151 of the Revised Code, or manufactured or mobile home the auditor finds is entitled to a reduction in real property or manufactured home taxes for that year under section 323.152 of the Revised Code. Except as provided in section 323.159 of the Revised Code, in the case of a homestead entitled to a reduction under division (A) of that section, the certificate shall state the taxable value of the homestead on the first day of January of that year, the total reduction in taxes for that year under that section, the tax rate that is applicable against such homestead for that year, and any other information the tax commissioner requires. In the case of a homestead or a manufactured or mobile home entitled to a reduction under division (B) of that section, the certificate shall state the total amount of the reduction in taxes for that year under that section and any other information the tax commissioner requires. The certificate for reduction in taxes shall be on a form approved by the commissioner. Upon issuance of such a certificate, the county auditor shall forward one copy and the original to the county treasurer and retain one copy. The county auditor also The county auditor shall approve or deny an application for reduction under section 323.152 of the Revised Code and shall so notify the applicant not later than the first Monday in October. Notification shall be provided on a form prescribed by the tax commissioner. If~~

the application is approved, upon issuance of the notification the 1523
county auditor shall record the amount of reduction in taxes in 1524
the appropriate column on the general tax list and duplicate of 1525
real and public utility property and on the manufactured home tax 1526
list. If the application is denied, the notification shall inform 1527
the applicant of the reasons for the denial. 1528

~~If an application, late application, or continuing~~ 1529
~~application is not approved, or if the county auditor otherwise~~ 1530
~~determines that a homestead or a manufactured or mobile home does~~ 1531
~~not qualify for a reduction in taxes under division (A) or (B) of~~ 1532
~~section 323.152 of the Revised Code, the auditor shall notify the~~ 1533
~~applicant of the reasons for denial not later than the first~~ 1534
~~Monday in October. If an applicant believes that the application~~ 1535
~~for reduction has been improperly denied or that the reduction is~~ 1536
~~for less than that to which the applicant is entitled, the~~ 1537
~~applicant may file an appeal with the county board of revision not~~ 1538
~~later than the date of closing of the collection for the first~~ 1539
~~half of real and public utility property taxes or manufactured~~ 1540
~~home taxes. The appeal shall be treated in the same manner as a~~ 1541
~~complaint relating to the valuation or assessment of real property~~ 1542
~~under Chapter 5715. of the Revised Code.~~ 1543

Sec. 323.155. ~~The county treasurer shall retain the original~~ 1544
~~certificate of reduction in taxes issued under section 323.154 of~~ 1545
~~the Revised Code and forward the copy to the person to whom the~~ 1546
~~certificate is issued, along with the tax bill submitted pursuant~~ 1547
~~to section 323.13 of the Revised Code or the advance payment~~ 1548
~~certificate submitted pursuant to section 4503.061 of the Revised~~ 1549
~~Code.~~ 1550

~~The county treasurer shall retain the original certificate of~~ 1551
~~reduction issued under section 323.159 of the Revised Code and~~ 1552
~~forward a copy to the person to whom the certificate is issued,~~ 1553

~~and a copy to the nonprofit corporation that owns and operates the
housing cooperative in which the person is an occupant, along with
the corporation's tax bill submitted pursuant to section 323.13 of
the Revised Code.~~

The tax bill prescribed under section 323.131 of the Revised
Code shall indicate the net amount of taxes due following the
reductions in taxes under sections 319.301, 319.302, and 323.152
of the Revised Code.

Any reduction in taxes under ~~this~~ section 323.152 of the
Revised Code shall be disregarded as income or resources in
determining eligibility for any program or calculating any payment
under Title LI of the Revised Code.

Sec. 323.156. Within thirty days after a settlement of taxes
under divisions (A), (C), and (H) of section 321.24 of the Revised
Code, the county treasurer shall certify to the tax commissioner
one-half of the total amount of taxes on real property that were
reduced pursuant to section 323.152 of the Revised Code for the
preceding tax year, and one-half of the total amount of taxes on
manufactured and mobile homes that were reduced pursuant to
division (B) of section 323.152 of the Revised Code for the
current tax year, ~~as evidenced by the certificates of reduction
and the tax duplicate certified to the county treasurer by the
county auditor.~~ The commissioner, within thirty days of the
receipt of such certifications, shall provide for payment to the
county treasurer, from the general revenue fund, of the amount
certified, which shall be credited upon receipt to the county's
undivided income tax fund, and an amount equal to two per cent of
the amount by which taxes were reduced, which shall be credited
upon receipt to the county general fund as a payment, in addition
to the fees and charges authorized by sections 319.54 and 321.26
of the Revised Code, to the county auditor and treasurer for the

costs of administering the exemption provided under sections 1585
323.151 to 323.159 of the Revised Code. 1586

Immediately upon receipt of funds into the county undivided 1587
income tax fund under this section, the auditor shall distribute 1588
the full amount thereof among the taxing districts in the county 1589
as though the total had been paid as taxes by each person for whom 1590
taxes were reduced under sections 323.151 to 323.159 of the 1591
Revised Code. 1592

Sec. 323.159. (A) As used in this section: 1593

(1) "Applicant" means the person who occupies a homestead in 1594
a housing cooperative. 1595

(2) "Homestead" has the same meaning as in division 1596
(A)~~(2)~~(1)(b) of section 323.151 of the Revised Code. 1597

(B) Not later than the first day of May each year, any 1598
nonprofit corporation that owns and operates a housing cooperative 1599
shall determine the amount of property taxes it paid for the 1600
housing cooperative for the preceding tax year and shall attribute 1601
to each homestead in the housing cooperative a portion of the 1602
total property taxes as if the homestead's occupant paid the 1603
taxes. The taxes attributed to each homestead shall be based on 1604
the percentage that the square footage of the homestead is of the 1605
total square footage of the housing cooperative and on other 1606
reasonable factors that reflect the value of the homestead. Not 1607
later than the fifteenth day of May each year, the corporation 1608
shall file this information with the county auditor, along with 1609
any applications submitted to it under division (A) of section 1610
323.153 of the Revised Code. No nonprofit corporation that owns 1611
and operates a housing cooperative shall fail to file with the 1612
county auditor the information required by this division and 1613
division (A) of section 323.153 of the Revised Code. 1614

(C) ~~On or before the day the county auditor has completed the~~ 1615
~~duties imposed by sections 319.30 to 319.302 of the Revised Code,~~ 1616
~~the auditor shall issue a certificate of reduction in taxes for~~ 1617
~~each applicant who has complied with section 323.153 of the~~ 1618
~~Revised Code and whose homestead the auditor finds is entitled to~~ 1619
~~a reduction in real property taxes for that year under division~~ 1620
~~(A) of section 323.152 of the Revised Code. The county auditor~~ 1621
~~shall calculate the taxable value of each applicant's homestead as~~ 1622
~~if the homestead was owned by the applicant and shall use the~~ 1623
~~information provided by the nonprofit corporation under division~~ 1624
~~(B) of this section to determine the reduction in taxable value to~~ 1625
~~be attributed to the homestead.~~ 1626

~~The certificate shall state the taxable value, on the first~~ 1627
~~day of January of that year, attributed to each homestead in the~~ 1628
~~housing cooperative; the reduction in taxable value and reduction~~ 1629
~~in taxes attributed to the homestead; the total amount of the~~ 1630
~~reduction in taxable value for the housing cooperative based on~~ 1631
~~all certificates issued under this section for homesteads in the~~ 1632
~~housing cooperative; the nonprofit corporation's total reduction~~ 1633
~~in taxes for that year under division (A) of section 323.152 of~~ 1634
~~the Revised Code; the tax rate that is applicable against the~~ 1635
~~housing cooperative for that year; and any other information the~~ 1636
~~tax commissioner requires. The county auditor shall prepare three~~ 1637
~~copies of the original certificate. Upon the issuance of such a~~ 1638
~~certificate, the county auditor shall forward two copies and the~~ 1639
~~original to the county treasurer and retain one copy. The county~~ 1640
~~auditor also~~ The county auditor shall approve or deny an 1641
application for reduction under division (A) of section 323.152 of 1642
the Revised Code and, not later than the first Monday in October, 1643
shall so notify the applicant and the nonprofit corporation that 1644
owns and operates the housing cooperative. Notification shall be 1645
provided on a form prescribed by the tax commissioner. If the 1646
application is approved, upon issuance of the notification the 1647

county auditor shall record the amount of reduction in taxes in 1648
the appropriate column on the general tax list and duplicate of 1649
real and public utility property. 1650

(D) On receipt of the notice from the county auditor under 1651
division (C) of this section, the nonprofit corporation that owns 1652
and operates the housing cooperative shall reduce the monthly 1653
maintenance fee for each homestead for which an ~~applicant received~~ 1654
~~a certificate of reduction under this section~~ application for 1655
reduction was approved for the year following the year for which 1656
the ~~certificate was issued~~ application was approved. The reduction 1657
in the monthly maintenance fee shall equal one-twelfth of the 1658
reduction in taxes attributed to the homestead by the county 1659
auditor under division (C) of this section. 1660

(E) If an application, late application, or continuing 1661
application is not approved, or if the county auditor otherwise 1662
determines that a homestead does not qualify for a reduction in 1663
taxes under division (A) of section 323.152 of the Revised Code, 1664
the auditor shall notify the applicant, and the nonprofit 1665
corporation that owns and operates the housing cooperative, of the 1666
reasons for denial not later than the first Monday in October. If 1667
the applicant believes that the application for reduction has been 1668
improperly denied, or the nonprofit corporation that owns and 1669
operates the housing cooperative believes that the reduction is 1670
for less than that to which the housing cooperative is entitled, 1671
the applicant or housing cooperative, respectively, may file an 1672
appeal with the county board of revision not later than the date 1673
of closing of the collection for the first half of real and public 1674
utility property taxes. The appeal shall be treated in the same 1675
manner as a complaint relating to the valuation or assessment of 1676
real property under Chapter 5715. of the Revised Code. 1677

Sec. 341.192. (A) As used in this section: 1678

(1) "Medical assistance program" has the same meaning as in section 2913.40 of the Revised Code. 1679
1680

(2) "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not employed by or under contract to a county, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in the county jail or a state correctional institution. 1681
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(3) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a county jail or a state correctional institution or is in the custody of a law enforcement officer without endangering the life or health of the person. 1687
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(B) If a physician employed by or under contract to a county, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in the county jail or state correctional institution determines that a person who is confined in the county jail or a state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in the county jail or a state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of job and family services under the medical assistance program. 1693
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Sec. 1713.34. Superintendents of city hospitals, directors or superintendents of city infirmaries, county homes, or other 1708
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charitable institutions, directors or superintendents of 1710
workhouses, founded and supported in whole or in part at public 1711
expense, superintendents or managing officers of state benevolent 1712
~~or correctional~~ institutions, boards of township trustees, 1713
sheriffs, or coroners, in possession of bodies not claimed or 1714
identified, or which must be buried at the expense of the state, 1715
county, or township, before burial, shall notify the professor of 1716
anatomy in a college which by its charter is empowered to teach 1717
anatomy, or the secretary of the board of embalmers and funeral 1718
directors of this state, of the fact that such bodies are being so 1719
held. If after a period of thirty-six hours the body has not been 1720
accepted by friends or relatives for burial at their expense, such 1721
superintendent, director, or other officer, on the written 1722
application of such professor, or the secretary of the board of 1723
embalmers and funeral directors, shall deliver to such professor 1724
or secretary, for the purpose of medical or surgical study or 1725
dissection or for the study of embalming, the body of any such 1726
person who died in any of such institutions from any disease which 1727
is not infectious. The expense of the delivery of the body shall 1728
be borne by the parties in whose keeping the body was placed. 1729

Sec. 2921.36. (A) No person shall knowingly convey, or 1730
attempt to convey, onto the grounds of a detention facility or of 1731
an institution, office building, or other place that is under the 1732
control of the department of mental health ~~or~~, the department of 1733
mental retardation and developmental disabilities, the department 1734
of youth services, or the department of rehabilitation and 1735
correction any of the following items: 1736

(1) Any deadly weapon or dangerous ordnance, as defined in 1737
section 2923.11 of the Revised Code, or any part of or ammunition 1738
for use in such a deadly weapon or dangerous ordnance; 1739

(2) Any drug of abuse, as defined in section 3719.011 of the 1740

Revised Code; 1741

(3) Any intoxicating liquor, as defined in section 4301.01 of 1742
the Revised Code. 1743

(B) Division (A) of this section does not apply to any person 1744
who conveys or attempts to convey an item onto the grounds of a 1745
detention facility or of an institution, office building, or other 1746
place under the control of the department of mental health ~~or~~, the 1747
department of mental retardation and developmental disabilities, 1748
the department of youth services, or the department of 1749
rehabilitation and correction pursuant to the written 1750
authorization of the person in charge of the detention facility or 1751
the institution, office building, or other place and in accordance 1752
with the written rules of the detention facility or the 1753
institution, office building, or other place. 1754

(C) No person shall knowingly deliver, or attempt to deliver, 1755
to any person who is confined in a detention facility, to a child 1756
confined in a youth services facility, to a prisoner who is 1757
temporarily released from confinement for a work assignment, or to 1758
any patient in an institution under the control of the department 1759
of mental health or the department of mental retardation and 1760
developmental disabilities, any item listed in division (A)(1), 1761
(2), or (3) of this section. 1762

(D) No person shall knowingly deliver, or attempt to deliver, 1763
cash to any person who is confined in a detention facility, to a 1764
child confined in a youth services facility, or to a prisoner who 1765
is temporarily released from confinement for a work assignment. 1766

(E) No person shall knowingly deliver, or attempt to deliver, 1767
to any person who is confined in a detention facility, to a child 1768
confined in a youth services facility, or to a prisoner who is 1769
temporarily released from confinement for a work assignment a 1770
cellular telephone, two-way radio, or other electronic 1771

communications device. 1772

(F)(1) It is an affirmative defense to a charge under 1773
division (A)(1) of this section that the weapon or dangerous 1774
ordnance in question was being transported in a motor vehicle for 1775
any lawful purpose, that it was not on the actor's person, and, if 1776
the weapon or dangerous ordnance in question was a firearm, that 1777
it was unloaded and was being carried in a closed package, box, or 1778
case or in a compartment that can be reached only by leaving the 1779
vehicle. 1780

(2) It is an affirmative defense to a charge under division 1781
(C) of this section that the actor was not otherwise prohibited by 1782
law from delivering the item to the confined person, the child, 1783
the prisoner, or the patient and that either of the following 1784
applies: 1785

(a) The actor was permitted by the written rules of the 1786
detention facility or the institution, office building, or other 1787
place to deliver the item to the confined person or the patient. 1788

(b) The actor was given written authorization by the person 1789
in charge of the detention facility or the institution, office 1790
building, or other place to deliver the item to the confined 1791
person or the patient. 1792

(G)(1) Whoever violates division (A)(1) of this section or 1793
commits a violation of division (C) of this section involving an 1794
item listed in division (A)(1) of this section is guilty of 1795
illegal conveyance of weapons onto the grounds of a ~~detention~~ 1796
specified governmental facility ~~or a mental health or mental~~ 1797
~~retardation and developmental disabilities institution,~~ a felony 1798
of the ~~fourth~~ third degree. If the offender is an officer or 1799
employee of the department of rehabilitation and correction, the 1800
court shall impose a mandatory prison term. 1801

(2) Whoever violates division (A)(2) of this section or 1802

commits a violation of division (C) of this section involving any 1803
drug of abuse is guilty of illegal conveyance of drugs of abuse 1804
onto the grounds of a ~~detention~~ specified governmental facility ~~or~~ 1805
~~a mental health or mental retardation and developmental~~ 1806
~~disabilities institution~~, a felony of the third degree. If the 1807
offender is an officer or employee of the department of 1808
rehabilitation and correction or of the department of youth 1809
services, the court shall impose a mandatory prison term. 1810

(3) Whoever violates division (A)(3) of this section or 1811
commits a violation of division (C) of this section involving any 1812
intoxicating liquor is guilty of illegal conveyance of 1813
intoxicating liquor onto the grounds of a ~~detention~~ specified 1814
governmental facility ~~or a mental health or mental retardation and~~ 1815
~~developmental disabilities institution~~, a misdemeanor of the 1816
second degree. 1817

(4) Whoever violates division (D) of this section is guilty 1818
of illegal conveyance of cash onto the grounds of a detention 1819
facility, a misdemeanor of the first degree. If the offender 1820
previously has been convicted of or pleaded guilty to a violation 1821
of division (D) of this section, illegal conveyance of cash onto 1822
the grounds of a detention facility is a felony of the fifth 1823
degree. 1824

(5) Whoever violates division (E) of this section is guilty 1825
of illegal conveyance of a communications device onto the grounds 1826
of a ~~detention~~ specified governmental facility, a misdemeanor of 1827
the first degree, or if the offender previously has been convicted 1828
of or pleaded guilty to a violation of division (E) of this 1829
section, a felony of the fifth degree. 1830

Sec. 2929.01. As used in this chapter: 1831

(A)(1) "Alternative residential facility" means, subject to 1832
division (A)(2) of this section, any facility other than an 1833

offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

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

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

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

~~(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.~~

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

~~(D)~~(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

~~(E)~~(D) "Community-based correctional facility" means a

community-based correctional facility and program or district 1865
community-based correctional facility and program developed 1866
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1867

~~(F)~~(E) "Community control sanction" means a sanction that is 1868
not a prison term and that is described in section 2929.15, 1869
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 1870
that is not a jail term and that is described in section 2929.26, 1871
2929.27, or 2929.28 of the Revised Code. "Community control 1872
sanction" includes probation if the sentence involved was imposed 1873
for a felony that was committed prior to July 1, 1996, or if the 1874
sentence involved was imposed for a misdemeanor that was committed 1875
prior to January 1, 2004. 1876

~~(G)~~(F) "Controlled substance," "marihuana," "schedule I," and 1877
"schedule II" have the same meanings as in section 3719.01 of the 1878
Revised Code. 1879

~~(H)~~(G) "Curfew" means a requirement that an offender during a 1880
specified period of time be at a designated place. 1881

~~(I)~~(H) "Day reporting" means a sanction pursuant to which an 1882
offender is required each day to report to and leave a center or 1883
other approved reporting location at specified times in order to 1884
participate in work, education or training, treatment, and other 1885
approved programs at the center or outside the center. 1886

~~(J)~~(I) "Deadly weapon" has the same meaning as in section 1887
2923.11 of the Revised Code. 1888

~~(K)~~(J) "Drug and alcohol use monitoring" means a program 1889
under which an offender agrees to submit to random chemical 1890
analysis of the offender's blood, breath, or urine to determine 1891
whether the offender has ingested any alcohol or other drugs. 1892

~~(L)~~(K) "Drug treatment program" means any program under which 1893
a person undergoes assessment and treatment designed to reduce or 1894
completely eliminate the person's physical or emotional reliance 1895

upon alcohol, another drug, or alcohol and another drug and under 1896
which the person may be required to receive assessment and 1897
treatment on an outpatient basis or may be required to reside at a 1898
facility other than the person's home or residence while 1899
undergoing assessment and treatment. 1900

~~(M)~~(L) "Economic loss" means any economic detriment suffered 1901
by a victim as a direct and proximate result of the commission of 1902
an offense and includes any loss of income due to lost time at 1903
work because of any injury caused to the victim, and any property 1904
loss, medical cost, or funeral expense incurred as a result of the 1905
commission of the offense. "Economic loss" does not include 1906
non-economic loss or any punitive or exemplary damages. 1907

~~(N)~~(M) "Education or training" includes study at, or in 1908
conjunction with a program offered by, a university, college, or 1909
technical college or vocational study and also includes the 1910
completion of primary school, secondary school, and literacy 1911
curricula or their equivalent. 1912

~~(O)~~(N) "Firearm" has the same meaning as in section 2923.11 1913
of the Revised Code. 1914

~~(P)~~(O) "Halfway house" means a facility licensed by the 1915
division of parole and community services of the department of 1916
rehabilitation and correction pursuant to section 2967.14 of the 1917
Revised Code as a suitable facility for the care and treatment of 1918
adult offenders. 1919

~~(Q)~~(P) "House arrest" means a period of confinement of an 1920
offender that is in the offender's home or in other premises 1921
specified by the sentencing court or by the parole board pursuant 1922
to section 2967.28 of the Revised Code and during which all of the 1923
following apply: 1924

(1) The offender is required to remain in the offender's home 1925
or other specified premises for the specified period of 1926

confinement, except for periods of time during which the offender 1927
is at the offender's place of employment or at other premises as 1928
authorized by the sentencing court or by the parole board. 1929

(2) The offender is required to report periodically to a 1930
person designated by the court or parole board. 1931

(3) The offender is subject to any other restrictions and 1932
requirements that may be imposed by the sentencing court or by the 1933
parole board. 1934

~~(R)~~(Q) "Intensive probation supervision" means a requirement 1935
that an offender maintain frequent contact with a person appointed 1936
by the court, or by the parole board pursuant to section 2967.28 1937
of the Revised Code, to supervise the offender while the offender 1938
is seeking or maintaining necessary employment and participating 1939
in training, education, and treatment programs as required in the 1940
court's or parole board's order. "Intensive probation supervision" 1941
includes intensive parole supervision and intensive post-release 1942
control supervision. 1943

~~(S)~~(R) "Jail" means a jail, workhouse, minimum security jail, 1944
or other residential facility used for the confinement of alleged 1945
or convicted offenders that is operated by a political subdivision 1946
or a combination of political subdivisions of this state. 1947

~~(T)~~(S) "Jail term" means the term in a jail that a sentencing 1949
court imposes or is authorized to impose pursuant to section 1950
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1951
provision of the Revised Code that authorizes a term in a jail for 1952
a misdemeanor conviction. 1953

~~(U)~~(T) "Mandatory jail term" means the term in a jail that a 1954
sentencing court is required to impose pursuant to division (G) of 1955
section 1547.99 of the Revised Code, division (E) of section 1956
2903.06 or division (D) of section 2903.08 of the Revised Code, 1957

division (E) of section 2929.24 of the Revised Code, division (B) 1958
of section 4510.14 of the Revised Code, or division (G) of section 1959
4511.19 of the Revised Code or pursuant to any other provision of 1960
the Revised Code that requires a term in a jail for a misdemeanor 1961
conviction. 1962

~~(V)~~(U) "Delinquent child" has the same meaning as in section 1963
2152.02 of the Revised Code. 1964

~~(W)~~(V) "License violation report" means a report that is made 1965
by a sentencing court, or by the parole board pursuant to section 1966
2967.28 of the Revised Code, to the regulatory or licensing board 1967
or agency that issued an offender a professional license or a 1968
license or permit to do business in this state and that specifies 1969
that the offender has been convicted of or pleaded guilty to an 1970
offense that may violate the conditions under which the offender's 1971
professional license or license or permit to do business in this 1972
state was granted or an offense for which the offender's 1973
professional license or license or permit to do business in this 1974
state may be revoked or suspended. 1975

~~(X)~~(W) "Major drug offender" means an offender who is 1976
convicted of or pleads guilty to the possession of, sale of, or 1977
offer to sell any drug, compound, mixture, preparation, or 1978
substance that consists of or contains at least one thousand grams 1979
of hashish; at least one hundred grams of crack cocaine; at least 1980
one thousand grams of cocaine that is not crack cocaine; at least 1981
two thousand five hundred unit doses or two hundred fifty grams of 1982
heroin; at least five thousand unit doses of L.S.D. or five 1983
hundred grams of L.S.D. in a liquid concentrate, liquid extract, 1984
or liquid distillate form; or at least one hundred times the 1985
amount of any other schedule I or II controlled substance other 1986
than marihuana that is necessary to commit a felony of the third 1987
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 1988
of the Revised Code that is based on the possession of, sale of, 1989

or offer to sell the controlled substance. 1990

~~(Y)~~(X) "Mandatory prison term" means any of the following: 1991

(1) Subject to division ~~(Y)~~(X)(2) of this section, the term 1992
in prison that must be imposed for the offenses or circumstances 1993
set forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1994
2929.13 and division (D) of section 2929.14 of the Revised Code. 1995
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1996
and 2925.11 of the Revised Code, unless the maximum or another 1997
specific term is required under section 2929.14 or 2929.142 of the 1998
Revised Code, a mandatory prison term described in this division 1999
may be any prison term authorized for the level of offense. 2000

(2) The term of sixty or one hundred twenty days in prison 2001
that a sentencing court is required to impose for a third or 2002
fourth degree felony OVI offense pursuant to division (G)(2) of 2003
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2004
of the Revised Code or the term of one, two, three, four, or five 2005
years in prison that a sentencing court is required to impose 2006
pursuant to division (G)(2) of section 2929.13 of the Revised 2007
Code. 2008

(3) The term in prison imposed pursuant to division (A) of 2009
section 2971.03 of the Revised Code for the offenses and in the 2010
circumstances described in division (F)(11) of section 2929.13 of 2011
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 2012
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2013
2971.03 of the Revised Code and that term as modified or 2014
terminated pursuant to section 2971.05 of the Revised Code. 2015

~~(Z)~~(Y) "Monitored time" means a period of time during which 2016
an offender continues to be under the control of the sentencing 2017
court or parole board, subject to no conditions other than leading 2018
a law-abiding life. 2019

~~(AA)~~(Z) "Offender" means a person who, in this state, is 2020

convicted of or pleads guilty to a felony or a misdemeanor. 2021

~~(BB)~~(AA) "Prison" means a residential facility used for the 2022
confinement of convicted felony offenders that is under the 2023
control of the department of rehabilitation and correction but 2024
does not include a violation sanction center operated under 2025
authority of section 2967.141 of the Revised Code. 2026

~~(CC)~~(BB) "Prison term" includes ~~any~~ either of the following 2027
sanctions for an offender: 2028

(1) A stated prison term; 2029

(2) A term in a prison shortened by, or with the approval of, 2030
the sentencing court pursuant to section 2929.20, 2967.26, 2031
5120.031, 5120.032, or 5120.073 of the Revised Code; 2032

~~(3) A term in prison extended by bad time imposed pursuant to 2033
section 2967.11 of the Revised Code or imposed for a violation of 2034
post release control pursuant to section 2967.28 of the Revised 2035
Code. 2036~~

~~(DD)~~(CC) "Repeat violent offender" means a person about whom 2037
both of the following apply: 2038

(1) The person is being sentenced for committing or for 2039
complicity in committing any of the following: 2040

(a) Aggravated murder, murder, any felony of the first or 2041
second degree that is an offense of violence, or an attempt to 2042
commit any of these offenses if the attempt is a felony of the 2043
first or second degree; 2044

(b) An offense under an existing or former law of this state, 2045
another state, or the United States that is or was substantially 2046
equivalent to an offense described in division ~~(DD)~~(CC)(1)(a) of 2047
this section. 2048

(2) The person previously was convicted of or pleaded guilty 2049
to an offense described in division ~~(DD)~~(CC)(1)(a) or (b) of this 2050

section. 2051

~~(EE)~~(DD) "Sanction" means any penalty imposed upon an 2052
offender who is convicted of or pleads guilty to an offense, as 2053
punishment for the offense. "Sanction" includes any sanction 2054
imposed pursuant to any provision of sections 2929.14 to 2929.18 2055
or 2929.24 to 2929.28 of the Revised Code. 2056

~~(FF)~~(EE) "Sentence" means the sanction or combination of 2057
sanctions imposed by the sentencing court on an offender who is 2058
convicted of or pleads guilty to an offense. 2059

~~(GG)~~(FF) "Stated prison term" means the prison term, 2060
mandatory prison term, or combination of all prison terms and 2061
mandatory prison terms imposed by the sentencing court pursuant to 2062
section 2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated 2063
prison term" includes any credit received by the offender for time 2064
spent in jail awaiting trial, sentencing, or transfer to prison 2065
for the offense and any time spent under house arrest or house 2066
arrest with electronic monitoring imposed after earning credits 2067
pursuant to section 2967.193 of the Revised Code. 2068

~~(HH)~~(GG) "Victim-offender mediation" means a reconciliation 2069
or mediation program that involves an offender and the victim of 2070
the offense committed by the offender and that includes a meeting 2071
in which the offender and the victim may discuss the offense, 2072
discuss restitution, and consider other sanctions for the offense. 2073

~~(II)~~(HH) "Fourth degree felony OVI offense" means a violation 2074
of division (A) of section 4511.19 of the Revised Code that, under 2075
division (G) of that section, is a felony of the fourth degree. 2076
2077

~~(JJ)~~(II) "Mandatory term of local incarceration" means the 2078
term of sixty or one hundred twenty days in a jail, a 2079
community-based correctional facility, a halfway house, or an 2080
alternative residential facility that a sentencing court may 2081

impose upon a person who is convicted of or pleads guilty to a 2082
fourth degree felony OVI offense pursuant to division (G)(1) of 2083
section 2929.13 of the Revised Code and division (G)(1)(d) or (e) 2084
of section 4511.19 of the Revised Code. 2085

~~(KK)~~(JJ) "Designated homicide, assault, or kidnapping 2086
offense," "violent sex offense," "sexual motivation 2087
specification," "sexually violent offense," "sexually violent 2088
predator," and "sexually violent predator specification" have the 2089
same meanings as in section 2971.01 of the Revised Code. 2090

~~(LL)~~(KK) "Sexually oriented offense," "child-victim oriented 2091
offense," and "tier III sex offender/child-victim offender," have 2092
the same meanings as in section 2950.01 of the Revised Code. 2093

~~(MM)~~(LL) An offense is "committed in the vicinity of a child" 2094
if the offender commits the offense within thirty feet of or 2095
within the same residential unit as a child who is under eighteen 2096
years of age, regardless of whether the offender knows the age of 2097
the child or whether the offender knows the offense is being 2098
committed within thirty feet of or within the same residential 2099
unit as the child and regardless of whether the child actually 2100
views the commission of the offense. 2101

~~(NN)~~(MM) "Family or household member" has the same meaning as 2102
in section 2919.25 of the Revised Code. 2103

~~(OO)~~(NN) "Motor vehicle" and "manufactured home" have the 2104
same meanings as in section 4501.01 of the Revised Code. 2105

~~(PP)~~(OO) "Detention" and "detention facility" have the same 2106
meanings as in section 2921.01 of the Revised Code. 2107

~~(QQ)~~(PP) "Third degree felony OVI offense" means a violation 2108
of division (A) of section 4511.19 of the Revised Code that, under 2109
division (G) of that section, is a felony of the third degree. 2110

~~(RR)~~(OO) "Random drug testing" has the same meaning as in 2111

section 5120.63 of the Revised Code. 2112

~~(SS)~~(RR) "Felony sex offense" has the same meaning as in 2113
section 2967.28 of the Revised Code. 2114

~~(TT)~~(SS) "Body armor" has the same meaning as in section 2115
2941.1411 of the Revised Code. 2116

~~(UU)~~(TT) "Electronic monitoring" means monitoring through the 2117
use of an electronic monitoring device. 2118

~~(VV)~~(UU) "Electronic monitoring device" means any of the 2119
following: 2120

(1) Any device that can be operated by electrical or battery 2121
power and that conforms with all of the following: 2122

(a) The device has a transmitter that can be attached to a 2123
person, that will transmit a specified signal to a receiver of the 2124
type described in division ~~(VV)~~(UU)(1)(b) of this section if the 2125
transmitter is removed from the person, turned off, or altered in 2126
any manner without prior court approval in relation to electronic 2127
monitoring or without prior approval of the department of 2128
rehabilitation and correction in relation to the use of an 2129
electronic monitoring device for an inmate on transitional control 2130
or otherwise is tampered with, that can transmit continuously and 2131
periodically a signal to that receiver when the person is within a 2132
specified distance from the receiver, and that can transmit an 2133
appropriate signal to that receiver if the person to whom it is 2134
attached travels a specified distance from that receiver. 2135

(b) The device has a receiver that can receive continuously 2136
the signals transmitted by a transmitter of the type described in 2137
division ~~(VV)~~(UU)(1)(a) of this section, can transmit continuously 2138
those signals by telephone to a central monitoring computer of the 2139
type described in division ~~(VV)~~(UU)(1)(c) of this section, and can 2140
transmit continuously an appropriate signal to that central 2141
monitoring computer if the receiver is turned off or altered 2142

without prior court approval or otherwise tampered with. 2143

(c) The device has a central monitoring computer that can 2144
receive continuously the signals transmitted by telephone by a 2145
receiver of the type described in division ~~(VV)~~(UU)(1)(b) of this 2146
section and can monitor continuously the person to whom an 2147
electronic monitoring device of the type described in division 2148
~~(VV)~~(UU)(1)(a) of this section is attached. 2149

(2) Any device that is not a device of the type described in 2150
division ~~(VV)~~(UU)(1) of this section and that conforms with all of 2151
the following: 2152

(a) The device includes a transmitter and receiver that can 2153
monitor and determine the location of a subject person at any 2154
time, or at a designated point in time, through the use of a 2155
central monitoring computer or through other electronic means. 2156

(b) The device includes a transmitter and receiver that can 2157
determine at any time, or at a designated point in time, through 2158
the use of a central monitoring computer or other electronic means 2159
the fact that the transmitter is turned off or altered in any 2160
manner without prior approval of the court in relation to the 2161
electronic monitoring or without prior approval of the department 2162
of rehabilitation and correction in relation to the use of an 2163
electronic monitoring device for an inmate on transitional control 2164
or otherwise is tampered with. 2165

(3) Any type of technology that can adequately track or 2166
determine the location of a subject person at any time and that is 2167
approved by the director of rehabilitation and correction, 2168
including, but not limited to, any satellite technology, voice 2169
tracking system, or retinal scanning system that is so approved. 2170

~~(WW)~~(VV) "Non-economic loss" means nonpecuniary harm suffered 2171
by a victim of an offense as a result of or related to the 2172
commission of the offense, including, but not limited to, pain and 2173

suffering; loss of society, consortium, companionship, care, 2174
assistance, attention, protection, advice, guidance, counsel, 2175
instruction, training, or education; mental anguish; and any other 2176
intangible loss. 2177

~~(XX)~~(WW) "Prosecutor" has the same meaning as in section 2178
2935.01 of the Revised Code. 2179

~~(YY)~~(XX) "Continuous alcohol monitoring" means the ability to 2180
automatically test and periodically transmit alcohol consumption 2181
levels and tamper attempts at least every hour, regardless of the 2182
location of the person who is being monitored. 2183

~~(ZZ)~~(YY) A person is "adjudicated a sexually violent 2184
predator" if the person is convicted of or pleads guilty to a 2185
violent sex offense and also is convicted of or pleads guilty to a 2186
sexually violent predator specification that was included in the 2187
indictment, count in the indictment, or information charging that 2188
violent sex offense or if the person is convicted of or pleads 2189
guilty to a designated homicide, assault, or kidnapping offense 2190
and also is convicted of or pleads guilty to both a sexual 2191
motivation specification and a sexually violent predator 2192
specification that were included in the indictment, count in the 2193
indictment, or information charging that designated homicide, 2194
assault, or kidnapping offense. 2195

~~(AAA)~~(ZZ) An offense is "committed in proximity to a school" 2196
if the offender commits the offense in a school safety zone or 2197
within five hundred feet of any school building or the boundaries 2198
of any school premises, regardless of whether the offender knows 2199
the offense is being committed in a school safety zone or within 2200
five hundred feet of any school building or the boundaries of any 2201
school premises. 2202

Sec. 2929.13. (A) Except as provided in division (E), (F), or 2203
(G) of this section and unless a specific sanction is required to 2204

be imposed or is precluded from being imposed pursuant to law, a 2205
court that imposes a sentence upon an offender for a felony may 2206
impose any sanction or combination of sanctions on the offender 2207
that are provided in sections 2929.14 to 2929.18 of the Revised 2208
Code. The sentence shall not impose an unnecessary burden on state 2209
or local government resources. 2210

If the offender is eligible to be sentenced to community 2211
control sanctions, the court shall consider the appropriateness of 2212
imposing a financial sanction pursuant to section 2929.18 of the 2213
Revised Code or a sanction of community service pursuant to 2214
section 2929.17 of the Revised Code as the sole sanction for the 2215
offense. Except as otherwise provided in this division, if the 2216
court is required to impose a mandatory prison term for the 2217
offense for which sentence is being imposed, the court also may 2218
impose a financial sanction pursuant to section 2929.18 of the 2219
Revised Code but may not impose any additional sanction or 2220
combination of sanctions under section 2929.16 or 2929.17 of the 2221
Revised Code. 2222

If the offender is being sentenced for a fourth degree felony 2223
OVI offense or for a third degree felony OVI offense, in addition 2224
to the mandatory term of local incarceration or the mandatory 2225
prison term required for the offense by division (G)(1) or (2) of 2226
this section, the court shall impose upon the offender a mandatory 2227
fine in accordance with division (B)(3) of section 2929.18 of the 2228
Revised Code and may impose whichever of the following is 2229
applicable: 2230

(1) For a fourth degree felony OVI offense for which sentence 2231
is imposed under division (G)(1) of this section, an additional 2232
community control sanction or combination of community control 2233
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 2234
the court imposes upon the offender a community control sanction 2235
and the offender violates any condition of the community control 2236

sanction, the court may take any action prescribed in division (B) 2237
of section 2929.15 of the Revised Code relative to the offender, 2238
including imposing a prison term on the offender pursuant to that 2239
division. 2240

(2) For a third or fourth degree felony OVI offense for which 2241
sentence is imposed under division (G)(2) of this section, an 2242
additional prison term as described in division (D)(4) of section 2243
2929.14 of the Revised Code or a community control sanction as 2244
described in division (G)(2) of this section. 2245

(B)(1) Except as provided in division (B)(2), (E), (F), or 2246
(G) of this section, in sentencing an offender for a felony of the 2247
fourth or fifth degree, the sentencing court shall determine 2248
whether any of the following apply: 2249

(a) In committing the offense, the offender caused physical 2250
harm to a person. 2251

(b) In committing the offense, the offender attempted to 2252
cause or made an actual threat of physical harm to a person with a 2253
deadly weapon. 2254

(c) In committing the offense, the offender attempted to 2255
cause or made an actual threat of physical harm to a person, and 2256
the offender previously was convicted of an offense that caused 2257
physical harm to a person. 2258

(d) The offender held a public office or position of trust 2259
and the offense related to that office or position; the offender's 2260
position obliged the offender to prevent the offense or to bring 2261
those committing it to justice; or the offender's professional 2262
reputation or position facilitated the offense or was likely to 2263
influence the future conduct of others. 2264

(e) The offender committed the offense for hire or as part of 2265
an organized criminal activity. 2266

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.

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

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

(i) The offender committed the offense while in possession of a firearm.

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a

sanction for a felony of the third degree or a felony drug offense 2298
that is a violation of a provision of Chapter 2925. of the Revised 2299
Code and that is specified as being subject to this division for 2300
purposes of sentencing, the sentencing court shall comply with the 2301
purposes and principles of sentencing under section 2929.11 of the 2302
Revised Code and with section 2929.12 of the Revised Code. 2303

(D)(1) Except as provided in division (E) or (F) of this 2304
section, for a felony of the first or second degree, for a felony 2305
drug offense that is a violation of any provision of Chapter 2306
2925., 3719., or 4729. of the Revised Code for which a presumption 2307
in favor of a prison term is specified as being applicable, and 2308
for a violation of division (A)(4) or (B) of section 2907.05 of 2309
the Revised Code for which a presumption in favor of a prison term 2310
is specified as being applicable, it is presumed that a prison 2311
term is necessary in order to comply with the purposes and 2312
principles of sentencing under section 2929.11 of the Revised 2313
Code. Division (D)(2) of this section does not apply to a 2314
presumption established under this division for a violation of 2315
division (A)(4) of section 2907.05 of the Revised Code. 2316

(2) Notwithstanding the presumption established under 2317
division (D)(1) of this section for the offenses listed in that 2318
division other than a violation of division (A)(4) or (B) of 2319
section 2907.05 of the Revised Code, the sentencing court may 2320
impose a community control sanction or a combination of community 2321
control sanctions instead of a prison term on an offender for a 2322
felony of the first or second degree or for a felony drug offense 2323
that is a violation of any provision of Chapter 2925., 3719., or 2324
4729. of the Revised Code for which a presumption in favor of a 2325
prison term is specified as being applicable if it makes both of 2326
the following findings: 2327

(a) A community control sanction or a combination of 2328
community control sanctions would adequately punish the offender 2329

and protect the public from future crime, because the applicable 2330
factors under section 2929.12 of the Revised Code indicating a 2331
lesser likelihood of recidivism outweigh the applicable factors 2332
under that section indicating a greater likelihood of recidivism. 2333

(b) A community control sanction or a combination of 2334
community control sanctions would not demean the seriousness of 2335
the offense, because one or more factors under section 2929.12 of 2336
the Revised Code that indicate that the offender's conduct was 2337
less serious than conduct normally constituting the offense are 2338
applicable, and they outweigh the applicable factors under that 2339
section that indicate that the offender's conduct was more serious 2340
than conduct normally constituting the offense. 2341

(E)(1) Except as provided in division (F) of this section, 2342
for any drug offense that is a violation of any provision of 2343
Chapter 2925. of the Revised Code and that is a felony of the 2344
third, fourth, or fifth degree, the applicability of a presumption 2345
under division (D) of this section in favor of a prison term or of 2346
division (B) or (C) of this section in determining whether to 2347
impose a prison term for the offense shall be determined as 2348
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2349
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 2350
Revised Code, whichever is applicable regarding the violation. 2351

(2) If an offender who was convicted of or pleaded guilty to 2352
a felony violates the conditions of a community control sanction 2353
imposed for the offense solely by reason of producing positive 2354
results on a drug test, the court, as punishment for the violation 2355
of the sanction, shall not order that the offender be imprisoned 2356
unless the court determines on the record either of the following: 2357

(a) The offender had been ordered as a sanction for the 2358
felony to participate in a drug treatment program, in a drug 2359
education program, or in narcotics anonymous or a similar program, 2360
and the offender continued to use illegal drugs after a reasonable 2361

period of participation in the program. 2362

(b) The imprisonment of the offender for the violation is 2363
consistent with the purposes and principles of sentencing set 2364
forth in section 2929.11 of the Revised Code. 2365

(3) A court that sentences an offender for a drug abuse 2366
offense that is a felony of the third, fourth, or fifth degree may 2367
require that the offender be assessed by a properly credentialed 2368
professional within a specified period of time. The court shall 2369
require the professional to file a written assessment of the 2370
offender with the court. If the offender is eligible for a 2371
community control sanction and after considering the written 2372
assessment, the court may impose a community control sanction that 2373
includes treatment and recovery support services authorized by 2374
section 3793.02 of the Revised Code. If the court imposes 2375
treatment and recovery support services as a community control 2376
sanction, the court shall direct the level and type of treatment 2377
and recovery support services after considering the assessment and 2378
recommendation of treatment and recovery support services 2379
providers. 2380

(F) Notwithstanding divisions (A) to (E) of this section, the 2381
court shall impose a prison term or terms under sections 2929.02 2382
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 2383
of the Revised Code and except as specifically provided in section 2384
2929.20 or 2967.191 of the Revised Code or when parole is 2385
authorized for the offense under section 2967.13 of the Revised 2386
Code shall not reduce the term or terms pursuant to section 2387
2929.20, section 2967.193, or any other provision of Chapter 2967. 2388
or Chapter 5120. of the Revised Code for any of the following 2389
offenses: 2390

(1) Aggravated murder when death is not imposed or murder; 2391

(2) Any rape, regardless of whether force was involved and 2392

regardless of the age of the victim, or an attempt to commit rape 2393
if, had the offender completed the rape that was attempted, the 2394
offender would have been guilty of a violation of division 2395
(A)(1)(b) of section 2907.02 of the Revised Code and would be 2396
sentenced under section 2971.03 of the Revised Code; 2397

(3) Gross sexual imposition or sexual battery, if the victim 2398
is less than thirteen years of age and if any of the following 2399
applies: 2400

(a) Regarding gross sexual imposition, the offender 2401
previously was convicted of or pleaded guilty to rape, the former 2402
offense of felonious sexual penetration, gross sexual imposition, 2403
or sexual battery, and the victim of the previous offense was less 2404
than thirteen years of age; 2405

(b) Regarding gross sexual imposition, the offense was 2406
committed on or after August 3, 2006, and evidence other than the 2407
testimony of the victim was admitted in the case corroborating the 2408
violation. 2409

(c) Regarding sexual battery, either of the following 2410
applies: 2411

(i) The offense was committed prior to August 3, 2006, the 2412
offender previously was convicted of or pleaded guilty to rape, 2413
the former offense of felonious sexual penetration, or sexual 2414
battery, and the victim of the previous offense was less than 2415
thirteen years of age. 2416

(ii) The offense was committed on or after August 3, 2006. 2417

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2418
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the 2419
section requires the imposition of a prison term; 2420

(5) A first, second, or third degree felony drug offense for 2421
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2422

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2423
4729.99 of the Revised Code, whichever is applicable regarding the 2424
violation, requires the imposition of a mandatory prison term; 2425

(6) Any offense that is a first or second degree felony and 2426
that is not set forth in division (F)(1), (2), (3), or (4) of this 2427
section, if the offender previously was convicted of or pleaded 2428
guilty to aggravated murder, murder, any first or second degree 2429
felony, or an offense under an existing or former law of this 2430
state, another state, or the United States that is or was 2431
substantially equivalent to one of those offenses; 2432

(7) Any offense that is a third degree felony and either is a 2433
violation of section 2903.04 of the Revised Code or an attempt to 2434
commit a felony of the second degree that is an offense of 2435
violence and involved an attempt to cause serious physical harm to 2436
a person or that resulted in serious physical harm to a person if 2437
the offender previously was convicted of or pleaded guilty to any 2438
of the following offenses: 2439

(a) Aggravated murder, murder, involuntary manslaughter, 2440
rape, felonious sexual penetration as it existed under section 2441
2907.12 of the Revised Code prior to September 3, 1996, a felony 2442
of the first or second degree that resulted in the death of a 2443
person or in physical harm to a person, or complicity in or an 2444
attempt to commit any of those offenses; 2445

(b) An offense under an existing or former law of this state, 2446
another state, or the United States that is or was substantially 2447
equivalent to an offense listed in division (F)(7)(a) of this 2448
section that resulted in the death of a person or in physical harm 2449
to a person. 2450

(8) Any offense, other than a violation of section 2923.12 of 2451
the Revised Code, that is a felony, if the offender had a firearm 2452
on or about the offender's person or under the offender's control 2453

while committing the felony, with respect to a portion of the 2454
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2455
of the Revised Code for having the firearm; 2456

(9) Any offense of violence that is a felony, if the offender 2457
wore or carried body armor while committing the felony offense of 2458
violence, with respect to the portion of the sentence imposed 2459
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2460
Code for wearing or carrying the body armor; 2461

(10) Corrupt activity in violation of section 2923.32 of the 2462
Revised Code when the most serious offense in the pattern of 2463
corrupt activity that is the basis of the offense is a felony of 2464
the first degree; 2465

(11) Any violent sex offense or designated homicide, assault, 2466
or kidnapping offense if, in relation to that offense, the 2467
offender is adjudicated a sexually violent predator; 2468

(12) A violation of division (A)(1) or (2) of section 2921.36 2469
of the Revised Code, or a violation of division (C) of that 2470
section involving an item listed in division (A)(1) or (2) of that 2471
section, if the offender is an officer or employee of the 2472
department of rehabilitation and correction; 2473

(13) A violation of division (A)(1) or (2) of section 2903.06 2474
of the Revised Code if the victim of the offense is a peace 2475
officer, as defined in section 2935.01 of the Revised Code, or an 2476
investigator of the bureau of criminal identification and 2477
investigation, as defined in section 2903.11 of the Revised Code, 2478
with respect to the portion of the sentence imposed pursuant to 2479
division (D)(5) of section 2929.14 of the Revised Code; 2480

(14) A violation of division (A)(1) or (2) of section 2903.06 2481
of the Revised Code if the offender has been convicted of or 2482
pleaded guilty to three or more violations of division (A) or (B) 2483
of section 4511.19 of the Revised Code or an equivalent offense, 2484

as defined in section 2941.1415 of the Revised Code, or three or 2485
more violations of any combination of those divisions and 2486
offenses, with respect to the portion of the sentence imposed 2487
pursuant to division (D)(6) of section 2929.14 of the Revised 2488
Code; 2489

(15) Kidnapping, in the circumstances specified in section 2490
2971.03 of the Revised Code and when no other provision of 2491
division (F) of this section applies. 2492

(G) Notwithstanding divisions (A) to (E) of this section, if 2493
an offender is being sentenced for a fourth degree felony OVI 2494
offense or for a third degree felony OVI offense, the court shall 2495
impose upon the offender a mandatory term of local incarceration 2496
or a mandatory prison term in accordance with the following: 2497

(1) If the offender is being sentenced for a fourth degree 2498
felony OVI offense and if the offender has not been convicted of 2499
and has not pleaded guilty to a specification of the type 2500
described in section 2941.1413 of the Revised Code, the court may 2501
impose upon the offender a mandatory term of local incarceration 2502
of sixty days or one hundred twenty days as specified in division 2503
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2504
not reduce the term pursuant to section 2929.20, 2967.193, or any 2505
other provision of the Revised Code. The court that imposes a 2506
mandatory term of local incarceration under this division shall 2507
specify whether the term is to be served in a jail, a 2508
community-based correctional facility, a halfway house, or an 2509
alternative residential facility, and the offender shall serve the 2510
term in the type of facility specified by the court. A mandatory 2511
term of local incarceration imposed under division (G)(1) of this 2512
section is not subject to ~~extension under section 2967.11 of the~~ 2513
~~Revised Code, to a period of post-release control under section~~ 2514
~~2967.28 of the Revised Code, or to any other Revised Code~~ 2515
provision that pertains to a prison term except as provided in 2516

division (A)(1) of this section. 2517

(2) If the offender is being sentenced for a third degree 2518
felony OVI offense, or if the offender is being sentenced for a 2519
fourth degree felony OVI offense and the court does not impose a 2520
mandatory term of local incarceration under division (G)(1) of 2521
this section, the court shall impose upon the offender a mandatory 2522
prison term of one, two, three, four, or five years if the 2523
offender also is convicted of or also pleads guilty to a 2524
specification of the type described in section 2941.1413 of the 2525
Revised Code or shall impose upon the offender a mandatory prison 2526
term of sixty days or one hundred twenty days as specified in 2527
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2528
if the offender has not been convicted of and has not pleaded 2529
guilty to a specification of that type. The court shall not reduce 2530
the term pursuant to section 2929.20, 2967.193, or any other 2531
provision of the Revised Code. The offender shall serve the one-, 2532
two-, three-, four-, or five-year mandatory prison term 2533
consecutively to and prior to the prison term imposed for the 2534
underlying offense and consecutively to any other mandatory prison 2535
term imposed in relation to the offense. In no case shall an 2536
offender who once has been sentenced to a mandatory term of local 2537
incarceration pursuant to division (G)(1) of this section for a 2538
fourth degree felony OVI offense be sentenced to another mandatory 2539
term of local incarceration under that division for any violation 2540
of division (A) of section 4511.19 of the Revised Code. In 2541
addition to the mandatory prison term described in division (G)(2) 2542
of this section, the court may sentence the offender to a 2543
community control sanction under section 2929.16 or 2929.17 of the 2544
Revised Code, but the offender shall serve the prison term prior 2545
to serving the community control sanction. The department of 2546
rehabilitation and correction may place an offender sentenced to a 2547
mandatory prison term under this division in an intensive program 2548
prison established pursuant to section 5120.033 of the Revised 2549

Code if the department gave the sentencing judge prior notice of 2550
its intent to place the offender in an intensive program prison 2551
established under that section and if the judge did not notify the 2552
department that the judge disapproved the placement. Upon the 2553
establishment of the initial intensive program prison pursuant to 2554
section 5120.033 of the Revised Code that is privately operated 2555
and managed by a contractor pursuant to a contract entered into 2556
under section 9.06 of the Revised Code, both of the following 2557
apply: 2558

(a) The department of rehabilitation and correction shall 2559
make a reasonable effort to ensure that a sufficient number of 2560
offenders sentenced to a mandatory prison term under this division 2561
are placed in the privately operated and managed prison so that 2562
the privately operated and managed prison has full occupancy. 2563

(b) Unless the privately operated and managed prison has full 2564
occupancy, the department of rehabilitation and correction shall 2565
not place any offender sentenced to a mandatory prison term under 2566
this division in any intensive program prison established pursuant 2567
to section 5120.033 of the Revised Code other than the privately 2568
operated and managed prison. 2569

(H) If an offender is being sentenced for a sexually oriented 2570
offense or child-victim oriented offense that is a felony 2571
committed on or after January 1, 1997, the judge shall require the 2572
offender to submit to a DNA specimen collection procedure pursuant 2573
to section 2901.07 of the Revised Code. 2574

(I) If an offender is being sentenced for a sexually oriented 2575
offense or a child-victim oriented offense committed on or after 2576
January 1, 1997, the judge shall include in the sentence a summary 2577
of the offender's duties imposed under sections 2950.04, 2950.041, 2578
2950.05, and 2950.06 of the Revised Code and the duration of the 2579
duties. The judge shall inform the offender, at the time of 2580
sentencing, of those duties and of their duration. If required 2581

under division (A)(2) of section 2950.03 of the Revised Code, the 2582
judge shall perform the duties specified in that section, or, if 2583
required under division (A)(6) of section 2950.03 of the Revised 2584
Code, the judge shall perform the duties specified in that 2585
division. 2586

(J)(1) Except as provided in division (J)(2) of this section, 2587
when considering sentencing factors under this section in relation 2588
to an offender who is convicted of or pleads guilty to an attempt 2589
to commit an offense in violation of section 2923.02 of the 2590
Revised Code, the sentencing court shall consider the factors 2591
applicable to the felony category of the violation of section 2592
2923.02 of the Revised Code instead of the factors applicable to 2593
the felony category of the offense attempted. 2594

(2) When considering sentencing factors under this section in 2595
relation to an offender who is convicted of or pleads guilty to an 2596
attempt to commit a drug abuse offense for which the penalty is 2597
determined by the amount or number of unit doses of the controlled 2598
substance involved in the drug abuse offense, the sentencing court 2599
shall consider the factors applicable to the felony category that 2600
the drug abuse offense attempted would be if that drug abuse 2601
offense had been committed and had involved an amount or number of 2602
unit doses of the controlled substance that is within the next 2603
lower range of controlled substance amounts than was involved in 2604
the attempt. 2605

(K) As used in this section, "drug abuse offense" has the 2606
same meaning as in section 2925.01 of the Revised Code. 2607

(L) At the time of sentencing an offender for any sexually 2608
oriented offense, if the offender is a tier III sex 2609
offender/child-victim offender relative to that offense and the 2610
offender does not serve a prison term or jail term, the court may 2611
require that the offender be monitored by means of a global 2612
positioning device. If the court requires such monitoring, the 2613

cost of monitoring shall be borne by the offender. If the offender 2614
is indigent, the cost of compliance shall be paid by the crime 2615
victims reparations fund. 2616

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2617
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), (I), (J), or (L) of 2618
this section and except in relation to an offense for which a 2619
sentence of death or life imprisonment is to be imposed, if the 2620
court imposing a sentence upon an offender for a felony elects or 2621
is required to impose a prison term on the offender pursuant to 2622
this chapter, the court shall impose a definite prison term that 2623
shall be one of the following: 2624

(1) For a felony of the first degree, the prison term shall 2625
be three, four, five, six, seven, eight, nine, or ten years. 2626

(2) For a felony of the second degree, the prison term shall 2627
be two, three, four, five, six, seven, or eight years. 2628

(3) For a felony of the third degree, the prison term shall 2629
be one, two, three, four, or five years. 2630

(4) For a felony of the fourth degree, the prison term shall 2631
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2632
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2633

(5) For a felony of the fifth degree, the prison term shall 2634
be six, seven, eight, nine, ten, eleven, or twelve months. 2635

(B) Except as provided in division (C), (D)(1), (D)(2), 2636
(D)(3), (D)(5), (D)(6), (G), (I), (J), or (L) of this section, in 2637
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 2638
2925. of the Revised Code, if the court imposing a sentence upon 2639
an offender for a felony elects or is required to impose a prison 2640
term on the offender, the court shall impose the shortest prison 2641
term authorized for the offense pursuant to division (A) of this 2642
section, unless one or more of the following applies: 2643

(1) The offender was serving a prison term at the time of the offense, or the offender previously had served a prison term. 2644
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(2) The court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others. 2646
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(C) Except as provided in division (G) or (L) of this section or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section. 2650
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(D)(1)(a) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms: 2659
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(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony; 2665
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(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing 2671
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the offense and displaying the firearm, brandishing the firearm, 2675
indicating that the offender possessed the firearm, or using it to 2676
facilitate the offense; 2677

(iii) A prison term of one year if the specification is of 2678
the type described in section 2941.141 of the Revised Code that 2679
charges the offender with having a firearm on or about the 2680
offender's person or under the offender's control while committing 2681
the felony. 2682

(b) If a court imposes a prison term on an offender under 2683
division (D)(1)(a) of this section, the prison term shall not be 2684
reduced pursuant to section 2929.20, section 2967.193, or any 2685
other provision of Chapter 2967. or Chapter 5120. of the Revised 2686
Code. Except as provided in division (D)(1)(g) of this section, a 2687
court shall not impose more than one prison term on an offender 2688
under division (D)(1)(a) of this section for felonies committed as 2689
part of the same act or transaction. 2690

(c) Except as provided in division (D)(1)(e) of this section, 2691
if an offender who is convicted of or pleads guilty to a violation 2692
of section 2923.161 of the Revised Code or to a felony that 2693
includes, as an essential element, purposely or knowingly causing 2694
or attempting to cause the death of or physical harm to another, 2695
also is convicted of or pleads guilty to a specification of the 2696
type described in section 2941.146 of the Revised Code that 2697
charges the offender with committing the offense by discharging a 2698
firearm from a motor vehicle other than a manufactured home, the 2699
court, after imposing a prison term on the offender for the 2700
violation of section 2923.161 of the Revised Code or for the other 2701
felony offense under division (A), (D)(2), or (D)(3) of this 2702
section, shall impose an additional prison term of five years upon 2703
the offender that shall not be reduced pursuant to section 2704
2929.20, section 2967.193, or any other provision of Chapter 2967. 2705
or Chapter 5120. of the Revised Code. A court shall not impose 2706

more than one additional prison term on an offender under division 2707
(D)(1)(c) of this section for felonies committed as part of the 2708
same act or transaction. If a court imposes an additional prison 2709
term on an offender under division (D)(1)(c) of this section 2710
relative to an offense, the court also shall impose a prison term 2711
under division (D)(1)(a) of this section relative to the same 2712
offense, provided the criteria specified in that division for 2713
imposing an additional prison term are satisfied relative to the 2714
offender and the offense. 2715

(d) If an offender who is convicted of or pleads guilty to an 2716
offense of violence that is a felony also is convicted of or 2717
pleads guilty to a specification of the type described in section 2718
2941.1411 of the Revised Code that charges the offender with 2719
wearing or carrying body armor while committing the felony offense 2720
of violence, the court shall impose on the offender a prison term 2721
of two years. The prison term so imposed shall not be reduced 2722
pursuant to section 2929.20, section 2967.193, or any other 2723
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2724
court shall not impose more than one prison term on an offender 2725
under division (D)(1)(d) of this section for felonies committed as 2726
part of the same act or transaction. If a court imposes an 2727
additional prison term under division (D)(1)(a) or (c) of this 2728
section, the court is not precluded from imposing an additional 2729
prison term under division (D)(1)(d) of this section. 2730

(e) The court shall not impose any of the prison terms 2731
described in division (D)(1)(a) of this section or any of the 2732
additional prison terms described in division (D)(1)(c) of this 2733
section upon an offender for a violation of section 2923.12 or 2734
2923.123 of the Revised Code. The court shall not impose any of 2735
the prison terms described in division (D)(1)(a) or (b) of this 2736
section upon an offender for a violation of section 2923.122 that 2737
involves a deadly weapon that is a firearm other than a dangerous 2738

ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

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

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

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

court shall impose on the offender the prison term specified under 2771
division (D)(1)(f) of this section for each of two of the 2772
specifications of which the offender is convicted or to which the 2773
offender pleads guilty and, in its discretion, also may impose on 2774
the offender the prison term specified under that division for any 2775
or all of the remaining specifications. If a court imposes an 2776
additional prison term on an offender under division (D)(1)(f) of 2777
this section relative to an offense, the court shall not impose a 2778
prison term under division (D)(1)(a) or (c) of this section 2779
relative to the same offense. 2780

(g) If an offender is convicted of or pleads guilty to two or 2781
more felonies, if one or more of those felonies is aggravated 2782
murder, murder, attempted aggravated murder, attempted murder, 2783
aggravated robbery, felonious assault, or rape, and if the 2784
offender is convicted of or pleads guilty to a specification of 2785
the type described under division (D)(1)(a) of this section in 2786
connection with two or more of the felonies, the sentencing court 2787
shall impose on the offender the prison term specified under 2788
division (D)(1)(a) of this section for each of the two most 2789
serious specifications of which the offender is convicted or to 2790
which the offender pleads guilty and, in its discretion, also may 2791
impose on the offender the prison term specified under that 2792
division for any or all of the remaining specifications. 2793

(2)(a) If division (D)(2)(b) of this section does not apply, 2794
the court may impose on an offender, in addition to the longest 2795
prison term authorized or required for the offense, an additional 2796
definite prison term of one, two, three, four, five, six, seven, 2797
eight, nine, or ten years if all of the following criteria are 2798
met: 2799

(i) The offender is convicted of or pleads guilty to a 2800
specification of the type described in section 2941.149 of the 2801
Revised Code that the offender is a repeat violent offender. 2802

(ii) The offense of which the offender currently is convicted 2803
or to which the offender currently pleads guilty is aggravated 2804
murder and the court does not impose a sentence of death or life 2805
imprisonment without parole, murder, terrorism and the court does 2806
not impose a sentence of life imprisonment without parole, any 2807
felony of the first degree that is an offense of violence and the 2808
court does not impose a sentence of life imprisonment without 2809
parole, or any felony of the second degree that is an offense of 2810
violence and the trier of fact finds that the offense involved an 2811
attempt to cause or a threat to cause serious physical harm to a 2812
person or resulted in serious physical harm to a person. 2813

(iii) The court imposes the longest prison term for the 2814
offense that is not life imprisonment without parole. 2815

(iv) The court finds that the prison terms imposed pursuant 2816
to division (D)(2)(a)(iii) of this section and, if applicable, 2817
division (D)(1) or (3) of this section are inadequate to punish 2818
the offender and protect the public from future crime, because the 2819
applicable factors under section 2929.12 of the Revised Code 2820
indicating a greater likelihood of recidivism outweigh the 2821
applicable factors under that section indicating a lesser 2822
likelihood of recidivism. 2823

(v) The court finds that the prison terms imposed pursuant to 2824
division (D)(2)(a)(iii) of this section and, if applicable, 2825
division (D)(1) or (3) of this section are demeaning to the 2826
seriousness of the offense, because one or more of the factors 2827
under section 2929.12 of the Revised Code indicating that the 2828
offender's conduct is more serious than conduct normally 2829
constituting the offense are present, and they outweigh the 2830
applicable factors under that section indicating that the 2831
offender's conduct is less serious than conduct normally 2832
constituting the offense. 2833

(b) The court shall impose on an offender the longest prison 2834

term authorized or required for the offense and shall impose on 2835
the offender an additional definite prison term of one, two, 2836
three, four, five, six, seven, eight, nine, or ten years if all of 2837
the following criteria are met: 2838

(i) The offender is convicted of or pleads guilty to a 2839
specification of the type described in section 2941.149 of the 2840
Revised Code that the offender is a repeat violent offender. 2841

(ii) The offender within the preceding twenty years has been 2842
convicted of or pleaded guilty to three or more offenses described 2843
in division ~~(DD)~~(CC)(1) of section 2929.01 of the Revised Code, 2844
including all offenses described in that division of which the 2845
offender is convicted or to which the offender pleads guilty in 2846
the current prosecution and all offenses described in that 2847
division of which the offender previously has been convicted or to 2848
which the offender previously pleaded guilty, whether prosecuted 2849
together or separately. 2850

(iii) The offense or offenses of which the offender currently 2851
is convicted or to which the offender currently pleads guilty is 2852
aggravated murder and the court does not impose a sentence of 2853
death or life imprisonment without parole, murder, terrorism and 2854
the court does not impose a sentence of life imprisonment without 2855
parole, any felony of the first degree that is an offense of 2856
violence and the court does not impose a sentence of life 2857
imprisonment without parole, or any felony of the second degree 2858
that is an offense of violence and the trier of fact finds that 2859
the offense involved an attempt to cause or a threat to cause 2860
serious physical harm to a person or resulted in serious physical 2861
harm to a person. 2862

(c) For purposes of division (D)(2)(b) of this section, two 2863
or more offenses committed at the same time or as part of the same 2864
act or event shall be considered one offense, and that one offense 2865
shall be the offense with the greatest penalty. 2866

(d) A sentence imposed under division (D)(2)(a) or (b) of 2867
this section shall not be reduced pursuant to section 2929.20 or 2868
section 2967.193, or any other provision of Chapter 2967. or 2869
Chapter 5120. of the Revised Code. The offender shall serve an 2870
additional prison term imposed under this section consecutively to 2871
and prior to the prison term imposed for the underlying offense. 2872

(e) When imposing a sentence pursuant to division (D)(2)(a) 2873
or (b) of this section, the court shall state its findings 2874
explaining the imposed sentence. 2875

(3)(a) Except when an offender commits a violation of section 2876
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2877
the violation is life imprisonment or commits a violation of 2878
section 2903.02 of the Revised Code, if the offender commits a 2879
violation of section 2925.03 or 2925.11 of the Revised Code and 2880
that section classifies the offender as a major drug offender and 2881
requires the imposition of a ten-year prison term on the offender, 2882
if the offender commits a felony violation of section 2925.02, 2883
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2884
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2885
division (C) of section 4729.51, or division (J) of section 2886
4729.54 of the Revised Code that includes the sale, offer to sell, 2887
or possession of a schedule I or II controlled substance, with the 2888
exception of marihuana, and the court imposing sentence upon the 2889
offender finds that the offender is guilty of a specification of 2890
the type described in section 2941.1410 of the Revised Code 2891
charging that the offender is a major drug offender, if the court 2892
imposing sentence upon an offender for a felony finds that the 2893
offender is guilty of corrupt activity with the most serious 2894
offense in the pattern of corrupt activity being a felony of the 2895
first degree, or if the offender is guilty of an attempted 2896
violation of section 2907.02 of the Revised Code and, had the 2897
offender completed the violation of section 2907.02 of the Revised 2898

Code that was attempted, the offender would have been subject to a 2899
sentence of life imprisonment or life imprisonment without parole 2900
for the violation of section 2907.02 of the Revised Code, the 2901
court shall impose upon the offender for the felony violation a 2902
ten-year prison term that cannot be reduced pursuant to section 2903
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2904

(b) The court imposing a prison term on an offender under 2905
division (D)(3)(a) of this section may impose an additional prison 2906
term of one, two, three, four, five, six, seven, eight, nine, or 2907
ten years, if the court, with respect to the term imposed under 2908
division (D)(3)(a) of this section and, if applicable, divisions 2909
(D)(1) and (2) of this section, makes both of the findings set 2910
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2911

(4) If the offender is being sentenced for a third or fourth 2912
degree felony OVI offense under division (G)(2) of section 2929.13 2913
of the Revised Code, the sentencing court shall impose upon the 2914
offender a mandatory prison term in accordance with that division. 2915
In addition to the mandatory prison term, if the offender is being 2916
sentenced for a fourth degree felony OVI offense, the court, 2917
notwithstanding division (A)(4) of this section, may sentence the 2918
offender to a definite prison term of not less than six months and 2919
not more than thirty months, and if the offender is being 2920
sentenced for a third degree felony OVI offense, the sentencing 2921
court may sentence the offender to an additional prison term of 2922
any duration specified in division (A)(3) of this section. In 2923
either case, the additional prison term imposed shall be reduced 2924
by the sixty or one hundred twenty days imposed upon the offender 2925
as the mandatory prison term. The total of the additional prison 2926
term imposed under division (D)(4) of this section plus the sixty 2927
or one hundred twenty days imposed as the mandatory prison term 2928
shall equal a definite term in the range of six months to thirty 2929
months for a fourth degree felony OVI offense and shall equal one 2930

of the authorized prison terms specified in division (A)(3) of 2931
this section for a third degree felony OVI offense. If the court 2932
imposes an additional prison term under division (D)(4) of this 2933
section, the offender shall serve the additional prison term after 2934
the offender has served the mandatory prison term required for the 2935
offense. In addition to the mandatory prison term or mandatory and 2936
additional prison term imposed as described in division (D)(4) of 2937
this section, the court also may sentence the offender to a 2938
community control sanction under section 2929.16 or 2929.17 of the 2939
Revised Code, but the offender shall serve all of the prison terms 2940
so imposed prior to serving the community control sanction. 2941

If the offender is being sentenced for a fourth degree felony 2942
OVI offense under division (G)(1) of section 2929.13 of the 2943
Revised Code and the court imposes a mandatory term of local 2944
incarceration, the court may impose a prison term as described in 2945
division (A)(1) of that section. 2946

(5) If an offender is convicted of or pleads guilty to a 2947
violation of division (A)(1) or (2) of section 2903.06 of the 2948
Revised Code and also is convicted of or pleads guilty to a 2949
specification of the type described in section 2941.1414 of the 2950
Revised Code that charges that the victim of the offense is a 2951
peace officer, as defined in section 2935.01 of the Revised Code, 2952
or an investigator of the bureau of criminal identification and 2953
investigation, as defined in section 2903.11 of the Revised Code, 2954
the court shall impose on the offender a prison term of five 2955
years. If a court imposes a prison term on an offender under 2956
division (D)(5) of this section, the prison term shall not be 2957
reduced pursuant to section 2929.20, section 2967.193, or any 2958
other provision of Chapter 2967. or Chapter 5120. of the Revised 2959
Code. A court shall not impose more than one prison term on an 2960
offender under division (D)(5) of this section for felonies 2961
committed as part of the same act. 2962

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (D)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(6) of this section for felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (D)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed

upon the offender. 2996

(b) If a mandatory prison term is imposed upon an offender 2997
pursuant to division (D)(1)(d) of this section for wearing or 2998
carrying body armor while committing an offense of violence that 2999
is a felony, the offender shall serve the mandatory term so 3000
imposed consecutively to any other mandatory prison term imposed 3001
under that division or under division (D)(1)(a) or (c) of this 3002
section, consecutively to and prior to any prison term imposed for 3003
the underlying felony under division (A), (D)(2), or (D)(3) of 3004
this section or any other section of the Revised Code, and 3005
consecutively to any other prison term or mandatory prison term 3006
previously or subsequently imposed upon the offender. 3007

(c) If a mandatory prison term is imposed upon an offender 3008
pursuant to division (D)(1)(f) of this section, the offender shall 3009
serve the mandatory prison term so imposed consecutively to and 3010
prior to any prison term imposed for the underlying felony under 3011
division (A), (D)(2), or (D)(3) of this section or any other 3012
section of the Revised Code, and consecutively to any other prison 3013
term or mandatory prison term previously or subsequently imposed 3014
upon the offender. 3015

(2) If an offender who is an inmate in a jail, prison, or 3016
other residential detention facility violates section 2917.02, 3017
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 3018
who is under detention at a detention facility commits a felony 3019
violation of section 2923.131 of the Revised Code, or if an 3020
offender who is an inmate in a jail, prison, or other residential 3021
detention facility or is under detention at a detention facility 3022
commits another felony while the offender is an escapee in 3023
violation of section 2921.34 of the Revised Code, any prison term 3024
imposed upon the offender for one of those violations shall be 3025
served by the offender consecutively to the prison term or term of 3026
imprisonment the offender was serving when the offender committed 3027

that offense and to any other prison term previously or 3028
subsequently imposed upon the offender. 3029

(3) If a prison term is imposed for a violation of division 3030
(B) of section 2911.01 of the Revised Code, a violation of 3031
division (A) of section 2913.02 of the Revised Code in which the 3032
stolen property is a firearm or dangerous ordnance, or a felony 3033
violation of division (B) of section 2921.331 of the Revised Code, 3034
the offender shall serve that prison term consecutively to any 3035
other prison term or mandatory prison term previously or 3036
subsequently imposed upon the offender. 3037

(4) If multiple prison terms are imposed on an offender for 3038
convictions of multiple offenses, the court may require the 3039
offender to serve the prison terms consecutively if the court 3040
finds that the consecutive service is necessary to protect the 3041
public from future crime or to punish the offender and that 3042
consecutive sentences are not disproportionate to the seriousness 3043
of the offender's conduct and to the danger the offender poses to 3044
the public, and if the court also finds any of the following: 3045

(a) The offender committed one or more of the multiple 3046
offenses while the offender was awaiting trial or sentencing, was 3047
under a sanction imposed pursuant to section 2929.16, 2929.17, or 3048
2929.18 of the Revised Code, or was under post-release control for 3049
a prior offense. 3050

(b) At least two of the multiple offenses were committed as 3051
part of one or more courses of conduct, and the harm caused by two 3052
or more of the multiple offenses so committed was so great or 3053
unusual that no single prison term for any of the offenses 3054
committed as part of any of the courses of conduct adequately 3055
reflects the seriousness of the offender's conduct. 3056

(c) The offender's history of criminal conduct demonstrates 3057
that consecutive sentences are necessary to protect the public 3058

from future crime by the offender. 3059

(5) If a mandatory prison term is imposed upon an offender 3060
pursuant to division (D)(5) or (6) of this section, the offender 3061
shall serve the mandatory prison term consecutively to and prior 3062
to any prison term imposed for the underlying violation of 3063
division (A)(1) or (2) of section 2903.06 of the Revised Code 3064
pursuant to division (A) of this section or section 2929.142 of 3065
the Revised Code. If a mandatory prison term is imposed upon an 3066
offender pursuant to division (D)(5) of this section, and if a 3067
mandatory prison term also is imposed upon the offender pursuant 3068
to division (D)(6) of this section in relation to the same 3069
violation, the offender shall serve the mandatory prison term 3070
imposed pursuant to division (D)(5) of this section consecutively 3071
to and prior to the mandatory prison term imposed pursuant to 3072
division (D)(6) of this section and consecutively to and prior to 3073
any prison term imposed for the underlying violation of division 3074
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 3075
division (A) of this section or section 2929.142 of the Revised 3076
Code. 3077

(6) When consecutive prison terms are imposed pursuant to 3078
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 3079
of this section, the term to be served is the aggregate of all of 3080
the terms so imposed. 3081

(F)(1) If a court imposes a prison term for a felony of the 3082
first degree, for a felony of the second degree, for a felony sex 3083
offense, or for a felony of the third degree that is not a felony 3084
sex offense and in the commission of which the offender caused or 3085
threatened to cause physical harm to a person, it shall include in 3086
the sentence a requirement that the offender be subject to a 3087
period of post-release control after the offender's release from 3088
imprisonment, in accordance with that division. If a court imposes 3089
a sentence including a prison term of a type described in this 3090

division on or after July 11, 2006, the failure of a court to 3091
include a post-release control requirement in the sentence 3092
pursuant to this division does not negate, limit, or otherwise 3093
affect the mandatory period of post-release control that is 3094
required for the offender under division (B) of section 2967.28 of 3095
the Revised Code. Section 2929.191 of the Revised Code applies if, 3096
prior to July 11, 2006, a court imposed a sentence including a 3097
prison term of a type described in this division and failed to 3098
include in the sentence pursuant to this division a statement 3099
regarding post-release control. 3100

(2) If a court imposes a prison term for a felony of the 3101
third, fourth, or fifth degree that is not subject to division 3102
(F)(1) of this section, it shall include in the sentence a 3103
requirement that the offender be subject to a period of 3104
post-release control after the offender's release from 3105
imprisonment, in accordance with that division, if the parole 3106
board determines that a period of post-release control is 3107
necessary. Section 2929.191 of the Revised Code applies if, prior 3108
to July 11, 2006, a court imposed a sentence including a prison 3109
term of a type described in this division and failed to include in 3110
the sentence pursuant to this division a statement regarding 3111
post-release control. 3112

(G) The court shall impose sentence upon the offender in 3113
accordance with section 2971.03 of the Revised Code, and Chapter 3114
2971. of the Revised Code applies regarding the prison term or 3115
term of life imprisonment without parole imposed upon the offender 3116
and the service of that term of imprisonment if any of the 3117
following apply: 3118

(1) A person is convicted of or pleads guilty to a violent 3119
sex offense or a designated homicide, assault, or kidnapping 3120
offense, and, in relation to that offense, the offender is 3121
adjudicated a sexually violent predator. 3122

(2) A person is convicted of or pleads guilty to a violation 3123
of division (A)(1)(b) of section 2907.02 of the Revised Code 3124
committed on or after January 2, 2007, and either the court does 3125
not impose a sentence of life without parole when authorized 3126
pursuant to division (B) of section 2907.02 of the Revised Code, 3127
or division (B) of section 2907.02 of the Revised Code provides 3128
that the court shall not sentence the offender pursuant to section 3129
2971.03 of the Revised Code. 3130

(3) A person is convicted of or pleads guilty to attempted 3131
rape committed on or after January 2, 2007, and a specification of 3132
the type described in section 2941.1418, 2941.1419, or 2941.1420 3133
of the Revised Code. 3134

(4) A person is convicted of or pleads guilty to a violation 3135
of section 2905.01 of the Revised Code committed on or after 3136
January 1, 2008, and that section requires the court to sentence 3137
the offender pursuant to section 2971.03 of the Revised Code. 3138

(5) A person is convicted of or pleads guilty to aggravated 3139
murder committed on or after January 1, 2008, and division 3140
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 3141
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 3142
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 3143
2929.06 of the Revised Code requires the court to sentence the 3144
offender pursuant to division (B)(3) of section 2971.03 of the 3145
Revised Code. 3146

(6) A person is convicted of or pleads guilty to murder 3147
committed on or after January 1, 2008, and division (B)(2) of 3148
section 2929.02 of the Revised Code requires the court to sentence 3149
the offender pursuant to section 2971.03 of the Revised Code. 3150

(H) If a person who has been convicted of or pleaded guilty 3152
to a felony is sentenced to a prison term or term of imprisonment 3153

under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

(J)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

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

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

(ii) If the offender previously has been convicted of or 3185
pleaded guilty to one or more felony or misdemeanor violations of 3186
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 3187
Revised Code and also was convicted of or pleaded guilty to a 3188
specification of the type described in section 2941.1421 of the 3189
Revised Code regarding one or more of those violations, an 3190
additional prison term of one, two, three, four, five, six, seven, 3191
eight, nine, ten, eleven, or twelve months. 3192

(b) In lieu of imposing an additional prison term under 3193
division (J)(2)(a) of this section, the court may directly impose 3194
on the offender a sanction that requires the offender to wear a 3195
real-time processing, continual tracking electronic monitoring 3196
device during the period of time specified by the court. The 3197
period of time specified by the court shall equal the duration of 3198
an additional prison term that the court could have imposed upon 3199
the offender under division (J)(2)(a) of this section. A sanction 3200
imposed under this division shall commence on the date specified 3201
by the court, provided that the sanction shall not commence until 3202
after the offender has served the prison term imposed for the 3203
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 3204
of the Revised Code and any residential sanction imposed for the 3205
violation under section 2929.16 of the Revised Code. A sanction 3206
imposed under this division shall be considered to be a community 3207
control sanction for purposes of section 2929.15 of the Revised 3208
Code, and all provisions of the Revised Code that pertain to 3209
community control sanctions shall apply to a sanction imposed 3210
under this division, except to the extent that they would by their 3211
nature be clearly inapplicable. The offender shall pay all costs 3212
associated with a sanction imposed under this division, including 3213
the cost of the use of the monitoring device. 3214

(K) At the time of sentencing, the court may recommend the 3215
offender for placement in a program of shock incarceration under 3216

section 5120.031 of the Revised Code or for placement in an 3217
intensive program prison under section 5120.032 of the Revised 3218
Code, disapprove placement of the offender in a program of shock 3219
incarceration or an intensive program prison of that nature, or 3220
make no recommendation on placement of the offender. In no case 3221
shall the department of rehabilitation and correction place the 3222
offender in a program or prison of that nature unless the 3223
department determines as specified in section 5120.031 or 5120.032 3224
of the Revised Code, whichever is applicable, that the offender is 3225
eligible for the placement. 3226

If the court disapproves placement of the offender in a 3227
program or prison of that nature, the department of rehabilitation 3228
and correction shall not place the offender in any program of 3229
shock incarceration or intensive program prison. 3230

If the court recommends placement of the offender in a 3231
program of shock incarceration or in an intensive program prison, 3232
and if the offender is subsequently placed in the recommended 3233
program or prison, the department shall notify the court of the 3234
placement and shall include with the notice a brief description of 3235
the placement. 3236

If the court recommends placement of the offender in a 3237
program of shock incarceration or in an intensive program prison 3238
and the department does not subsequently place the offender in the 3239
recommended program or prison, the department shall send a notice 3240
to the court indicating why the offender was not placed in the 3241
recommended program or prison. 3242

If the court does not make a recommendation under this 3243
division with respect to an offender and if the department 3244
determines as specified in section 5120.031 or 5120.032 of the 3245
Revised Code, whichever is applicable, that the offender is 3246
eligible for placement in a program or prison of that nature, the 3247
department shall screen the offender and determine if there is an 3248

available program of shock incarceration or an intensive program 3249
prison for which the offender is suited. If there is an available 3250
program of shock incarceration or an intensive program prison for 3251
which the offender is suited, the department shall notify the 3252
court of the proposed placement of the offender as specified in 3253
section 5120.031 or 5120.032 of the Revised Code and shall include 3254
with the notice a brief description of the placement. The court 3255
shall have ten days from receipt of the notice to disapprove the 3256
placement. 3257

(L) If a person is convicted of or pleads guilty to 3258
aggravated vehicular homicide in violation of division (A)(1) of 3259
section 2903.06 of the Revised Code and division (B)(2)(c) of that 3260
section applies, the person shall be sentenced pursuant to section 3261
2929.142 of the Revised Code. 3262

Sec. 2929.141. (A) ~~As used in this section, "person on~~ 3263
~~release" means a "releasee" or "parolee," both as defined in~~ 3264
~~section 2967.01 of the Revised Code.~~ 3265

~~(B) A person on release who by committing a felony violates~~ 3266
~~any condition of parole, any post release control sanction, or any~~ 3267
~~conditions described in division (A) of section 2967.131 of the~~ 3268
~~Revised Code that are imposed upon the person may be prosecuted~~ 3269
~~for the new felony.~~ Upon the person's conviction of or plea of 3270
guilty to the new a felony by a person on post-release control at 3271
the time of the commission of the felony, ~~the court shall impose~~ 3272
~~sentence for the new felony,~~ the court may terminate the term of 3273
post-release control ~~if the person is a releasee,~~ and the court 3274
may do either ~~or both~~ of the following ~~for a person who is either~~ 3275
~~a releasee or parolee~~ regardless of whether the sentencing court 3276
or another court of this state imposed the original prison term 3277
for which the person is on ~~parole or is serving a term of~~ 3278
post-release control: 3279

(1) In addition to any prison term for the new felony, impose 3280
a prison term for the post-release control violation. ~~If the~~ 3281
~~person is a releasee, the~~ The maximum prison term for the 3282
violation shall be the greater of twelve months or the period of 3283
post-release control for the earlier felony minus any time the 3284
~~releasee~~ person has spent under post-release control for the 3285
earlier felony. In all cases, any prison term imposed for the 3286
violation shall be reduced by any prison term that is 3287
administratively imposed by the parole board ~~or adult parole~~ 3288
~~authority~~ as a post-release control sanction. ~~In all cases, a~~ A 3289
prison term imposed for the violation shall be served 3290
consecutively to any prison term imposed for the new felony. ~~If~~ 3291
~~the person is a releasee, The imposition of a~~ prison term imposed 3292
for the post-release control violation, ~~and a prison term imposed~~ 3293
~~for the new felony, shall not count as, or be credited toward,~~ 3294
terminate the ~~remaining~~ period of post-release control ~~imposed~~ for 3295
the earlier felony. 3296

(2) Impose a sanction under sections 2929.15 to 2929.18 of 3297
the Revised Code for the violation that shall be served 3298
concurrently or consecutively, as specified by the court, with any 3299
community control sanctions for the new felony. 3300

Sec. 2929.15. (A)(1) If in sentencing an offender for a 3301
felony the court is not required to impose a prison term, a 3302
mandatory prison term, or a term of life imprisonment upon the 3303
offender, the court may directly impose a sentence that consists 3304
of one or more community control sanctions authorized pursuant to 3305
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 3306
court is sentencing an offender for a fourth degree felony OVI 3307
offense under division (G)(1) of section 2929.13 of the Revised 3308
Code, in addition to the mandatory term of local incarceration 3309
imposed under that division and the mandatory fine required by 3310
division (B)(3) of section 2929.18 of the Revised Code, the court 3311

may impose upon the offender a community control sanction or 3312
combination of community control sanctions in accordance with 3313
sections 2929.16 and 2929.17 of the Revised Code. If the court is 3314
sentencing an offender for a third or fourth degree felony OVI 3315
offense under division (G)(2) of section 2929.13 of the Revised 3316
Code, in addition to the mandatory prison term or mandatory prison 3317
term and additional prison term imposed under that division, the 3318
court also may impose upon the offender a community control 3319
sanction or combination of community control sanctions under 3320
section 2929.16 or 2929.17 of the Revised Code, but the offender 3321
shall serve all of the prison terms so imposed prior to serving 3322
the community control sanction. 3323

The duration of all community control sanctions imposed upon 3324
an offender under this division shall not exceed five years. If 3325
the offender absconds or otherwise leaves the jurisdiction of the 3326
court in which the offender resides without obtaining permission 3327
from the court or the offender's probation officer to leave the 3328
jurisdiction of the court, or if the offender is confined in any 3329
institution for the commission of any offense while under a 3330
community control sanction, the period of the community control 3331
sanction ceases to run until the offender is brought before the 3332
court for its further action. If the court sentences the offender 3333
to one or more nonresidential sanctions under section 2929.17 of 3334
the Revised Code, the court shall impose as a condition of the 3335
nonresidential sanctions that, during the period of the sanctions, 3336
the offender must abide by the law and must not leave the state 3337
without the permission of the court or the offender's probation 3338
officer. The court may impose any other conditions of release 3339
under a community control sanction that the court considers 3340
appropriate, including, but not limited to, requiring that the 3341
offender not ingest or be injected with a drug of abuse and submit 3342
to random drug testing as provided in division (D) of this section 3343
to determine whether the offender ingested or was injected with a 3344

drug of abuse and requiring that the results of the drug test 3345
indicate that the offender did not ingest or was not injected with 3346
a drug of abuse. 3347

(2)(a) If a court sentences an offender to any community 3348
control sanction or combination of community control sanctions 3349
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 3350
Revised Code, the court shall place the offender under the general 3351
control and supervision of a department of probation in the county 3352
that serves the court for purposes of reporting to the court a 3353
violation of any condition of the sanctions, any condition of 3354
release under a community control sanction imposed by the court, a 3355
violation of law, or the departure of the offender from this state 3356
without the permission of the court or the offender's probation 3357
officer. Alternatively, if the offender resides in another county 3358
and a county department of probation has been established in that 3359
county or that county is served by a multicounty probation 3360
department established under section 2301.27 of the Revised Code, 3361
the court may request the court of common pleas of that county to 3362
receive the offender into the general control and supervision of 3363
that county or multicounty department of probation for purposes of 3364
reporting to the court a violation of any condition of the 3365
sanctions, any condition of release under a community control 3366
sanction imposed by the court, a violation of law, or the 3367
departure of the offender from this state without the permission 3368
of the court or the offender's probation officer, subject to the 3369
jurisdiction of the trial judge over and with respect to the 3370
person of the offender, and to the rules governing that department 3371
of probation. 3372

If there is no department of probation in the county that 3373
serves the court, the court shall place the offender, regardless 3374
of the offender's county of residence, under the general control 3375
and supervision of the adult parole authority for purposes of 3376

reporting to the court a violation of any of the sanctions, any 3377
condition of release under a community control sanction imposed by 3378
the court, a violation of law, or the departure of the offender 3379
from this state without the permission of the court or the 3380
offender's probation officer. 3381

(b) If the court imposing sentence upon an offender sentences 3382
the offender to any community control sanction or combination of 3383
community control sanctions authorized pursuant to section 3384
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 3385
offender violates any condition of the sanctions, any condition of 3386
release under a community control sanction imposed by the court, 3387
violates any law, or departs the state without the permission of 3388
the court or the offender's probation officer, the public or 3389
private person or entity that operates or administers the sanction 3390
or the program or activity that comprises the sanction shall 3391
report the violation or departure directly to the sentencing 3392
court, or shall report the violation or departure to the county or 3393
multicounty department of probation with general control and 3394
supervision over the offender under division (A)(2)(a) of this 3395
section or the officer of that department who supervises the 3396
offender, or, if there is no such department with general control 3397
and supervision over the offender under that division, to the 3398
adult parole authority. If the public or private person or entity 3399
that operates or administers the sanction or the program or 3400
activity that comprises the sanction reports the violation or 3401
departure to the county or multicounty department of probation or 3402
the adult parole authority, the department's or authority's 3403
officers may treat the offender as if the offender were on 3404
probation and in violation of the probation, and shall report the 3405
violation of the condition of the sanction, any condition of 3406
release under a community control sanction imposed by the court, 3407
the violation of law, or the departure from the state without the 3408
required permission to the sentencing court. 3409

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A)(3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in a treatment and recovery support services program certified under section 3793.06 of the Revised Code or offered by another properly credentialed program provider.

(B) If the conditions of a community control sanction are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose a longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section, may impose a more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a prison term on the offender pursuant to section 2929.14 of the

Revised Code. The prison term, if any, imposed upon a violator 3442
pursuant to this division shall be within the range of prison 3443
terms available for the offense for which the sanction that was 3444
violated was imposed and shall not exceed the prison term 3445
specified in the notice provided to the offender at the sentencing 3446
hearing pursuant to division (B)(3) of section 2929.19 of the 3447
Revised Code. The court may reduce the longer period of time that 3448
the offender is required to spend under the longer sanction, the 3449
more restrictive sanction, or a prison term imposed pursuant to 3450
this division by the time the offender successfully spent under 3451
the sanction that was initially imposed. 3452

(C) If an offender, for a significant period of time, 3453
fulfills the conditions of a sanction imposed pursuant to section 3454
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 3455
manner, the court may reduce the period of time under the sanction 3456
or impose a less restrictive sanction, but the court shall not 3457
permit the offender to violate any law or permit the offender to 3458
leave the state without the permission of the court or the 3459
offender's probation officer. 3460

(D)(1) If a court under division (A)(1) of this section 3461
imposes a condition of release under a community control sanction 3462
that requires the offender to submit to random drug testing, the 3463
department of probation or the adult parole authority that has 3464
general control and supervision of the offender under division 3465
(A)(2)(a) of this section may cause the offender to submit to 3466
random drug testing performed by a laboratory or entity that has 3467
entered into a contract with any of the governmental entities or 3468
officers authorized to enter into a contract with that laboratory 3469
or entity under section 341.26, 753.33, or 5120.63 of the Revised 3470
Code. 3471

(2) If no laboratory or entity described in division (D)(1) 3472
of this section has entered into a contract as specified in that 3473

division, the department of probation or the adult parole 3474
authority that has general control and supervision of the offender 3475
under division (A)(2)(a) of this section shall cause the offender 3476
to submit to random drug testing performed by a reputable public 3477
laboratory to determine whether the individual who is the subject 3478
of the drug test ingested or was injected with a drug of abuse. 3479

(3) A laboratory or entity that has entered into a contract 3480
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 3481
shall perform the random drug tests under division (D)(1) of this 3482
section in accordance with the applicable standards that are 3483
included in the terms of that contract. A public laboratory shall 3484
perform the random drug tests under division (D)(2) of this 3485
section in accordance with the standards set forth in the policies 3486
and procedures established by the department of rehabilitation and 3487
correction pursuant to section 5120.63 of the Revised Code. An 3488
offender who is required under division (A)(1) of this section to 3489
submit to random drug testing as a condition of release under a 3490
community control sanction and whose test results indicate that 3491
the offender ingested or was injected with a drug of abuse shall 3492
pay the fee for the drug test if the department of probation or 3493
the adult parole authority that has general control and 3494
supervision of the offender requires payment of a fee. A 3495
laboratory or entity that performs the random drug testing on an 3496
offender under division (D)(1) or (2) of this section shall 3497
transmit the results of the drug test to the appropriate 3498
department of probation or the adult parole authority that has 3499
general control and supervision of the offender under division 3500
(A)(2)(a) of this section. 3501

Sec. 2929.17. Except as provided in this section, the court 3502
imposing a sentence for a felony upon an offender who is not 3503
required to serve a mandatory prison term may impose any 3504
nonresidential sanction or combination of nonresidential sanctions 3505

authorized under this section. If the court imposes one or more 3506
nonresidential sanctions authorized under this section, the court 3507
shall impose as a condition of the sanction that, during the 3508
period of the nonresidential sanction, the offender shall abide by 3509
the law and shall not leave the state without the permission of 3510
the court or the offender's probation officer. 3511

The court imposing a sentence for a fourth degree felony OVI 3512
offense under division (G)(1) or (2) of section 2929.13 of the 3513
Revised Code or for a third degree felony OVI offense under 3514
division (G)(2) of that section may impose upon the offender, in 3515
addition to the mandatory term of local incarceration or mandatory 3516
prison term imposed under the applicable division, a 3517
nonresidential sanction or combination of nonresidential sanctions 3518
under this section, and the offender shall serve or satisfy the 3519
sanction or combination of sanctions after the offender has served 3520
the mandatory term of local incarceration or mandatory prison term 3521
required for the offense. The court shall not impose a term in a 3522
drug treatment program as described in division (D) of this 3523
section until after considering an assessment by a properly 3524
credentialed treatment professional, if available. Nonresidential 3525
sanctions include, but are not limited to, the following: 3526

(A) A term of day reporting; 3527

(B) A term of house arrest with electronic monitoring or 3528
continuous alcohol monitoring or both electronic monitoring and 3529
continuous alcohol monitoring, a term of electronic monitoring or 3530
continuous alcohol monitoring without house arrest, or a term of 3531
house arrest without electronic monitoring or continuous alcohol 3532
monitoring; 3533

(C) A term of community service of up to five hundred hours 3534
pursuant to division (B) of section 2951.02 of the Revised Code 3535
or, if the court determines that the offender is financially 3536
incapable of fulfilling a financial sanction described in section 3537

2929.18 of the Revised Code, a term of community service as an	3538
alternative to a financial sanction;	3539
(D) A term in a drug treatment program with a level of	3540
security for the offender as determined necessary by the court;	3541
(E) A term of intensive probation supervision;	3542
(F) A term of basic probation supervision;	3543
(G) A term of monitored time;	3544
(H) A term of drug and alcohol use monitoring, including	3545
random drug testing;	3546
(I) A curfew term;	3547
(J) A requirement that the offender obtain employment;	3548
(K) A requirement that the offender obtain education or	3549
training;	3550
(L) Provided the court obtains the prior approval of the	3551
victim, a requirement that the offender participate in	3552
victim-offender mediation;	3553
(M) A license violation report;	3554
(N) If the offense is a violation of section 2919.25 or a	3555
violation of section 2903.11, 2903.12, or 2903.13 of the Revised	3556
Code involving a person who was a family or household member at	3557
the time of the violation, if the offender committed the offense	3558
in the vicinity of one or more children who are not victims of the	3559
offense, and if the offender or the victim of the offense is a	3560
parent, guardian, custodian, or person in loco parentis of one or	3561
more of those children, a requirement that the offender obtain	3562
counseling. This division does not limit the court in requiring	3563
the offender to obtain counseling for any offense or in any	3564
circumstance not specified in this division.	3565
Sec. 2929.19. (A) The court shall hold a sentencing hearing	3566

before imposing a sentence under this chapter upon an offender who 3567
was convicted of or pleaded guilty to a felony and before 3568
resentencing an offender who was convicted of or pleaded guilty to 3569
a felony and whose case was remanded pursuant to section 2953.07 3570
or 2953.08 of the Revised Code. At the hearing, the offender, the 3571
prosecuting attorney, the victim or the victim's representative in 3572
accordance with section 2930.14 of the Revised Code, and, with the 3573
approval of the court, any other person may present information 3574
relevant to the imposition of sentence in the case. The court 3575
shall inform the offender of the verdict of the jury or finding of 3576
the court and ask the offender whether the offender has anything 3577
to say as to why sentence should not be imposed upon the offender. 3578

(B)(1) At the sentencing hearing, the court, before imposing 3579
sentence, shall consider the record, any information presented at 3580
the hearing by any person pursuant to division (A) of this 3581
section, and, if one was prepared, the presentence investigation 3582
report made pursuant to section 2951.03 of the Revised Code or 3583
Criminal Rule 32.2, and any victim impact statement made pursuant 3584
to section 2947.051 of the Revised Code. 3585

(2) The court shall impose a sentence and shall make a 3586
finding that gives its reasons for selecting the sentence imposed 3587
in any of the following circumstances: 3588

(a) Unless the offense is a violent sex offense or designated 3589
homicide, assault, or kidnapping offense for which the court is 3590
required to impose sentence pursuant to division (G) of section 3591
2929.14 of the Revised Code, if it imposes a prison term for a 3592
felony of the fourth or fifth degree or for a felony drug offense 3593
that is a violation of a provision of Chapter 2925. of the Revised 3594
Code and that is specified as being subject to division (B) of 3595
section 2929.13 of the Revised Code for purposes of sentencing, 3596
its reasons for imposing the prison term, based upon the 3597
overriding purposes and principles of felony sentencing set forth 3598

in section 2929.11 of the Revised Code, and any factors listed in 3599
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 3600
that it found to apply relative to the offender. 3601

(b) If it does not impose a prison term for a felony of the 3602
first or second degree or for a felony drug offense that is a 3603
violation of a provision of Chapter 2925. of the Revised Code and 3604
for which a presumption in favor of a prison term is specified as 3605
being applicable, its reasons for not imposing the prison term and 3606
for overriding the presumption, based upon the overriding purposes 3607
and principles of felony sentencing set forth in section 2929.11 3608
of the Revised Code, and the basis of the findings it made under 3609
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 3610

(c) If it imposes consecutive sentences under section 2929.14 3611
of the Revised Code, its reasons for imposing the consecutive 3612
sentences; 3613

(d) If the sentence is for one offense and it imposes a 3614
prison term for the offense that is the maximum prison term 3615
allowed for that offense by division (A) of section 2929.14 of the 3616
Revised Code or section 2929.142 of the Revised Code, its reasons 3617
for imposing the maximum prison term; 3618

(e) If the sentence is for two or more offenses arising out 3619
of a single incident and it imposes a prison term for those 3620
offenses that is the maximum prison term allowed for the offense 3621
of the highest degree by division (A) of section 2929.14 of the 3622
Revised Code or section 2929.142 of the Revised Code, its reasons 3623
for imposing the maximum prison term. 3624

(3) Subject to division (B)(4) of this section, if the 3625
sentencing court determines at the sentencing hearing that a 3626
prison term is necessary or required, the court shall do all of 3627
the following: 3628

(a) Impose a stated prison term and, if the court imposes a 3629

mandatory prison term, notify the offender that the prison term is 3630
a mandatory prison term; 3631

~~(b) Notify the offender that, as part of the sentence, the~~ 3632
~~parole board may extend the stated prison term for certain~~ 3633
~~violations of prison rules for up to one half of the stated prison~~ 3634
~~term~~ In addition to any other information, include in the 3635
sentencing entry the name and section reference to the offense or 3636
offenses, the sentence or sentences imposed and whether the 3637
sentence or sentences contain mandatory prison terms, if sentences 3638
are imposed for multiple counts whether the sentences are to be 3639
served concurrently or consecutively, and the name and section 3640
reference of any specification or specifications for which 3641
sentence is imposed and the sentence or sentences imposed for the 3642
specification or specifications; 3643

(c) Notify the offender that the offender will be supervised 3644
under section 2967.28 of the Revised Code after the offender 3645
leaves prison if the offender is being sentenced for a felony of 3646
the first degree or second degree, for a felony sex offense, or 3647
for a felony of the third degree that is not a felony sex offense 3648
and in the commission of which the offender caused or threatened 3649
to cause physical harm to a person. If a court imposes a sentence 3650
including a prison term of a type described in division (B)(3)(c) 3651
of this section on or after July 11, 2006, the failure of a court 3652
to notify the offender pursuant to division (B)(3)(c) of this 3653
section that the offender will be supervised under section 2967.28 3654
of the Revised Code after the offender leaves prison or to include 3655
in the judgment of conviction entered on the journal a statement 3656
to that effect does not negate, limit, or otherwise affect the 3657
mandatory period of supervision that is required for the offender 3658
under division (B) of section 2967.28 of the Revised Code. Section 3659
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 3660
court imposed a sentence including a prison term of a type 3661

described in division (B)(3)(c) of this section and failed to 3662
notify the offender pursuant to division (B)(3)(c) of this section 3663
regarding post-release control or to include in the judgment of 3664
conviction entered on the journal or in the sentence a statement 3665
regarding post-release control. 3666

(d) Notify the offender that the offender may be supervised 3667
under section 2967.28 of the Revised Code after the offender 3668
leaves prison if the offender is being sentenced for a felony of 3669
the third, fourth, or fifth degree that is not subject to division 3670
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 3671
applies if, prior to July 11, 2006, a court imposed a sentence 3672
including a prison term of a type described in division (B)(3)(d) 3673
of this section and failed to notify the offender pursuant to 3674
division (B)(3)(d) of this section regarding post-release control 3675
or to include in the judgment of conviction entered on the journal 3676
or in the sentence a statement regarding post-release control. 3677

(e) Notify the offender that, if a period of supervision is 3678
imposed following the offender's release from prison, as described 3679
in division (B)(3)(c) or (d) of this section, and if the offender 3680
violates that supervision or a condition of post-release control 3681
imposed under division (B) of section 2967.131 of the Revised 3682
Code, the parole board may impose a prison term, as part of the 3683
sentence, of up to one-half of the stated prison term originally 3684
imposed upon the offender. If a court imposes a sentence including 3685
a prison term on or after July 11, 2006, the failure of a court to 3686
notify the offender pursuant to division (B)(3)(e) of this section 3687
that the parole board may impose a prison term as described in 3688
division (B)(3)(e) of this section for a violation of that 3689
supervision or a condition of post-release control imposed under 3690
division (B) of section 2967.131 of the Revised Code or to include 3691
in the judgment of conviction entered on the journal a statement 3692
to that effect does not negate, limit, or otherwise affect the 3693

authority of the parole board to so impose a prison term for a 3694
violation of that nature if, pursuant to division (D)(1) of 3695
section 2967.28 of the Revised Code, the parole board notifies the 3696
offender prior to the offender's release of the board's authority 3697
to so impose a prison term. Section 2929.191 of the Revised Code 3698
applies if, prior to July 11, 2006, a court imposed a sentence 3699
including a prison term and failed to notify the offender pursuant 3700
to division (B)(3)(e) of this section regarding the possibility of 3701
the parole board imposing a prison term for a violation of 3702
supervision or a condition of post-release control. 3703

(f) Require that the offender not ingest or be injected with 3704
a drug of abuse and submit to random drug testing as provided in 3705
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 3706
is applicable to the offender who is serving a prison term, and 3707
require that the results of the drug test administered under any 3708
of those sections indicate that the offender did not ingest or was 3709
not injected with a drug of abuse. 3710

(4)(a) The court shall include in the offender's sentence a 3711
statement that the offender is a tier III sex 3712
offender/child-victim offender, and the court shall comply with 3713
the requirements of section 2950.03 of the Revised Code if any of 3714
the following apply: 3715

(i) The offender is being sentenced for a violent sex offense 3716
or designated homicide, assault, or kidnapping offense that the 3717
offender committed on or after January 1, 1997, and the offender 3718
is adjudicated a sexually violent predator in relation to that 3719
offense. 3720

(ii) The offender is being sentenced for a sexually oriented 3721
offense that the offender committed on or after January 1, 1997, 3722
and the offender is a tier III sex offender/child-victim offender 3723
relative to that offense. 3724

(iii) The offender is being sentenced on or after July 31, 3725
2003, for a child-victim oriented offense, and the offender is a 3726
tier III sex offender/child-victim offender relative to that 3727
offense. 3728

(iv) The offender is being sentenced under section 2971.03 of 3729
the Revised Code for a violation of division (A)(1)(b) of section 3730
2907.02 of the Revised Code committed on or after January 2, 2007. 3731

(v) The offender is sentenced to a term of life without 3732
parole under division (B) of section 2907.02 of the Revised Code. 3733

(vi) The offender is being sentenced for attempted rape 3734
committed on or after January 2, 2007, and a specification of the 3735
type described in section 2941.1418, 2941.1419, or 2941.1420 of 3736
the Revised Code. 3737

(vii) The offender is being sentenced under division 3738
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3739
for an offense described in those divisions committed on or after 3740
~~the effective date of this amendment~~ January 1, 2008. 3741

(b) Additionally, if any criterion set forth in divisions 3742
(B)(4)(a)(i) to (vii) of this section is satisfied, in the 3743
circumstances described in division (G) of section 2929.14 of the 3744
Revised Code, the court shall impose sentence on the offender as 3745
described in that division. 3746

(5) If the sentencing court determines at the sentencing 3747
hearing that a community control sanction should be imposed and 3748
the court is not prohibited from imposing a community control 3749
sanction, the court shall impose a community control sanction. The 3750
court shall notify the offender that, if the conditions of the 3751
sanction are violated, if the offender commits a violation of any 3752
law, or if the offender leaves this state without the permission 3753
of the court or the offender's probation officer, the court may 3754
impose a longer time under the same sanction, may impose a more 3755

restrictive sanction, or may impose a prison term on the offender 3756
and shall indicate the specific prison term that may be imposed as 3757
a sanction for the violation, as selected by the court from the 3758
range of prison terms for the offense pursuant to section 2929.14 3759
of the Revised Code. 3760

(6) Before imposing a financial sanction under section 3761
2929.18 of the Revised Code or a fine under section 2929.32 of the 3762
Revised Code, the court shall consider the offender's present and 3763
future ability to pay the amount of the sanction or fine. 3764

(7) If the sentencing court sentences the offender to a 3765
sanction of confinement pursuant to section 2929.14 or 2929.16 of 3766
the Revised Code that is to be served in a local detention 3767
facility, as defined in section 2929.36 of the Revised Code, and 3768
if the local detention facility is covered by a policy adopted 3769
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 3770
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 3771
and section 2929.37 of the Revised Code, both of the following 3772
apply: 3773

(a) The court shall specify both of the following as part of 3774
the sentence: 3775

(i) If the offender is presented with an itemized bill 3776
pursuant to section 2929.37 of the Revised Code for payment of the 3777
costs of confinement, the offender is required to pay the bill in 3778
accordance with that section. 3779

(ii) If the offender does not dispute the bill described in 3780
division (B)(7)(a)(i) of this section and does not pay the bill by 3781
the times specified in section 2929.37 of the Revised Code, the 3782
clerk of the court may issue a certificate of judgment against the 3783
offender as described in that section. 3784

(b) The sentence automatically includes any certificate of 3785
judgment issued as described in division (B)(7)(a)(ii) of this 3786

section. 3787

(8) The failure of the court to notify the offender that a 3788
prison term is a mandatory prison term pursuant to division 3789
(B)(3)(a) of this section or to include in the sentencing entry 3790
any information required by division (B)(3)(b) of this section 3791
does not affect the validity of the imposed sentence or sentences. 3792
If the sentencing court notifies the offender at the sentencing 3793
hearing that a prison term is mandatory but the sentencing entry 3794
does not specify that the prison term is mandatory, the court may 3795
complete a corrected journal entry and send copies of the 3796
corrected entry to the offender and the department of 3797
rehabilitation and correction, or, at the request of the state, 3798
the court shall complete a corrected journal entry and send copies 3799
of the corrected entry to the offender and department of 3800
rehabilitation and correction. 3801

(C)(1) If the offender is being sentenced for a fourth degree 3802
felony OVI offense under division (G)(1) of section 2929.13 of the 3803
Revised Code, the court shall impose the mandatory term of local 3804
incarceration in accordance with that division, shall impose a 3805
mandatory fine in accordance with division (B)(3) of section 3806
2929.18 of the Revised Code, and, in addition, may impose 3807
additional sanctions as specified in sections 2929.15, 2929.16, 3808
2929.17, and 2929.18 of the Revised Code. The court shall not 3809
impose a prison term on the offender except that the court may 3810
impose a prison term upon the offender as provided in division 3811
(A)(1) of section 2929.13 of the Revised Code. 3812

(2) If the offender is being sentenced for a third or fourth 3813
degree felony OVI offense under division (G)(2) of section 2929.13 3814
of the Revised Code, the court shall impose the mandatory prison 3815
term in accordance with that division, shall impose a mandatory 3816
fine in accordance with division (B)(3) of section 2929.18 of the 3817
Revised Code, and, in addition, may impose an additional prison 3818

term as specified in section 2929.14 of the Revised Code. In 3819
addition to the mandatory prison term or mandatory prison term and 3820
additional prison term the court imposes, the court also may 3821
impose a community control sanction on the offender, but the 3822
offender shall serve all of the prison terms so imposed prior to 3823
serving the community control sanction. 3824

(D) The sentencing court, pursuant to division (K) of section 3825
2929.14 of the Revised Code, may recommend placement of the 3826
offender in a program of shock incarceration under section 3827
5120.031 of the Revised Code or an intensive program prison under 3828
section 5120.032 of the Revised Code, disapprove placement of the 3829
offender in a program or prison of that nature, or make no 3830
recommendation. If the court recommends or disapproves placement, 3831
it shall make a finding that gives its reasons for its 3832
recommendation or disapproval. 3833

Sec. 2929.20. (A) As used in this section, "eligible 3834
offender" means any person serving a stated prison term of ten 3835
years or less when either of the following applies: 3836

(1) The stated prison term does not include a mandatory 3837
prison term. 3838

(2) The stated prison term includes a mandatory prison term, 3839
and the person has served the mandatory prison term. 3840

(B) ~~Upon the filing of a motion by the eligible~~ On the motion 3841
~~of an eligible~~ offender or upon its own motion, a the sentencing 3842
court may reduce the eligible offender's stated prison term 3843
through a judicial release ~~in accordance with~~ under this section. 3844
~~The court shall not reduce the stated prison term of an offender~~ 3845
~~who is not an eligible offender. An~~ 3846

(C) An eligible offender may file a motion for judicial 3847
release with the sentencing court within the following applicable 3848

~~period of time periods:~~ 3849

~~(1)(a) Except as otherwise provided in division (B)(1)(b) or
(c) of this section, if If the stated prison term was imposed for
a felony of the fourth or fifth degree is less than two years, the
eligible offender may file the motion not earlier than thirty days
or later than ninety days after the offender is delivered to a
state correctional institution or, if the prison term includes a
mandatory prison term or terms, not earlier than thirty days after
the expiration of all mandatory prison terms.~~ 3850
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~~(b) If the stated prison term is five years and is an
aggregate of stated prison terms that are being served
consecutively and that were imposed for any combination of
felonies of the fourth degree and felonies of the fifth degree,
the eligible offender may file the motion after the eligible
offender has served four years of the stated prison term.~~ 3858
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~~(c) If the stated prison term is more than five years and not
more than ten years and is an aggregate of stated prison terms
that are being served consecutively and that were imposed for any
combination of felonies of the fourth degree and felonies of the
fifth degree, the eligible offender may file the motion after the
eligible offender has served five years of the stated prison term.~~ 3864
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~~(2) Except as otherwise provided in division (B)(3) or (4) of
this section, if If the stated prison term was imposed for a
felony of the first, second, or third degree is at least two years
but less than five years, the eligible offender may file the
motion not earlier than one hundred eighty days after the offender
is delivered to a state correctional institution or, if the prison
term includes a mandatory prison term or terms, not earlier than
one hundred eighty days after the expiration of all mandatory
prison terms.~~ 3870
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~~(3) If the stated prison term is five years, the eligible~~ 3879

~~offender may file the motion after the eligible offender has~~ 3880
~~served four years of the stated prison term.~~ 3881

~~(4) If the stated prison term is more than five years and or~~ 3882
~~more but not more than ten years, the eligible offender may file~~ 3883
~~the motion not earlier than five years after the eligible offender~~ 3884
~~has served five years of the stated prison term is delivered to a~~ 3885
~~state correctional institution or, if the prison term includes a~~ 3886
~~mandatory prison term or terms, not earlier than five years after~~ 3887
~~the expiration of all mandatory prison terms.~~ 3888

~~(5) If the offender's stated prison term includes a mandatory~~ 3889
~~prison term, the offender shall file the motion within the time~~ 3890
~~authorized under division (B)(1), (2), (3), or (4) of this section~~ 3891
~~for the nonmandatory portion of the prison term, but the time for~~ 3892
~~filing the motion does not begin to run until after the expiration~~ 3893
~~of the mandatory portion of the prison term.~~ 3894

~~(C)(D)~~ Upon receipt of a timely motion for judicial release 3895
filed by an eligible offender under division ~~(B)(C)~~ of this 3896
section or upon the sentencing court's own motion made within the 3897
appropriate time ~~period~~ specified in that division, the court may 3898
~~deny the motion without a hearing or~~ schedule a hearing on the 3899
motion. The court ~~may deny the motion without a hearing but~~ shall 3900
not grant the motion without a hearing. If a court denies a motion 3901
without a hearing, the court later may consider a ~~subsequent~~ 3902
judicial release for that eligible offender on ~~its own motion or~~ a 3903
subsequent motion filed by that eligible offender unless the court 3904
denies the motion with prejudice. If a court denies a motion with 3905
prejudice, the court may later consider judicial release on its 3906
own motion. If a court denies a motion after a hearing, the court 3907
shall not consider a subsequent motion for that eligible offender. 3908
The court shall hold only one hearing for any eligible offender. 3909

A hearing under this section shall be conducted in open court 3910
within sixty days after ~~the date on which~~ the motion is filed, 3911

provided that the court may delay the hearing for a ~~period not to~~ 3912
~~exceed~~ one hundred eighty additional days. If the court holds a 3913
hearing ~~on the motion~~, the court shall enter a ruling on the 3914
motion within ten days after the hearing. If the court denies the 3915
motion without a hearing, the court shall enter its ruling on the 3916
motion within sixty days after the motion is filed. 3917

~~(D)~~(E) If a court schedules a hearing under division ~~(C)~~(D) 3918
of this section, the court shall notify the eligible offender ~~of~~ 3919
~~the hearing~~ and ~~shall notify~~ the head of the state correctional 3920
institution in which the eligible offender is confined ~~of the~~ 3921
~~hearing~~ prior to the hearing. The head of the state correctional 3922
institution immediately shall notify the appropriate person at the 3923
department of rehabilitation and correction of the hearing, and 3924
the department within twenty-four hours after receipt of the 3925
notice, shall post on the database it maintains pursuant to 3926
section 5120.66 of the Revised Code the offender's name and all of 3927
the information specified in division (A)(1)(c)(i) of that 3928
section. If the court schedules a hearing for judicial release, 3929
the court promptly shall give notice of the hearing to the 3930
prosecuting attorney of the county in which the eligible offender 3931
was indicted. Upon receipt of the notice from the court, the 3932
prosecuting attorney shall notify the victim of the offense ~~for~~ 3933
~~which the stated prison term was imposed~~ or the victim's 3934
representative, pursuant to section 2930.16 of the Revised Code, 3935
~~of the hearing.~~ 3936

~~(E)~~(F) Upon an offender's successful completion of 3937
rehabilitative activities, the head of the state correctional 3938
institution may notify the sentencing court of the successful 3939
completion of the activities. 3940

(G) Prior to the date of the hearing on a motion for judicial 3941
release under this section, the head of the state correctional 3942
institution in which the eligible offender ~~in question~~ is confined 3943

shall send to the court a report on the eligible offender's 3944
conduct in the institution and in any institution from which the 3945
eligible offender may have been transferred. The report shall 3946
cover the eligible offender's participation in school, vocational 3947
training, work, treatment, and other rehabilitative activities and 3948
any disciplinary action taken against the eligible offender. The 3949
report shall be made part of the record of the hearing. 3950

~~(F)~~(H) If the court grants a hearing on a motion for judicial 3951
release under this section, the eligible offender shall attend the 3952
hearing if ordered to do so by the court. Upon receipt of a copy 3953
of the journal entry containing the order, the head of the state 3954
correctional institution in which the eligible offender is 3955
incarcerated shall deliver the eligible offender to the sheriff of 3956
the county in which the hearing is to be held. The sheriff shall 3957
convey the eligible offender to ~~the hearing~~ and ~~return the~~ 3958
~~offender to the institution after~~ from the hearing. 3959

~~(G)~~(I) At the hearing on a motion for judicial release under 3960
this section, the court shall afford the eligible offender and the 3961
eligible offender's attorney an opportunity to present written 3962
and, if present, oral information relevant to the motion ~~and shall~~ 3963
~~afford the eligible offender, if present, and the eligible~~ 3964
~~offender's attorney an opportunity to present oral information~~ 3965
~~relevant to the motion.~~ The court shall afford a similar 3966
opportunity to the prosecuting attorney, the victim or the 3967
victim's representative, as defined in section 2930.01 of the 3968
Revised Code, and any other person the court determines is likely 3969
to present additional relevant information. The court shall 3970
consider any statement of a victim made pursuant to section 3971
2930.14 or 2930.17 of the Revised Code, any victim impact 3972
statement prepared pursuant to section 2947.051 of the Revised 3973
Code, and any report made under division ~~(F)~~(G) of this section. 3974
The court may consider any written statement of any person 3975

submitted to the court pursuant to division ~~(I)~~(L) of this 3976
section. After ruling on the motion, the court shall notify the 3977
victim of the ruling in accordance with sections 2930.03 and 3978
2930.16 of the Revised Code. 3979

~~(H)~~(J)(1) A court shall not grant a judicial release under 3980
this section to an eligible offender who is imprisoned for a 3981
felony of the first or second degree, or to an eligible offender 3982
who committed an offense ~~contained in~~ under Chapter 2925. or 3719. 3983
of the Revised Code and for whom there was a presumption under 3984
section 2929.13 of the Revised Code in favor of a prison term, 3985
unless the court, with reference to factors under section 2929.12 3986
of the Revised Code, finds both of the following: 3987

(a) That a sanction other than a prison term would adequately 3988
punish the offender and protect the public from future criminal 3989
violations by the eligible offender because the applicable factors 3990
indicating a lesser likelihood of recidivism outweigh the 3991
applicable factors indicating a greater likelihood of recidivism; 3992

(b) That a sanction other than a prison term would not demean 3993
the seriousness of the offense because factors indicating that the 3994
eligible offender's conduct in committing the offense was less 3995
serious than conduct normally constituting the offense outweigh 3996
factors indicating that the eligible offender's conduct was more 3997
serious than conduct normally constituting the offense. 3998

(2) A court that grants a judicial release to an eligible 3999
offender under division ~~(H)~~(J)(1) of this section shall specify on 4000
the record both findings required in that division and also shall 4001
list all the factors described in that division that were 4002
presented at the hearing. 4003

~~(I)~~(K) If the court grants a motion for judicial release 4004
under this section, the court shall order the release of the 4005
eligible offender, shall place the eligible offender under an 4006

appropriate community control sanction, under appropriate 4007
~~community control~~ conditions, and under the supervision of the 4008
department of probation serving the court, and shall reserve the 4009
right to reimpose the sentence that it reduced ~~pursuant to the~~ 4010
~~judicial release~~ if the offender violates the sanction. If the 4011
court reimposes the reduced sentence ~~pursuant to this reserved~~ 4012
~~right~~, it may do so either concurrently with, or consecutive to, 4013
any new sentence imposed upon the eligible offender as a result of 4014
the violation that is a new offense. The period of ~~the~~ community 4015
control ~~sanction~~ shall be no longer than five years. The court, in 4016
its discretion, may reduce the period of ~~the~~ community control 4017
~~sanction~~ by the amount of time the eligible offender spent in jail 4018
or prison for the offense and in prison. If the court made any 4019
findings pursuant to division ~~(H)~~(J)(1) of this section, the court 4020
shall serve a copy of the findings upon counsel for the parties 4021
within fifteen days after the date on which the court grants the 4022
motion for judicial release. 4023

~~Prior to being released pursuant to a judicial release~~ 4024
~~granted under this section, the eligible offender shall serve any~~ 4025
~~extension of sentence that was imposed under section 2967.11 of~~ 4026
~~the Revised Code.~~ 4027

If the court grants a motion for judicial release, the court 4028
shall notify the appropriate person at the department of 4029
rehabilitation and correction ~~of the judicial release~~, and the 4030
department shall post notice of the release on the database it 4031
maintains pursuant to section 5120.66 of the Revised Code. 4032

~~(J)~~(L) In addition to and independent of the right of a 4033
victim to make a statement pursuant to section 2930.14, 2930.17, 4034
or 2946.051 of the Revised Code and any right of a person to 4035
present written information or make a statement pursuant to 4036
division ~~(G)~~(I) of this section, any person may submit to the 4037
court, at any time prior to the hearing on the offender's motion 4038

for judicial release, a written statement concerning the effects 4039
of the offender's crime or crimes, the circumstances surrounding 4040
the crime or crimes, the manner in which the crime or crimes were 4041
perpetrated, and the person's opinion as to whether the offender 4042
should be released. 4043

Sec. 2935.36. (A) The prosecuting attorney may establish 4044
pre-trial diversion programs for adults who are accused of 4045
committing criminal offenses and whom the prosecuting attorney 4046
believes probably will not offend again. The prosecuting attorney 4047
may require, as a condition of an accused's participation in the 4048
program, the accused to pay a reasonable fee for supervision 4049
services that include, but are not limited to, monitoring and drug 4050
testing. The programs shall be operated pursuant to written 4051
standards approved by journal entry by the presiding judge or, in 4052
courts with only one judge, the judge of the court of common pleas 4053
and shall not be applicable to any of the following: 4054

(1) Repeat offenders or dangerous offenders; 4055

(2) Persons accused of an offense of violence, of a violation 4056
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 4057
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 4058
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 4059
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 4060
Code that, had it occurred prior to July 1, 1996, would have been 4061
a violation of section 2905.04 of the Revised Code as it existed 4062
prior to that date, with the exception that the prosecuting 4063
attorney may permit persons accused of any such offense to enter a 4064
pre-trial diversion program, if the prosecuting attorney finds any 4065
of the following: 4066

(a) The accused did not cause, threaten, or intend serious 4067
physical harm to any person; 4068

(b) The offense was the result of circumstances not likely to 4069

recur; 4070

(c) The accused has no history of prior delinquency or 4071
criminal activity; 4072

(d) The accused has led a law-abiding life for a substantial 4073
time before commission of the alleged offense; 4074

(e) Substantial grounds tending to excuse or justify the 4075
alleged offense. 4076

(3) Persons accused of a violation of Chapter 2925. or 3719. 4077
of the Revised Code; 4078

(4) ~~Drug dependent persons or persons in danger of becoming~~ 4079
~~drug dependent persons, as defined in section 3719.011 of the~~ 4080
~~Revised Code. However, this division does not affect the~~ 4081
~~eligibility of such persons for intervention in lieu of conviction~~ 4082
~~pursuant to section 2951.041 of the Revised Code.~~ 4083

~~(5)~~ Persons accused of a violation of section 4511.19 of the 4084
Revised Code or a violation of any substantially similar municipal 4085
ordinance. 4086

(B) An accused who enters a diversion program shall do all of 4087
the following: 4088

(1) Waive, in writing and contingent upon the accused's 4089
successful completion of the program, the accused's right to a 4090
speedy trial, the preliminary hearing, the time period within 4091
which the grand jury may consider an indictment against the 4092
accused, and arraignment, unless the hearing, indictment, or 4093
arraignment has already occurred; 4094

(2) Agree, in writing, to the tolling while in the program of 4095
all periods of limitation established by statutes or rules of 4096
court, that are applicable to the offense with which the accused 4097
is charged and to the conditions of the diversion program 4098
established by the prosecuting attorney; 4099

(3) Agree, in writing, to pay any reasonable fee for supervision services established by the prosecuting attorney.

(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.

(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.

(E) As used in this section:

(1) "Repeat offender" means a person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that the person will commit another offense. It is prima-facie evidence that a person is a repeat

offender if any of the following applies: 4132

(a) Having been convicted of one or more offenses of violence 4133
and having been imprisoned pursuant to sentence for any such 4134
offense, the person commits a subsequent offense of violence; 4135

(b) Having been convicted of one or more sexually oriented 4136
offenses or child-victim oriented offenses, both as defined in 4137
section 2950.01 of the Revised Code, and having been imprisoned 4138
pursuant to sentence for one or more of those offenses, the person 4139
commits a subsequent sexually oriented offense or child-victim 4140
oriented offense; 4141

(c) Having been convicted of one or more theft offenses as 4142
defined in section 2913.01 of the Revised Code and having been 4143
imprisoned pursuant to sentence for one or more of those theft 4144
offenses, the person commits a subsequent theft offense; 4145

(d) Having been convicted of one or more felony drug abuse 4146
offenses as defined in section 2925.01 of the Revised Code and 4147
having been imprisoned pursuant to sentence for one or more of 4148
those felony drug abuse offenses, the person commits a subsequent 4149
felony drug abuse offense; 4150

(e) Having been convicted of two or more felonies and having 4151
been imprisoned pursuant to sentence for one or more felonies, the 4152
person commits a subsequent offense; 4153

(f) Having been convicted of three or more offenses of any 4154
type or degree other than traffic offenses, alcoholic intoxication 4155
offenses, or minor misdemeanors and having been imprisoned 4156
pursuant to sentence for any such offense, the person commits a 4157
subsequent offense. 4158

(2) "Dangerous offender" means a person who has committed an 4159
offense, whose history, character, and condition reveal a 4160
substantial risk that the person will be a danger to others, and 4161
whose conduct has been characterized by a pattern of repetitive, 4162

compulsive, or aggressive behavior with heedless indifference to 4163
the consequences. 4164

Sec. 2943.032. Prior to accepting a guilty plea or a plea of 4165
no contest to an indictment, information, or complaint that 4166
charges a felony, the court shall inform the defendant personally 4167
that, if the defendant pleads guilty or no contest to the felony 4168
so charged or any other felony ~~and~~, if the court imposes a prison 4169
term upon the defendant for the felony, ~~all of the following~~ 4170
~~apply:~~ 4171

~~(A) The parole board may extend the stated prison term if the 4172
defendant commits any criminal offense under the law of this state 4173
or the United States while serving the prison term. 4174~~

~~(B) Any such extension will be done administratively as part 4175
of the defendant's sentence in accordance with section 2967.11 of 4176
the Revised Code and may be for thirty, sixty, or ninety days for 4177
each violation. 4178~~

~~(C) All such extensions of the stated prison term for all 4179
violations during the course of the term may not exceed one half 4180
of the term's duration. 4181~~

~~(D) The sentence imposed for the felony automatically 4182
includes any such extension of the stated prison term by the 4183
parole board. 4184~~

~~(E) If and if the offender violates the conditions of a 4185
post-release control sanction imposed by the parole board upon the 4186
completion of the stated prison term, the parole board may impose 4187
upon the offender a residential sanction that includes a new 4188
prison term of up to nine months. 4189~~

Sec. 2949.12. Unless the execution of sentence is suspended 4190
or the convicted felon has less than thirty days to serve in 4191
prison and the department of rehabilitation and correction, the 4192

county sheriff, and the court agree otherwise, a convicted felon 4193
who is sentenced to serve a term of imprisonment in a state 4194
correctional institution shall be conveyed, within five days after 4195
sentencing, excluding Saturdays, Sundays, and legal holidays, by 4196
the sheriff of the county in which the conviction was had to the 4197
facility that is designated by the department of rehabilitation 4198
and correction for the reception of convicted felons. The sheriff 4199
shall deliver the convicted felon into the custody of the managing 4200
officer of the reception facility and, at that time, unless the 4201
department and the sheriff have agreed to electronically processed 4202
prisoner commitment, shall present the managing officer with a 4203
copy of the convicted felon's sentence that clearly describes each 4204
offense for which the felon was sentenced to a correctional 4205
institution, designates each section of the Revised Code that the 4206
felon violated and that resulted in the felon's conviction and 4207
sentence to a correctional institution, designates the sentence 4208
imposed for each offense for which the felon was sentenced to a 4209
correctional institution, and, pursuant to section 2967.191 of the 4210
Revised Code, specifies the total number of days, if any, that the 4211
felon was confined for any reason prior to conviction and 4212
sentence. The sheriff, at that time, also shall present the 4213
managing officer with a copy of the indictment. The clerk of the 4214
court of common pleas shall furnish the copies of the sentence and 4215
indictment. In the case of a person under the age of eighteen 4216
years who is certified to the court of common pleas by the 4217
juvenile court, the clerk of the court of common pleas also shall 4218
attach a copy of the certification to the copy of the indictment. 4219

4220
The convicted felon shall be assigned to an institution or 4221
designated to be housed in a county, multicounty, municipal, 4222
municipal-county, or multicounty-municipal jail or workhouse, if 4223
authorized pursuant to section 5120.161 of the Revised Code, shall 4224
be conveyed to the institution, jail, or workhouse, and shall be 4225

kept within the institution, jail, or workhouse until the term of 4226
the felon's imprisonment expires, the felon is pardoned, paroled, 4227
or placed under a post-release control sanction, or the felon is 4228
transferred under laws permitting the transfer of prisoners. If 4229
the execution of the felon's sentence is suspended, and the 4230
judgment thereafter affirmed, the felon shall be conveyed, in the 4231
same manner as if the execution of the felon's sentence had not 4232
been suspended, to the reception facility as soon as practicable 4233
after the judge directs the execution of sentence. The trial judge 4234
or other judge of the court, in the judge's discretion and for 4235
good cause shown, may extend the time of the conveyance. 4236

Sec. 2951.021. (A)(1) If a court places a misdemeanor 4237
offender under a community control sanction under section 2929.26, 4238
2929.27, or 2929.28 of the Revised Code or places a felony 4239
offender under a community control sanction under section 2929.16, 4240
2929.17, or 2929.18 of the Revised Code and if the court places 4241
the offender under the control and supervision of a probation 4242
agency, the court may require the offender, as a condition of 4243
community control, to pay a monthly supervision fee of not more 4244
than fifty dollars for supervision services. If the court requires 4245
an offender to pay a monthly supervision fee and the offender will 4246
be under the control of a county department of probation, a 4247
multicounty department of probation, or a municipal court 4248
department of probation established under section 1901.33 of the 4249
Revised Code, the court shall specify whether the offender is to 4250
pay the fee to the probation agency that will have control over 4251
the offender or to the clerk of the court for which the 4252
supervision agency is established. If the court requires an 4253
offender to pay a monthly probation fee and the offender will be 4254
under the control of the adult parole authority, the court shall 4255
specify that the offender is to pay the fee to the clerk of the 4256
court of common pleas. 4257

(2) No person shall be assessed, in any month, more than 4258
fifty dollars in supervision fees. 4259

(3) The prosecuting attorney of the county or the chief legal 4260
officer of a municipal corporation in which is located the court 4261
that imposed sentence upon an offender may bring a civil action to 4262
recover unpaid monthly supervision fees that the offender was 4263
required to pay. Any amount recovered in the civil action shall be 4264
paid into the appropriate county or municipal probation services 4265
fund in accordance with division (B) of this section. 4266

(4) The failure of an offender to comply with a condition of 4267
community control that requires the offender to pay a monthly 4268
supervision fee and that is imposed under division (A)(1) of this 4269
section shall not constitute the basis for the modification of the 4270
offender's community control sanctions pursuant to section 2929.15 4271
or 2929.25 of the Revised Code but may be considered with any 4272
other factors that form the basis of a modification of a sanction 4273
for violating a community control sanction under those sections. 4274
If the court determines that a misdemeanor offender on community 4275
control failed to pay a monthly supervision fee imposed under 4276
division (A)(1) of this section and that no other factors 4277
warranting the modification of the offender's community control 4278
sanction are present, the court shall remand the offender to the 4279
custody of the probation agency and may impose any additional 4280
conditions of community control upon the offender, including a 4281
requirement that the offender perform community service, as the 4282
ends of justice require. Any requirement imposed pursuant to 4283
division (A)(4) of this section that the offender perform 4284
community service shall be in addition to and shall not limit or 4285
otherwise affect any order that the offender perform community 4286
service pursuant to division (B) of section 2951.02 of the Revised 4287
Code. 4288

(B) Prior to the last day of the month in each month during 4289

the period of community control, an offender who is ordered to pay 4290
a monthly supervision fee under this section shall pay the fee to 4291
the probation agency that has control and supervision over the 4292
offender or to the clerk of the court for which the probation 4293
agency is established, as specified by the court, except that, if 4294
the probation agency is the adult parole authority, the offender 4295
shall pay the fee to the clerk of the court of common pleas. Each 4296
probation agency or clerk of a court that receives any monthly 4297
supervision fees shall keep a record of the monthly supervision 4298
fees that are paid to the agency or the clerk and shall give a 4299
written receipt to each person who pays a supervision fee to the 4300
agency or clerk. 4301

(C) Subject to division (E) of this section, all monthly 4302
supervision fees collected under this section by a probation 4303
agency or the clerk of a court shall be disposed of in the 4304
following manner: 4305

(1) For offenders who are under the control and supervision 4306
of a county department of probation or a municipal court 4307
department of probation in a county-operated municipal court, on 4308
or before the fifth business day of each month, the chief 4309
probation officer, the chief probation officer's designee, or the 4310
clerk of the court shall pay all monthly supervision fees 4311
collected in the previous month to the county treasurer of the 4312
county in which the county department of probation or municipal 4313
court department of probation is established for deposit into the 4314
county probation services fund established in the county treasury 4315
of that county pursuant to division (A)(1) of section 321.44 of 4316
the Revised Code. 4317

(2) For offenders who are under the control and supervision 4318
of a multicounty department of probation, on or before the fifth 4319
business day of each month, the chief probation officer, the chief 4320
probation officer's designee, or the clerk of the court shall pay 4321

all monthly supervision fees collected in the previous month to 4322
the county treasurer of the county in which is located the court 4323
of common pleas that placed the offender under a community control 4324
sanction under the control of the department for deposit into the 4325
county probation services fund established in the county treasury 4326
of that county pursuant to division (A)(1) of section 321.44 of 4327
the Revised Code and for subsequent appropriation and transfer in 4328
accordance with division (A)(2) of that section to the appropriate 4329
multicounty probation services fund established pursuant to 4330
division (B) of that section. 4331

(3) For offenders who are under the control and supervision 4332
of a municipal court department of probation in a municipal court 4333
that is not a county-operated municipal court, on or before the 4334
fifth business day of each month, the chief probation officer, the 4335
chief probation officer's designee, or the clerk of the court 4336
shall pay all monthly supervision fees collected in the previous 4337
month to the treasurer of the municipal corporation for deposit 4338
into the municipal probation services fund established pursuant to 4339
section 737.41 of the Revised Code. 4340

(4) For offenders who are under the control and supervision 4341
of the adult parole authority, the clerk of the court of common 4342
pleas, on or before the fifth business day of January, April, 4343
July, and October, shall pay all monthly supervision fees 4344
collected by the clerk in the previous three months to the 4345
treasurer of the county in which is located the court of common 4346
pleas that placed the offender under a community control sanction 4347
under the control of the authority for deposit into the county 4348
probation services fund established in the county treasury of that 4349
county pursuant to division (A)(1) of section 321.44 of the 4350
Revised Code ~~and for subsequent appropriation and transfer in~~ 4351
~~accordance with division (A)(2) of that section to the adult~~ 4352
~~parole authority probation services fund established pursuant to~~ 4353

~~section 5149.06 of the Revised Code.~~ 4354

(D) Not later than the first day of December of each year, 4355
each probation agency or the court of common pleas of a county in 4356
which the court has entered into an agreement with the adult 4357
parole authority pursuant to section 2301.32 of the Revised Code 4358
shall prepare a report regarding its use of money from a county 4359
probation services ~~fund~~ account, a multicounty probation services 4360
~~fund~~ account, or a municipal probation services ~~fund~~ account, ~~or~~ 4361
~~the adult parole authority probation services fund~~, whichever is 4362
applicable. The report shall specify the amount appropriated from 4363
the fund to the probation agency or court during the current 4364
calendar year, an estimate of the amount that the probation agency 4365
or court will expend by the end of the year, a summary of how the 4366
amount appropriated has been expended for probation services, and 4367
an estimate of the amount of supervision fees that the probation 4368
agency or court will collect and pay to the appropriate treasurer 4369
for deposit in the appropriate fund in the next calendar year. The 4370
report shall be filed with one of the following: 4371

(1) If the probation agency is a county department of 4373
probation or a municipal court department of probation in a 4374
county-operated municipal court, with the board of county 4375
commissioners of that county; 4376

(2) If the probation agency is a multicounty department of 4377
probation, with the board of county commissioners of the county 4378
whose treasurer, in accordance with section 2301.27 of the Revised 4379
Code, is designated as the treasurer to whom supervision fees 4380
collected under this section are to be appropriated and 4381
transferred under division (A)(2) of section 321.44 of the Revised 4382
Code; 4383

(3) If the probation agency is a department of probation of a 4384
municipal court that is not a county-operated municipal court, 4385

with the legislative authority of the municipal corporation that 4386
operates the court; 4387

(4) If the ~~probation agency is~~ court of common pleas has 4388
entered into an agreement with the adult parole authority, with 4389
the ~~chairpersons of the finance committees of the senate and the~~ 4390
~~house of representatives, the directors of the office of budget~~ 4391
~~and management and the legislative service commission,~~ director of 4392
rehabilitation and correction, the chief of the adult parole 4393
authority, and the board of county commissioners in each county 4394
for which the adult parole authority provides probation services. 4395

(E) If the clerk of a court of common pleas or the clerk of a 4396
municipal court collects any monthly supervision fees under this 4397
section, the clerk may retain up to two per cent of the fees so 4398
collected to cover any administrative costs experienced in 4399
complying with the clerk's duties under this section. 4400

Sec. 2951.041. (A)(1) If an offender is charged with a 4401
criminal offense and the court has reason to believe that drug or 4402
alcohol usage by the offender was a factor leading to the 4403
offender's criminal behavior, the court may accept, prior to the 4404
entry of a guilty plea, the offender's request for intervention in 4405
lieu of conviction. The request shall include a waiver of the 4406
defendant's right to a speedy trial, the preliminary hearing, the 4407
time period within which the grand jury may consider an indictment 4408
against the offender, and arraignment, unless the hearing, 4409
indictment, or arraignment has already occurred. The court may 4410
reject an offender's request without a hearing. If the court 4411
elects to consider an offender's request, the court shall conduct 4412
a hearing to determine whether the offender is eligible under this 4413
section for intervention in lieu of conviction and shall stay all 4414
criminal proceedings pending the outcome of the hearing. If the 4415
court schedules a hearing, the court shall order an assessment of 4416

the offender for the purpose of determining the offender's 4417
eligibility for intervention in lieu of conviction and 4418
recommending an appropriate intervention plan. 4419

(2) The victim notification provisions of division (C) of 4420
section 2930.08 of the Revised Code apply in relation to any 4421
hearing held under division (A)(1) of this section. 4422

(B) An offender is eligible for intervention in lieu of 4423
conviction if the court finds all of the following: 4424

(1) The offender previously has not been convicted of or 4425
pleaded guilty to a felony, previously has not been through 4426
intervention in lieu of conviction under this section or any 4427
similar regimen, and is charged with a felony for which the court, 4428
upon conviction, would impose sentence under division (B)(2)(b) of 4429
section 2929.13 of the Revised Code or with a misdemeanor. 4430

(2) The offense is not a felony of the first, second, or 4431
third degree, is not an offense of violence, is not a violation of 4432
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 4433
not a violation of division (A)(1) of section 2903.08 of the 4434
Revised Code, is not a violation of division (A) of section 4435
4511.19 of the Revised Code or a municipal ordinance that is 4436
substantially similar to that division, and is not an offense for 4437
which a sentencing court is required to impose a mandatory prison 4438
term, a mandatory term of local incarceration, or a mandatory term 4439
of imprisonment in a jail. 4440
4441

(3) The offender is not charged with a violation of section 4442
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 4443
not charged with a violation of section 2925.11 of the Revised 4444
Code that is a felony of the first, second, or third degree. 4445

(4) The offender is not charged with a violation of section 4446
2925.11 of the Revised Code that is a felony of the fourth degree, 4447

or the offender is charged with a violation of that section that 4448
is a felony of the fourth degree and the prosecutor in the case 4449
has recommended that the offender be classified as being eligible 4450
for intervention in lieu of conviction under this section. 4451

(5) The offender has been assessed by an appropriately 4452
licensed provider, certified facility, or licensed and 4453
credentialed professional, including, but not limited to, a 4454
program licensed by the department of alcohol and drug addiction 4455
services pursuant to section 3793.11 of the Revised Code, a 4456
program certified by that department pursuant to section 3793.06 4457
of the Revised Code, a public or private hospital, the United 4458
States department of veterans affairs, another appropriate agency 4459
of the government of the United States, or a licensed physician, 4460
psychiatrist, psychologist, independent social worker, 4461
professional counselor, or chemical dependency counselor for the 4462
purpose of determining the offender's eligibility for intervention 4463
in lieu of conviction and recommending an appropriate intervention 4464
plan. 4465

(6) The offender's drug or alcohol usage was a factor leading 4466
to the criminal offense with which the offender is charged, 4467
intervention in lieu of conviction would not demean the 4468
seriousness of the offense, and intervention would substantially 4469
reduce the likelihood of any future criminal activity. 4470

(7) The alleged victim of the offense was not sixty-five 4471
years of age or older, permanently and totally disabled, under 4472
thirteen years of age, or a peace officer engaged in the officer's 4473
official duties at the time of the alleged offense. 4474

(8) If the offender is charged with a violation of section 4475
2925.24 of the Revised Code, the alleged violation did not result 4476
in physical harm to any person, and the offender previously has 4477
not been treated for drug abuse. 4478

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. 4479
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made. 4482
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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code. The court shall establish an intervention plan for the offender. The terms and conditions of the intervention plan shall require the offender, for at least one year from the date on 4501
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which the court grants the order of intervention in lieu of 4511
conviction, to abstain from the use of illegal drugs and alcohol, 4512
to participate in treatment and recovery support services, and to 4513
submit to regular random testing for drug and alcohol use and may 4514
include any other treatment terms and conditions, or terms and 4515
conditions similar to community control sanctions, which may 4516
include community service or restitution, that are ordered by the 4517
court. 4518

(E) If the court grants an offender's request for 4519
intervention in lieu of conviction and the court finds that the 4520
offender has successfully completed the intervention plan for the 4521
offender, including the requirement that the offender abstain from 4522
using drugs and alcohol for a period of at least one year from the 4523
date on which the court granted the order of intervention in lieu 4524
of conviction and all other terms and conditions ordered by the 4525
court, the court shall dismiss the proceedings against the 4526
offender. Successful completion of the intervention plan and 4527
period of abstinence under this section shall be without 4528
adjudication of guilt and is not a criminal conviction for 4529
purposes of any disqualification or disability imposed by law and 4530
upon conviction of a crime, and the court may order the sealing of 4531
records related to the offense in question in the manner provided 4532
in sections 2953.31 to 2953.36 of the Revised Code. 4533

(F) If the court grants an offender's request for 4534
intervention in lieu of conviction and the offender fails to 4535
comply with any term or condition imposed as part of the 4536
intervention plan for the offender, the supervising authority for 4537
the offender promptly shall advise the court of this failure, and 4538
the court shall hold a hearing to determine whether the offender 4539
failed to comply with any term or condition imposed as part of the 4540
plan. If the court determines that the offender has failed to 4541
comply with any of those terms and conditions, it shall enter a 4542

finding of guilty and shall impose an appropriate sanction under 4543
Chapter 2929. of the Revised Code. If the court sentences the 4544
offender to a prison term, the court, after consulting with the 4545
department of rehabilitation and correction regarding the 4546
availability of services, may order continued court-supervised 4547
activity and treatment of the offender during the prison term and, 4548
upon consideration of reports received from the department 4549
concerning the offender's progress in the program of activity and 4550
treatment, may consider judicial release under section 2929.20 of 4551
the Revised Code. 4552

(G) As used in this section: 4553

(1) "Community control sanction" has the same meaning as in 4554
section 2929.01 of the Revised Code. 4555

(2) "Intervention in lieu of conviction" means any 4556
court-supervised activity that complies with this section. 4557

(3) "Peace officer" has the same meaning as in section 4558
2935.01 of the Revised Code. 4559

Sec. 2953.08. (A) In addition to any other right to appeal 4560
and except as provided in division (D) of this section, a 4561
defendant who is convicted of or pleads guilty to a felony may 4562
appeal as a matter of right the sentence imposed upon the 4563
defendant on one of the following grounds: 4564

(1) The sentence consisted of or included the maximum prison 4565
term allowed for the offense by division (A) of section 2929.14 or 4566
section 2929.142 of the Revised Code, the sentence was not imposed 4567
pursuant to division (D)(3)(b) of section 2929.14 of the Revised 4568
Code, the maximum prison term was not required for the offense 4569
pursuant to Chapter 2925. or any other provision of the Revised 4570
Code, and the court imposed the sentence under one of the 4571
following circumstances: 4572

(a) The sentence was imposed for only one offense. 4573

(b) The sentence was imposed for two or more offenses arising 4574
out of a single incident, and the court imposed the maximum prison 4575
term for the offense of the highest degree. 4576

(2) The sentence consisted of or included a prison term, the 4577
offense for which it was imposed is a felony of the fourth or 4578
fifth degree or is a felony drug offense that is a violation of a 4579
provision of Chapter 2925. of the Revised Code and that is 4580
specified as being subject to division (B) of section 2929.13 of 4581
the Revised Code for purposes of sentencing, and the court did not 4582
specify at sentencing that it found one or more factors specified 4583
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 4584
Code to apply relative to the defendant. If the court specifies 4585
that it found one or more of those factors to apply relative to 4586
the defendant, the defendant is not entitled under this division 4587
to appeal as a matter of right the sentence imposed upon the 4588
offender. 4589

(3) The person was convicted of or pleaded guilty to a 4590
violent sex offense or a designated homicide, assault, or 4591
kidnapping offense, was adjudicated a sexually violent predator in 4592
relation to that offense, and was sentenced pursuant to division 4593
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 4594
of the indefinite term imposed pursuant to division (A)(3) of 4595
section 2971.03 of the Revised Code is the longest term available 4596
for the offense from among the range of terms listed in section 4597
2929.14 of the Revised Code. As used in this division, "designated 4598
homicide, assault, or kidnapping offense" and "violent sex 4599
offense" have the same meanings as in section 2971.01 of the 4600
Revised Code. As used in this division, "adjudicated a sexually 4601
violent predator" has the same meaning as in section 2929.01 of 4602
the Revised Code, and a person is "adjudicated a sexually violent 4603
predator" in the same manner and the same circumstances as are 4604

described in that section. 4605

(4) The sentence is contrary to law. 4606

(5) The sentence consisted of an additional prison term of 4607
ten years imposed pursuant to division (D)(2)(a) of section 4608
2929.14 of the Revised Code. 4609

(6) The sentence consisted of an additional prison term of 4610
ten years imposed pursuant to division (D)(3)(b) of section 4611
2929.14 of the Revised Code. 4612

(B) In addition to any other right to appeal and except as 4613
provided in division (D) of this section, a prosecuting attorney, 4614
a city director of law, village solicitor, or similar chief legal 4615
officer of a municipal corporation, or the attorney general, if 4616
one of those persons prosecuted the case, may appeal as a matter 4617
of right a sentence imposed upon a defendant who is convicted of 4618
or pleads guilty to a felony or, in the circumstances described in 4619
division (B)(3) of this section the modification of a sentence 4620
imposed upon such a defendant, on any of the following grounds: 4621

(1) The sentence did not include a prison term despite a 4622
presumption favoring a prison term for the offense for which it 4623
was imposed, as set forth in section 2929.13 or Chapter 2925. of 4624
the Revised Code. 4625

(2) The sentence is contrary to law. 4626

(3) The sentence is a modification under section 2929.20 of 4627
the Revised Code of a sentence that was imposed for a felony of 4628
the first or second degree. 4629

(C)(1) In addition to the right to appeal a sentence granted 4630
under division (A) or (B) of this section, a defendant who is 4631
convicted of or pleads guilty to a felony may seek leave to appeal 4632
a sentence imposed upon the defendant on the basis that the 4633
sentencing judge has imposed consecutive sentences under division 4634

(E)(3) or (4) of section 2929.14 of the Revised Code and that the
consecutive sentences exceed the maximum prison term allowed by
division (A) of that section for the most serious offense of which
the defendant was convicted. Upon the filing of a motion under
this division, the court of appeals may grant leave to appeal the
sentence if the court determines that the allegation included as
the basis of the motion is true.

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

(D)(1) A sentence imposed upon a defendant is not subject to
review under this section if the sentence is authorized by law,
has been recommended jointly by the defendant and the prosecution
in the case, and is imposed by a sentencing judge.

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

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

(E) A defendant, prosecuting attorney, city director of law,
village solicitor, or chief municipal legal officer shall file an

appeal of a sentence under this section to a court of appeals 4666
within the time limits specified in Rule 4(B) of the Rules of 4667
Appellate Procedure, provided that if the appeal is pursuant to 4668
division (B)(3) of this section, the time limits specified in that 4669
rule shall not commence running until the court grants the motion 4670
that makes the sentence modification in question. A sentence 4671
appeal under this section shall be consolidated with any other 4672
appeal in the case. If no other appeal is filed, the court of 4673
appeals may review only the portions of the trial record that 4674
pertain to sentencing. 4675

(F) On the appeal of a sentence under this section, the 4676
record to be reviewed shall include all of the following, as 4677
applicable: 4678

(1) Any presentence, psychiatric, or other investigative 4679
report that was submitted to the court in writing before the 4680
sentence was imposed. An appellate court that reviews a 4681
presentence investigation report prepared pursuant to section 4682
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 4683
connection with the appeal of a sentence under this section shall 4684
comply with division (D)(3) of section 2951.03 of the Revised Code 4685
when the appellate court is not using the presentence 4686
investigation report, and the appellate court's use of a 4687
presentence investigation report of that nature in connection with 4688
the appeal of a sentence under this section does not affect the 4689
otherwise confidential character of the contents of that report as 4690
described in division (D)(1) of section 2951.03 of the Revised 4691
Code and does not cause that report to become a public record, as 4692
defined in section 149.43 of the Revised Code, following the 4693
appellate court's use of the report. 4694

(2) The trial record in the case in which the sentence was 4695
imposed; 4696

(3) Any oral or written statements made to or by the court at 4697

the sentencing hearing at which the sentence was imposed; 4698

(4) Any written findings that the court was required to make 4699
in connection with the modification of the sentence pursuant to a 4700
judicial release under division ~~(H)~~(I) of section 2929.20 of the 4701
Revised Code. 4702

(G)(1) If the sentencing court was required to make the 4703
findings required by division (B) or (D) of section 2929.13, 4704
division (D)(2)(e) or (E)(4) of section 2929.14, or division 4705
~~(H)~~(I) of section 2929.20 of the Revised Code relative to the 4706
imposition or modification of the sentence, and if the sentencing 4707
court failed to state the required findings on the record, the 4708
court hearing an appeal under division (A), (B), or (C) of this 4709
section shall remand the case to the sentencing court and instruct 4710
the sentencing court to state, on the record, the required 4711
findings. 4712

(2) The court hearing an appeal under division (A), (B), or 4713
(C) of this section shall review the record, including the 4714
findings underlying the sentence or modification given by the 4715
sentencing court. 4716

The appellate court may increase, reduce, or otherwise modify 4717
a sentence that is appealed under this section or may vacate the 4718
sentence and remand the matter to the sentencing court for 4719
resentencing. The appellate court's standard for review is not 4720
whether the sentencing court abused its discretion. The appellate 4721
court may take any action authorized by this division if it 4722
clearly and convincingly finds either of the following: 4723

(a) That the record does not support the sentencing court's 4724
findings under division (B) or (D) of section 2929.13, division 4725
(D)(2)(e) or (E)(4) of section 2929.14, or division ~~(H)~~(I) of 4726
section 2929.20 of the Revised Code, whichever, if any, is 4727
relevant; 4728

(b) That the sentence is otherwise contrary to law. 4729

(H) A judgment or final order of a court of appeals under 4730
this section may be appealed, by leave of court, to the supreme 4731
court. 4732

(I)(1) There is hereby established the felony sentence appeal 4733
cost oversight committee, consisting of eight members. One member 4734
shall be the chief justice of the supreme court or a 4735
representative of the court designated by the chief justice, one 4736
member shall be a member of the senate appointed by the president 4737
of the senate, one member shall be a member of the house of 4738
representatives appointed by the speaker of the house of 4739
representatives, one member shall be the director of budget and 4740
management or a representative of the office of budget and 4741
management designated by the director, one member shall be a judge 4742
of a court of appeals, court of common pleas, municipal court, or 4743
county court appointed by the chief justice of the supreme court, 4744
one member shall be the state public defender or a representative 4745
of the office of the state public defender designated by the state 4746
public defender, one member shall be a prosecuting attorney 4747
appointed by the Ohio prosecuting attorneys association, and one 4748
member shall be a county commissioner appointed by the county 4749
commissioners association of Ohio. No more than three of the 4750
appointed members of the committee may be members of the same 4751
political party. 4752

The president of the senate, the speaker of the house of 4753
representatives, the chief justice of the supreme court, the Ohio 4754
prosecuting attorneys association, and the county commissioners 4755
association of Ohio shall make the initial appointments to the 4756
committee of the appointed members no later than ninety days after 4757
July 1, 1996. Of those initial appointments to the committee, the 4758
members appointed by the speaker of the house of representatives 4759
and the Ohio prosecuting attorneys association shall serve a term 4760

ending two years after July 1, 1996, the member appointed by the 4761
chief justice of the supreme court shall serve a term ending three 4762
years after July 1, 1996, and the members appointed by the 4763
president of the senate and the county commissioners association 4764
of Ohio shall serve terms ending four years after July 1, 1996. 4765
Thereafter, terms of office of the appointed members shall be for 4766
four years, with each term ending on the same day of the same 4767
month as did the term that it succeeds. Members may be 4768
reappointed. Vacancies shall be filled in the same manner provided 4769
for original appointments. A member appointed to fill a vacancy 4770
occurring prior to the expiration of the term for which that 4771
member's predecessor was appointed shall hold office as a member 4772
for the remainder of the predecessor's term. An appointed member 4773
shall continue in office subsequent to the expiration date of that 4774
member's term until that member's successor takes office or until 4775
a period of sixty days has elapsed, whichever occurs first. 4776

If the chief justice of the supreme court, the director of 4777
the office of budget and management, or the state public defender 4778
serves as a member of the committee, that person's term of office 4779
as a member shall continue for as long as that person holds office 4780
as chief justice, director of the office of budget and management, 4781
or state public defender. If the chief justice of the supreme 4782
court designates a representative of the court to serve as a 4783
member, the director of budget and management designates a 4784
representative of the office of budget and management to serve as 4785
a member, or the state public defender designates a representative 4786
of the office of the state public defender to serve as a member, 4787
the person so designated shall serve as a member of the commission 4788
for as long as the official who made the designation holds office 4789
as chief justice, director of the office of budget and management, 4790
or state public defender or until that official revokes the 4791
designation. 4792

The chief justice of the supreme court or the representative 4793
of the supreme court appointed by the chief justice shall serve as 4794
chairperson of the committee. The committee shall meet within two 4795
weeks after all appointed members have been appointed and shall 4796
organize as necessary. Thereafter, the committee shall meet at 4797
least once every six months or more often upon the call of the 4798
chairperson or the written request of three or more members, 4799
provided that the committee shall not meet unless moneys have been 4800
appropriated to the judiciary budget administered by the supreme 4801
court specifically for the purpose of providing financial 4802
assistance to counties under division (I)(2) of this section and 4803
the moneys so appropriated then are available for that purpose. 4804

The members of the committee shall serve without 4805
compensation, but, if moneys have been appropriated to the 4806
judiciary budget administered by the supreme court specifically 4807
for the purpose of providing financial assistance to counties 4808
under division (I)(2) of this section, each member shall be 4809
reimbursed out of the moneys so appropriated that then are 4810
available for actual and necessary expenses incurred in the 4811
performance of official duties as a committee member. 4812

(2) The state criminal sentencing commission periodically 4813
shall provide to the felony sentence appeal cost oversight 4814
committee all data the commission collects pursuant to division 4815
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 4816
data from the state criminal sentencing commission, the felony 4817
sentence appeal cost oversight committee periodically shall review 4818
the data; determine whether any money has been appropriated to the 4819
judiciary budget administered by the supreme court specifically 4820
for the purpose of providing state financial assistance to 4821
counties in accordance with this division for the increase in 4822
expenses the counties experience as a result of the felony 4823
sentence appeal provisions set forth in this section or as a 4824

result of a postconviction relief proceeding brought under 4825
division (A)(2) of section 2953.21 of the Revised Code or an 4826
appeal of a judgment in that proceeding; if it determines that any 4827
money has been so appropriated, determine the total amount of 4828
moneys that have been so appropriated specifically for that 4829
purpose and that then are available for that purpose; and develop 4830
a recommended method of distributing those moneys to the counties. 4831
The committee shall send a copy of its recommendation to the 4832
supreme court. Upon receipt of the committee's recommendation, the 4833
supreme court shall distribute to the counties, based upon that 4834
recommendation, the moneys that have been so appropriated 4835
specifically for the purpose of providing state financial 4836
assistance to counties under this division and that then are 4837
available for that purpose. 4838

Sec. 2953.13. When a defendant has been committed to a state 4839
correctional institution and the judgment, by virtue of which the 4840
commitment was made, is reversed on appeal, and the defendant is 4841
entitled to ~~his~~ discharge or a new trial, or when the case is 4842
remanded to the trial court for any reason, the clerk of the court 4843
reversing the judgment or remanding the case, under the seal 4844
thereof of the court, shall forthwith certify ~~said~~ the reversal or 4845
remand to the warden of the state correctional institution. 4846

The warden, on receipt of the certificate, if a discharge of 4847
the defendant is ordered, shall forthwith discharge ~~him~~ the 4848
defendant from the state correctional institution. 4849

If a new trial is ordered or the case is remanded, the warden 4850
shall forthwith cause the defendant to be conveyed to the jail of 4851
the county in which ~~he~~ the defendant was convicted, and committed 4852
to the custody of the sheriff ~~thereof~~ of that county. 4853

Sec. 2967.03. The adult parole authority may exercise its 4854

functions and duties in relation to the pardon, commutation of 4855
sentence, or reprieve of a convict upon direction of the governor 4856
or upon its own initiative. It may exercise its functions and 4857
duties in relation to the parole of a prisoner who is eligible for 4858
parole upon the initiative of the head of the institution in which 4859
the prisoner is confined or upon its own initiative. When a 4860
prisoner becomes eligible for parole, the head of the institution 4861
in which the prisoner is confined shall notify the authority in 4862
the manner prescribed by the authority. The authority may 4863
investigate and examine, or cause the investigation and 4864
examination of, prisoners confined in state correctional 4865
institutions concerning their conduct in the institutions, their 4866
mental and moral qualities and characteristics, their knowledge of 4867
a trade or profession, their former means of livelihood, their 4868
family relationships, and any other matters affecting their 4869
fitness to be at liberty without being a threat to society. 4870

The authority may recommend to the governor the pardon, 4871
commutation of sentence, medical release, or reprieve of any 4872
convict or prisoner or grant a parole to any prisoner for whom 4873
parole is authorized, if in its judgment there is reasonable 4874
ground to believe that granting a pardon, commutation, medical 4875
release, or reprieve to the convict or paroling the prisoner would 4876
further the interests of justice and be consistent with the 4877
welfare and security of society. However, the authority shall not 4878
recommend a pardon ~~or~~, commutation of sentence, or medical release 4879
of, or grant a parole to, any convict or prisoner until the 4880
authority has complied with the applicable notice requirements of 4881
sections 2930.16 and 2967.12 of the Revised Code and until it has 4882
considered any statement made by a victim or a victim's 4883
representative that is relevant to the convict's or prisoner's 4884
case and that was sent to the authority pursuant to section 4885
2930.17 of the Revised Code, any other statement made by a victim 4886
or a victim's representative that is relevant to the convict's or 4887

prisoner's case and that was received by the authority after it 4888
provided notice of the pendency of the action under sections 4889
2930.16 and 2967.12 of the Revised Code, and any written statement 4890
of any person submitted to the court pursuant to division ~~(H)~~(G) 4891
of section 2967.12 of the Revised Code. If a victim, victim's 4892
representative, or the victim's spouse, parent, sibling, or child 4893
appears at a full board hearing of the parole board and gives 4894
testimony as authorized by section 5149.101 of the Revised Code, 4895
the authority shall consider the testimony in determining whether 4896
to grant a parole. The trial judge and prosecuting attorney of the 4897
trial court in which a person was convicted shall furnish to the 4898
authority, at the request of the authority, a summarized statement 4899
of the facts proved at the trial and of all other facts having 4900
reference to the propriety of recommending a pardon ~~or~~, 4901
commutation, or medical release, or granting a parole, together 4902
with a recommendation for or against a pardon, commutation, 4903
medical release, or parole, and the reasons for the 4904
recommendation. The trial judge, the prosecuting attorney, 4905
specified law enforcement agency members, and a representative of 4906
the prisoner may appear at a full board hearing of the parole 4907
board and give testimony in regard to the grant of a parole to the 4908
prisoner as authorized by section 5149.101 of the Revised Code. 4909
All state and local officials shall furnish information to the 4910
authority, when so requested by it in the performance of its 4911
duties. 4912

The adult parole authority shall exercise its functions and 4913
duties in relation to the release of prisoners who are serving a 4914
stated prison term in accordance with section 2967.28 of the 4915
Revised Code. 4916

Sec. 2967.05. (A) As used in this section: 4917

(1) "Imminent danger of death" means that the inmate has a 4918

medically diagnosable condition that will cause death to occur 4919
within a short period of time. 4920

As used in division (A)(1) of this section, "within a short 4921
period of time" means generally within six months. 4922

(2)(a) "Medically incapacitated" means any diagnosable 4923
medical condition, including mental dementia and severe, permanent 4924
medical or cognitive disability, that prevents the inmate from 4925
completing activities of daily living without significant 4926
assistance, that incapacitates the inmate to the extent that 4927
institutional confinement does not offer additional restrictions, 4928
that is likely to continue throughout the entire period of parole, 4929
and that is unlikely to improve noticeably. 4930

(b) "Medically incapacitated" does not include conditions 4931
related solely to mental illness unless the mental illness is 4932
accompanied by injury, disease, or organic defect. 4933

(3)(a) "Terminal illness" means a condition that satisfies 4934
all of the following criteria: 4935

(i) The condition is irreversible and incurable and is caused 4936
by disease, illness, or injury from which the inmate is unlikely 4937
to recover. 4938

(ii) In accordance with reasonable medical standards and a 4939
reasonable degree of medical certainty, the condition is likely to 4940
cause death to the inmate within twelve months. 4941

(iii) Institutional confinement of the inmate does not offer 4942
additional protections for public safety or against the inmate's 4943
risk to reoffend. 4944

(b) The department of rehabilitation and correction shall 4945
adopt rules pursuant to Chapter 119. of the Revised Code to 4946
implement the definition of "terminal illness" in division 4947
(A)(3)(a) of this section. 4948

(B) Upon the recommendation of the director of rehabilitation and correction, accompanied by a certificate of the attending physician that ~~a prisoner or convict~~ an inmate is terminally ill, medically incapacitated, or in imminent danger of death, the governor may order ~~his~~ the inmate's release as if on parole, reserving the right to return ~~him~~ the inmate to the institution pursuant to this section. If, subsequent to ~~his~~ the inmate's release, ~~his~~ the inmate's health improves so that ~~he~~ the inmate is no longer terminally ill, medically incapacitated, or in imminent danger of death, ~~he~~ the inmate shall be returned, by order of the governor, to the institution from which ~~he~~ the inmate was released. If ~~he~~ the inmate violates any rules or conditions applicable to ~~him~~, ~~he~~ the inmate, the inmate may be returned to an institution under the control of the department of rehabilitation and correction. The governor may direct the adult parole authority to investigate or cause to be investigated the inmate and make a recommendation in the manner set forth in section 2967.03 of the Revised Code. An inmate released under this section shall be subject to supervision by the adult parole authority in accordance with any recommendation of the adult parole authority that is approved by the governor. The adult parole authority shall adopt rules pursuant to section 119.03 of the Revised Code to establish the procedure for medical release of an inmate when an inmate is terminally ill, medically incapacitated, or in imminent danger of death.

(C) No inmate is eligible for release under this section if the inmate is serving a death sentence, a sentence of life without parole, a sentence under Chapter 2971. of the Revised Code for a felony of the first or second degree, a sentence for aggravated murder or murder, or a mandatory prison term for an offense of violence or any specification described in Chapter 2941. of the Revised Code.

Sec. 2967.12. (A) Except as provided in division (G) of this 4981
section, at least three weeks before the adult parole authority 4982
recommends any pardon or commutation of sentence, or grants any 4983
parole, the authority shall ~~send~~ provide a notice of the pendency 4984
of the pardon, commutation, or parole, setting forth the name of 4985
the person on whose behalf it is made, the offense of which the 4986
person was convicted or to which the person pleaded guilty, the 4987
time of conviction or the guilty plea, and the term of the 4988
person's sentence, to the prosecuting attorney and the judge of 4989
the court of common pleas of the county in which the indictment 4990
against the person was found. If there is more than one judge of 4991
that court of common pleas, the authority shall ~~send~~ provide the 4992
notice to the presiding judge. The department of rehabilitation 4993
and correction may utilize electronic means to provide this 4994
notice. The department of rehabilitation and correction, at the 4995
same time that it provides the notice to the prosecuting attorney 4996
and judge under this division, also shall post on the database it 4997
maintains pursuant to section 5120.66 of the Revised Code the 4998
offender's name and all of the information specified in division 4999
(A)(1)(c)(iii) of that section. 5000

(B) If a request for notification has been made pursuant to 5001
section 2930.16 of the Revised Code, the office of victim services 5002
or the adult parole authority also shall ~~give~~ provide notice to 5003
the victim or the victim's representative at least three weeks 5004
prior to recommending any pardon or commutation of sentence for, 5005
or granting any parole to, the person. The ~~authority shall provide~~ 5006
~~the notice at the same time as the notice required by division (A)~~ 5007
~~of this section and~~ shall include ~~in the notice~~ the information 5008
required ~~to be set forth in that notice~~ by division (A) of this 5009
section and may be provided by telephone or through electronic 5010
means. The notice also shall inform the victim or the victim's 5011
representative that the victim or representative may send a 5012

written statement relative to the victimization and the pending 5013
action to the adult parole authority and that, if the authority 5014
receives any written statement prior to recommending a pardon or 5015
commutation or granting a parole for a person, the authority will 5016
consider the statement before it recommends a pardon or 5017
commutation or grants a parole. If the person is being considered 5018
for parole, the notice shall inform the victim or the victim's 5019
representative that a full board hearing of the parole board may 5020
be held and that the victim or victim's representative may contact 5021
the office of victims' services for further information. If the 5022
person being considered for parole was convicted of or pleaded 5023
guilty to violating section 2903.01 or 2903.02 of the Revised 5024
Code, the notice shall inform the victim of that offense, the 5025
victim's representative, or a member of the victim's immediate 5026
family that the victim, the victim's representative, and the 5027
victim's immediate family have the right to give testimony at a 5028
full board hearing of the parole board and that the victim or 5029
victim's representative may contact the office of victims' 5030
services for further information. As used in this division, "the 5031
victim's immediate family" means the mother, father, spouse, 5032
sibling, or child of the victim. 5033

(C) When notice of the pendency of any pardon, commutation of 5034
sentence, or parole has been ~~given~~ provided to a judge or 5035
prosecutor or posted on the database as ~~provided~~ required in 5036
division (A) of this section and a hearing on the pardon, 5037
commutation, or parole is continued to a date certain, the 5038
authority shall provide notice of the further consideration of the 5039
pardon, commutation, or parole at least ~~ten days~~ three weeks 5040
before the further consideration. The notice of the further 5041
consideration shall be provided to the proper judge and 5042
prosecuting attorney ~~by mail~~ at least ~~ten days~~ three weeks before 5043
the further consideration, and may be provided using electronic 5044
means, and, if the initial notice was posted on the database as 5045

provided in division (A) of this section, the notice of the 5046
further consideration shall be posted on the database at least ~~ten~~ 5047
~~days~~ three weeks before the further consideration. When notice of 5048
the pendency of any pardon, commutation, or parole has been given 5049
as provided in division (B) of this section and the hearing on it 5050
is continued to a date certain, the authority shall give notice of 5051
the further consideration to the victim or the victim's 5052
representative in accordance with section 2930.03 of the Revised 5053
Code. 5054

(D) In case of an application for the pardon or commutation 5055
of sentence of a person sentenced to capital punishment, the 5056
governor may modify the requirements of notification and 5057
publication if there is not sufficient time for compliance with 5058
the requirements before the date fixed for the execution of 5059
sentence. 5060

(E) If an offender is serving a prison term imposed under 5061
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 5062
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 5063
Code and if the parole board terminates its control over the 5064
offender's service of that term pursuant to section 2971.04 of the 5065
Revised Code, the parole board immediately shall provide written 5066
notice of its termination of control or the transfer of control to 5067
the entities and persons specified in section 2971.04 of the 5068
Revised Code. 5069

(F) The failure of the adult parole authority to comply with 5070
the notice or posting provisions of division (A), (B), or (C) of 5071
this section or the failure of the parole board to comply with the 5072
notice provisions of division (E) of this section do not give any 5073
rights or any grounds for appeal or post-conviction relief to the 5074
person serving the sentence. 5075

(G) Divisions (A), (B), and (C) of this section do not apply 5076
to any release of a person that is of the type described in 5077

division (B)(2)(b) of section 5120.031 of the Revised Code. 5078

(H) In addition to and independent of the right of a victim 5079
to make a statement as described in division (A) of this section 5080
or pursuant to section 2930.17 of the Revised Code or to otherwise 5081
make a statement, the authority for a judge or prosecuting 5082
attorney to furnish statements and information, make 5083
recommendations, and give testimony as described in division (A) 5084
of this section, the right of a prosecuting attorney, judge, or 5085
victim to give testimony or submit a statement at a full parole 5086
board hearing pursuant to section 5149.101 of the Revised Code, 5087
and any other right or duty of a person to present information or 5088
make a statement, any person may send to the adult parole 5089
authority at any time prior to the authority's recommending a 5090
pardon or commutation or granting a parole for the offender a 5091
written statement relative to the offense and the pending action. 5092

Sec. 2967.121. (A) Subject to division (C) of this section, 5093
at least two weeks before any convict who is serving a sentence 5094
for committing a felony of the first, second, or third degree is 5095
released from confinement in any state correctional institution 5096
pursuant to a pardon, commutation of sentence, parole, or 5097
completed prison term, the adult parole authority shall ~~send~~ 5098
provide notice of the release to the prosecuting attorney of the 5099
county in which the indictment of the convict was found. 5100

(B) The notice required by division (A) of this section may 5101
be contained in a weekly list of all felons of the first, second, 5102
or third degree who are scheduled for release. The notice shall 5103
contain all of the following: 5104

- (1) The name of the convict being released; 5105
- (2) The date of the convict's release; 5106
- (3) The offense for the violation of which the convict was 5107

convicted and incarcerated; 5108

(4) The date of the convict's conviction pursuant to which 5109
the convict was incarcerated; 5110

(5) The sentence imposed for that conviction; 5111

(6) The length of any supervision that the convict will be 5112
under; 5113

(7) The name, business address, and business phone number of 5114
the convict's supervising officer; 5115

(8) The address at which the convict will reside. 5116

(C)(1) Divisions (A) and (B) of this section do not apply to 5117
the release from confinement of an offender if the offender is 5118
serving a prison term imposed under division (A)(3), (B)(1)(a), 5119
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 5120
(d) of section 2971.03 of the Revised Code, if the court pursuant 5121
to section 2971.05 of the Revised Code modifies the requirement 5122
that the offender serve that entire term in a state correctional 5123
institution, and if the release from confinement is pursuant to 5124
that modification. In a case of that type, the court that modifies 5125
the requirement promptly shall provide written notice of the 5126
modification and the order that modifies the requirement or 5127
revises the modification to the offender, the department of 5128
rehabilitation and correction, the prosecuting attorney, and any 5129
state agency or political subdivision that is affected by the 5130
order. 5131

(2) Divisions (A) and (B) of this section do not apply to the 5132
release from confinement of an offender if, upon admission to the 5133
state correctional institution, the offender has less than 5134
fourteen days to serve on the sentence. 5135

Sec. 2967.141. (A) As used in this section, "alternative 5136
residential facility" has the same meaning as in section 2929.01 5137

of the Revised Code. 5138

(B) The department of rehabilitation and correction, through 5139
its division of parole and community services, may operate or 5140
contract for the operation of one or more violation sanction 5141
centers as an alternative residential facility. A violation 5142
sanction center operated under authority of this division is not a 5143
prison ~~within the meaning of division (BB) of~~ as defined in 5144
section 2929.01 of the Revised Code. A violation sanction center 5145
operated under authority of this division may be used for either 5146
of the following purposes: 5147

(1) Service of the term of a more restrictive post-release 5148
control sanction that the parole board, subsequent to a hearing, 5149
imposes pursuant to division (F)(2) of section 2967.28 of the 5150
Revised Code upon a releasee who has violated a post-release 5151
control sanction imposed upon the releasee under that section; 5152

(2) Service of a sanction that the adult parole authority or 5153
parole board imposes upon a parolee whom the authority determines 5154
to be a parole violator because of a violation of the terms and 5155
conditions of the parolee's parole or conditional pardon. 5156

(C) If a violation sanction center is established under the 5157
authority of this section, notwithstanding the fact that the 5158
center is an alternative residential facility for the purposes 5159
described in division (B) of this section, the center shall be 5160
used only for the purposes described in that division. A violation 5161
sanction center established under the authority of this section is 5162
not an alternative residential facility for the purpose of 5163
imposing sentence on an offender who is convicted of or pleads 5164
guilty to a felony, and a court that is sentencing an offender for 5165
a felony pursuant to sections 2929.11 to 2929.19 of the Revised 5166
Code shall not sentence the offender to a community residential 5167
sanction that requires the offender to serve a term in the center. 5168

(D) If a releasee is ordered to serve a sanction in a violation sanction center, as described in division (B)(1) of this section, all of the following apply:

(1) The releasee shall not be considered to be under a new prison term for a violation of post-release control.

(2) The time the releasee serves in the center shall not count toward, and shall not be considered in determining, the maximum cumulative prison term for all violations that is described in division (F)(3) of section 2967.28 of the Revised Code.

(3) The time the releasee serves in the center shall count as part of, and shall be credited toward, the remaining period of post-release control that is applicable to the releasee.

Sec. 2967.15. (A) If an adult parole authority field officer has reasonable cause to believe that a person who is a parolee or releasee, who is under transitional control, or who is under another form of authorized release and who is under the supervision of the adult parole authority has violated or is violating the condition of a conditional pardon, parole, other form of authorized release, transitional control, or post-release control specified in division (A) of section 2967.131 of the Revised Code or any other term or condition of the person's conditional pardon, parole, other form of authorized release, transitional control, or post-release control, the field officer may arrest the person without a warrant or order a peace officer to arrest the person without a warrant. A person so arrested shall be confined in the jail of the county in which the person is arrested or in another facility designated by the chief of the adult parole authority until a determination is made regarding the person's release status. Upon making an arrest under this section, the arresting or supervising adult parole authority field officer

promptly shall notify the superintendent of parole supervision or 5200
the superintendent's designee, in writing, that the person has 5201
been arrested and is in custody and submit an appropriate report 5202
of the reason for the arrest. 5203

(B) Except as otherwise provided in this division, prior to 5204
the revocation by the adult parole authority of a person's pardon, 5205
parole, ~~transitional control~~, or other release and prior to the 5206
imposition by the parole board or adult parole authority of a new 5207
prison term as a post-release control sanction for a person, the 5208
adult parole authority shall grant the person a hearing in 5209
accordance with rules adopted by the department of rehabilitation 5210
and correction under Chapter 119. of the Revised Code. The adult 5211
parole authority is not required to grant the person a hearing if 5212
the person is convicted of or pleads guilty to an offense that the 5213
person committed while released on a pardon, on parole, 5214
~~transitional control~~, or another form of release, or on 5215
post-release control and upon which the revocation of the person's 5216
pardon, parole, ~~transitional control~~, other release, or 5217
post-release control is based. 5218

If a person who has been pardoned is found to be a violator 5219
of the conditions of the parolee's conditional pardon or 5220
commutation of sentence, the authority forthwith shall transmit to 5221
the governor its recommendation concerning that violation, and the 5222
violator shall be retained in custody until the governor issues an 5223
order concerning that violation. 5224

If the authority fails to make a determination of the case of 5225
a parolee or releasee alleged to be a violator of the terms and 5226
conditions of the parolee's or releasee's conditional pardon, 5227
parole, other release, or post-release control sanctions within a 5228
reasonable time, the parolee or releasee shall be released from 5229
custody under the same terms and conditions of the parolee's or 5230
releasee's original conditional pardon, parole, other release, or 5231

post-release control sanctions. 5232

(C)(1) If a person who is a parolee or releasee, who is under 5233
transitional control, or who is under another form of authorized 5234
release under the supervision of the adult parole authority 5235
absconds from supervision, the supervising adult parole authority 5236
field officer shall report that fact to the superintendent of 5237
parole supervision, in writing, and the authority shall declare 5238
that person to be a violator at large. Upon being advised of the 5239
apprehension and availability for return of a violator at large, 5240
the superintendent of parole supervision shall determine whether 5241
the violator at large should be restored to parole, transitional 5242
control, another form of authorized release, or post-release 5243
control. 5244

The time between the date on which a person who is a parolee 5245
or other releasee is declared to be a violator or violator at 5246
large and the date on which that person is returned to custody in 5247
this state under the immediate control of the adult parole 5248
authority shall not be counted as time served under the sentence 5249
imposed on that person or as a part of the term of post-release 5250
control. 5251

(2) A person who is under transitional control or who is 5252
under any form of authorized release under the supervision of the 5253
adult parole authority is considered to be in custody while under 5254
the transitional control or on release, and, if the person 5255
absconds from supervision, the person may be prosecuted for the 5256
offense of escape. 5257

(D) A person who is a parolee or releasee, who is under 5258
transitional control, or who is under another form of authorized 5259
release under the supervision of the adult parole authority and 5260
who has violated a term or condition of the person's conditional 5261
pardon, parole, transitional control, other form of authorized 5262
release, or post-release control shall be declared to be a 5263

violation if the person is committed to a correctional institution 5264
outside the state to serve a sentence imposed upon the person by a 5265
federal court or a court of another state or if the person 5266
otherwise leaves the state. 5267

(E) As used in this section, "peace officer" has the same 5268
meaning as in section 2935.01 of the Revised Code. 5269

Sec. 2967.26. (A)(1) The department of rehabilitation and 5270
correction, by rule, may establish a transitional control program 5271
for the purpose of closely monitoring a prisoner's adjustment to 5272
community supervision during the final one hundred eighty days of 5273
the prisoner's confinement. If the department establishes a 5274
transitional control program under this division, the adult parole 5275
authority may transfer eligible prisoners to transitional control 5276
status under the program during the final one hundred eighty days 5277
of their confinement and under the terms and conditions 5278
established by the department, shall provide for the confinement 5279
as provided in this division of each eligible prisoner so 5280
transferred, and shall supervise each eligible prisoner so 5281
transferred in one or more community control sanctions. Each 5282
eligible prisoner who is transferred to transitional control 5283
status under the program shall be confined in a suitable facility 5284
that is licensed pursuant to division (C) of section 2967.14 of 5285
the Revised Code, or shall be confined in a residence the 5286
department has approved for this purpose and be monitored pursuant 5287
to an electronic monitoring device, as defined in section 2929.01 5288
of the Revised Code. If the department establishes a transitional 5289
control program under this division, the rules establishing the 5290
program shall include criteria that define which prisoners are 5291
eligible for the program, criteria that must be satisfied to be 5292
approved as a residence that may be used for confinement under the 5293
program of a prisoner that is transferred to it and procedures for 5294
the department to approve residences that satisfy those criteria, 5295

and provisions of the type described in division (C) of this 5296
section. At a minimum, the criteria that define which prisoners 5297
are eligible for the program shall provide all of the following: 5298

(a) That a prisoner is eligible for the program if the 5299
prisoner is serving a prison term or term of imprisonment for an 5300
offense committed prior to March 17, 1998, and if, at the time at 5301
which eligibility is being determined, the prisoner would have 5302
been eligible for a furlough under this section as it existed 5303
immediately prior to March 17, 1998, or would have been eligible 5304
for conditional release under former section 2967.23 of the 5305
Revised Code as that section existed immediately prior to March 5306
17, 1998; 5307

(b) That no prisoner who is serving a mandatory prison term 5308
is eligible for the program until after expiration of the 5309
mandatory term; 5310

(c) That no prisoner who is serving a prison term or term of 5311
life imprisonment without parole imposed pursuant to section 5312
2971.03 of the Revised Code is eligible for the program. 5313

(2) At least three weeks prior to transferring to 5314
transitional control under this section a prisoner who is serving 5315
a term of imprisonment or prison term for an offense committed on 5316
or after July 1, 1996, the adult parole authority shall give 5317
notice of the pendency of the transfer to transitional control to 5318
the court of common pleas of the county in which the indictment 5319
against the prisoner was found and of the fact that the court may 5320
disapprove the transfer of the prisoner to transitional control 5321
and shall include a report prepared by the head of the state 5322
correctional institution in which the prisoner is confined. The 5323
head of the state correctional institution in which the prisoner 5324
is confined, upon the request of the adult parole authority, shall 5325
provide to the authority for inclusion in the notice sent to the 5326
court under this division a report on the prisoner's conduct in 5327

the institution and in any institution from which the prisoner may 5328
have been transferred. The report shall cover the prisoner's 5329
participation in school, vocational training, work, treatment, and 5330
other rehabilitative activities and any disciplinary action taken 5331
against the prisoner. If the court disapproves of the transfer of 5332
the prisoner to transitional control, the court shall notify the 5333
authority of the disapproval within thirty days after receipt of 5334
the notice. If the court timely disapproves the transfer of the 5335
prisoner to transitional control, the authority shall not proceed 5336
with the transfer. If the court does not timely disapprove the 5337
transfer of the prisoner to transitional control, the authority 5338
may transfer the prisoner to transitional control. 5339

(3) If the victim of an offense for which a prisoner was 5340
sentenced to a prison term or term of imprisonment has requested 5341
notification under section 2930.16 of the Revised Code and has 5342
provided the department of rehabilitation and correction with the 5343
victim's name and address, the adult parole authority, at least 5344
three weeks prior to transferring the prisoner to transitional 5345
control pursuant to this section, shall notify the victim of the 5346
pendency of the transfer and of the victim's right to submit a 5347
statement to the authority regarding the impact of the transfer of 5348
the prisoner to transitional control. If the victim subsequently 5349
submits a statement of that nature to the authority, the authority 5350
shall consider the statement in deciding whether to transfer the 5351
prisoner to transitional control. 5352

(4) The department of rehabilitation and correction, at least 5353
three weeks prior to ~~a hearing to transfer the~~ transferring a 5354
prisoner to transitional control pursuant to this section, shall 5355
post on the database it maintains pursuant to section 5120.66 of 5356
the Revised Code the prisoner's name and all of the information 5357
specified in division (A)(1)(c)(iv) of that section. In addition 5358
to and independent of the right of a victim to submit a statement 5359

as described in division (A)(3) of this section or to otherwise 5360
make a statement and in addition to and independent of any other 5361
right or duty of a person to present information or make a 5362
statement, any person may send to the adult parole authority at 5363
any time prior to the authority's transfer of the prisoner to 5364
transitional control a written statement regarding the transfer of 5365
the prisoner to transitional control. In addition to the 5366
information, reports, and statements it considers under divisions 5367
(A)(2) and (3) of this section or that it otherwise considers, the 5368
authority shall consider each statement submitted in accordance 5369
with this division in deciding whether to transfer the prisoner to 5370
transitional control. 5371

(B) Each prisoner transferred to transitional control under 5372
this section shall be confined in the manner described in division 5373
(A) of this section during any period of time that the prisoner is 5374
not actually working at the prisoner's approved employment, 5375
engaged in a vocational training or another educational program, 5376
engaged in another program designated by the director, or engaged 5377
in other activities approved by the department. 5378

(C) The department of rehabilitation and correction shall 5379
adopt rules for transferring eligible prisoners to transitional 5380
control, supervising and confining prisoners so transferred, 5381
administering the transitional control program in accordance with 5382
this section, and using the moneys deposited into the transitional 5383
control fund established under division (E) of this section. 5384

(D) The department of rehabilitation and correction may adopt 5385
rules for the issuance of passes for the limited purposes 5386
described in this division to prisoners who are transferred to 5387
transitional control under this section. If the department adopts 5388
rules of that nature, the rules shall govern the granting of the 5389
passes and shall provide for the supervision of prisoners who are 5390
temporarily released pursuant to one of those passes. Upon the 5391

adoption of rules under this division, the department may issue 5392
passes to prisoners who are transferred to transitional control 5393
status under this section in accordance with the rules and the 5394
provisions of this division. All passes issued under this division 5395
shall be for a maximum of forty-eight hours and may be issued only 5396
for the following purposes: 5397

(1) To visit a relative in imminent danger of death; 5398

(2) To have a private viewing of the body of a deceased 5399
relative; 5400

(3) To visit with family; 5401

(4) To otherwise aid in the rehabilitation of the prisoner. 5402

(E) The adult parole authority may require a prisoner who is 5403
transferred to transitional control to pay to the division of 5404
parole and community services the reasonable expenses incurred by 5405
the division in supervising or confining the prisoner while under 5406
transitional control. Inability to pay those reasonable expenses 5407
shall not be grounds for refusing to transfer an otherwise 5408
eligible prisoner to transitional control. Amounts received by the 5409
division of parole and community services under this division 5410
shall be deposited into the transitional control fund, which is 5411
hereby created in the state treasury and which hereby replaces and 5412
succeeds the furlough services fund that formerly existed in the 5413
state treasury. All moneys that remain in the furlough services 5414
fund on March 17, 1998, shall be transferred on that date to the 5415
transitional control fund. The transitional control fund shall be 5416
used solely to pay costs related to the operation of the 5417
transitional control program established under this section. The 5418
director of rehabilitation and correction shall adopt rules in 5419
accordance with section 111.15 of the Revised Code for the use of 5420
the fund. 5421

(F) A prisoner who violates any rule established by the 5422

department of rehabilitation and correction under division (A), 5423
(C), or (D) of this section may be transferred to a state 5424
correctional institution pursuant to rules adopted under division 5425
(A), (C), or (D) of this section, but the prisoner shall receive 5426
credit towards completing the prisoner's sentence for the time 5427
spent under transitional control. 5428

If a prisoner is transferred to transitional control under 5429
this section, upon successful completion of the period of 5430
transitional control, the prisoner may be released on parole or 5431
under post-release control pursuant to section 2967.13 or 2967.28 5432
of the Revised Code and rules adopted by the department of 5433
rehabilitation and correction. If the prisoner is released under 5434
post-release control, the duration of the post-release control, 5435
the type of post-release control sanctions that may be imposed, 5436
the enforcement of the sanctions, and the treatment of prisoners 5437
who violate any sanction applicable to the prisoner are governed 5438
by section 2967.28 of the Revised Code. 5439

Sec. 2967.28. (A) As used in this section: 5440

(1) "Monitored time" means the monitored time sanction 5441
specified in section 2929.17 of the Revised Code. 5442

(2) "Deadly weapon" and "dangerous ordnance" have the same 5443
meanings as in section 2923.11 of the Revised Code. 5444

(3) "Felony sex offense" means a violation of a section 5445
contained in Chapter 2907. of the Revised Code that is a felony. 5446

(B) Each sentence to a prison term for a felony of the first 5447
degree, for a felony of the second degree, for a felony sex 5448
offense, or for a felony of the third degree that is not a felony 5449
sex offense and in the commission of which the offender caused or 5450
threatened to cause physical harm to a person shall include a 5451
requirement that the offender be subject to a period of 5452

post-release control imposed by the parole board after the 5453
offender's release from imprisonment. If a court imposes a 5454
sentence including a prison term of a type described in this 5455
division on or after ~~the effective date of this amendment~~ July 11, 5456
2006, the failure of a sentencing court to notify the offender 5457
pursuant to division (B)(3)(c) of section 2929.19 of the Revised 5458
Code of this requirement or to include in the judgment of 5459
conviction entered on the journal a statement that the offender's 5460
sentence includes this requirement does not negate, limit, or 5461
otherwise affect the mandatory period of supervision that is 5462
required for the offender under this division. Section 2929.191 of 5463
the Revised Code applies if, prior to ~~the effective date of this~~ 5464
~~amendment~~ July 11, 2006, a court imposed a sentence including a 5465
prison term of a type described in this division and failed to 5466
notify the offender pursuant to division (B)(3)(c) of section 5467
2929.19 of the Revised Code regarding post-release control or to 5468
include in the judgment of conviction entered on the journal or in 5469
the sentence pursuant to division (F)(1) of section 2929.14 of the 5470
Revised Code a statement regarding post-release control. Unless 5471
reduced by the parole board pursuant to division (D) of this 5472
section when authorized under that division, a period of 5473
post-release control required by this division for an offender 5474
shall be of one of the following periods: 5475

(1) For a felony of the first degree or for a felony sex 5476
offense, five years; 5477

(2) For a felony of the second degree that is not a felony 5478
sex offense, three years; 5479

(3) For a felony of the third degree that is not a felony sex 5480
offense and in the commission of which the offender caused or 5481
threatened physical harm to a person, three years. 5482

(C) Any sentence to a prison term for a felony of the third, 5483
fourth, or fifth degree that is not subject to division (B)(1) or 5484

(3) of this section shall include a requirement that the offender 5485
be subject to a period of post-release control of up to three 5486
years after the offender's release from imprisonment, if the 5487
parole board, in accordance with division (D) of this section, 5488
determines that a period of post-release control is necessary for 5489
that offender. Section 2929.191 of the Revised Code applies if, 5490
prior to ~~the effective date of this amendment~~ July 11, 2006, a 5491
court imposed a sentence including a prison term of a type 5492
described in this division and failed to notify the offender 5493
pursuant to division (B)(3)(d) of section 2929.19 of the Revised 5494
Code regarding post-release control or to include in the judgment 5495
of conviction entered on the journal or in the sentence pursuant 5496
to division (F)(2) of section 2929.14 of the Revised Code a 5497
statement regarding post-release control. Pursuant to an agreement 5498
entered into under section 2967.29 of the Revised Code, a court of 5499
common pleas or parole board may impose sanctions or conditions on 5500
an offender who is placed on post-release control under this 5501
division. 5502

(D)(1) Before the prisoner is released from imprisonment, the 5503
parole board or, pursuant to an agreement under section 2967.29 of 5504
the Revised Code, the court shall impose upon a prisoner described 5505
in division (B) of this section, may impose upon a prisoner 5506
described in division (C) of this section, and shall impose upon a 5507
prisoner described in division (B)(2)(b) of section 5120.031 or in 5508
division (B)(1) of section 5120.032 of the Revised Code, one or 5509
more post-release control sanctions to apply during the prisoner's 5510
period of post-release control. Whenever the board or court 5511
imposes one or more post-release control sanctions upon a 5512
prisoner, the board or court, in addition to imposing the 5513
sanctions, also shall include as a condition of the post-release 5514
control that the ~~individual or felon~~ offender not leave the state 5515
without permission of the court or the ~~individual's or felon's~~ 5516
offender's parole or probation officer and that the ~~individual or~~ 5517

~~felon~~ offender abide by the law. The board or court may impose any 5518
other conditions of release under a post-release control sanction 5519
that the board or court considers appropriate, and the conditions 5520
of release may include any community residential sanction, 5521
community nonresidential sanction, or financial sanction that the 5522
sentencing court was authorized to impose pursuant to sections 5523
2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the 5524
release of a prisoner for whom it will impose one or more 5525
post-release control sanctions under this division, the parole 5526
board or court shall review the prisoner's criminal history, all 5527
juvenile court adjudications finding the prisoner, while a 5528
juvenile, to be a delinquent child, and the record of the 5529
prisoner's conduct while imprisoned. The parole board or court 5530
shall consider any recommendation regarding post-release control 5531
sanctions for the prisoner made by the office of victims' 5532
services. After considering those materials, the board or court 5533
shall determine, for a prisoner described in division (B) of this 5534
section, division (B)(2)(b) of section 5120.031, or division 5535
(B)(1) of section 5120.032 of the Revised Code, which post-release 5536
control sanction or combination of post-release control sanctions 5537
is reasonable under the circumstances or, for a prisoner described 5538
in division (C) of this section, whether a post-release control 5539
sanction is necessary and, if so, which post-release control 5540
sanction or combination of post-release control sanctions is 5541
reasonable under the circumstances. In the case of a prisoner 5542
convicted of a felony of the fourth or fifth degree other than a 5543
felony sex offense, the board or court shall presume that 5544
monitored time is the appropriate post-release control sanction 5545
unless the board or court determines that a more restrictive 5546
sanction is warranted. A post-release control sanction imposed 5547
under this division takes effect upon the prisoner's release from 5548
imprisonment. 5549

Regardless of whether the prisoner was sentenced to the 5550

prison term prior to, on, or after ~~the effective date of this~~ 5551
~~amendment July 11, 2006,~~ prior to the release of a prisoner for 5552
whom it will impose one or more post-release control sanctions 5553
under this division, the parole board shall notify the prisoner 5554
that, if the prisoner violates any sanction so imposed or any 5555
condition of post-release control described in division (B) of 5556
section 2967.131 of the Revised Code that is imposed on the 5557
prisoner, the parole board may impose a prison term of up to 5558
one-half of the stated prison term originally imposed upon the 5559
prisoner. 5560

(2) At any time after a prisoner is released from 5561
imprisonment and during the period of post-release control 5562
applicable to the releasee, the adult parole authority or, 5563
pursuant to an agreement under section 2967.29 of the Revised 5564
Code, the court may review the releasee's behavior under the 5565
post-release control sanctions imposed upon the releasee under 5566
this section. The authority or court may determine, based upon the 5567
review and in accordance with the standards established under 5568
division (E) of this section, that a more restrictive or a less 5569
restrictive sanction is appropriate and may impose a different 5570
sanction. ~~Unless the period of post-release control was imposed~~ 5571
~~for an offense described in division (B)(1) of this section, the~~ 5572
The authority also may recommend that the parole board or court 5573
increase or reduce the duration of the period of post-release 5574
control imposed by the court. If the authority recommends that the 5575
board or court increase the duration of post-release control, the 5576
board or court shall review the releasee's behavior and may 5577
increase the duration of the period of post-release control 5578
imposed by the court up to eight years. If the authority 5579
recommends that the board or court reduce the duration of control 5580
for an offense described in division (B)(2), ~~(B)(3),~~ or (C) of 5581
this section, the board or court shall review the releasee's 5582
behavior and may reduce the duration of the period of control 5583

imposed by the court. In no case shall the board or court reduce 5584
the duration of the period of control imposed ~~by the court~~ for an 5585
offense described in division (B)(1) of this section to a period 5586
less than the length of the stated prison term originally imposed, 5587
and in no case shall the board or court permit the releasee to 5588
leave the state without permission of the court or the releasee's 5589
parole or probation officer. 5590

(E) The department of rehabilitation and correction, in 5591
accordance with Chapter 119. of the Revised Code, shall adopt 5592
rules that do all of the following: 5593

(1) Establish standards for the imposition by the parole 5594
board of post-release control sanctions under this section that 5595
are consistent with the overriding purposes and sentencing 5596
principles set forth in section 2929.11 of the Revised Code and 5597
that are appropriate to the needs of releasees; 5598

(2) Establish standards by which the parole board can 5599
determine which prisoners described in division (C) of this 5600
section should be placed under a period of post-release control; 5601

(3) Establish standards to be used by the parole board in 5602
reducing the duration of the period of post-release control 5603
imposed by the court when authorized under division (D) of this 5604
section, in imposing a more restrictive post-release control 5605
sanction than monitored time upon a prisoner convicted of a felony 5606
of the fourth or fifth degree other than a felony sex offense, or 5607
in imposing a less restrictive control sanction upon a releasee 5608
based on the releasee's activities including, but not limited to, 5609
remaining free from criminal activity and from the abuse of 5610
alcohol or other drugs, successfully participating in approved 5611
rehabilitation programs, maintaining employment, and paying 5612
restitution to the victim or meeting the terms of other financial 5613
sanctions; 5614

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	5615 5616 5617
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	5618 5619 5620 5621
(a) Classify violations according to the degree of seriousness;	5622 5623
(b) Define the circumstances under which formal action by the parole board is warranted;	5624 5625
(c) Govern the use of evidence at violation hearings;	5626
(d) Ensure procedural due process to an alleged violator;	5627
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	5628 5629
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	5630 5631
(F)(1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation	5632 5633 5634 5635 5636 5637 5638 5639 5640 5641 5642 5643 5644

directly to the adult parole authority or to the officer of the 5645
authority who supervises the offender. The authority's officers 5646
may treat the offender as if the offender were on parole and in 5647
violation of the parole, and otherwise shall comply with this 5648
section. 5649

(2) If the adult parole authority or, pursuant to an 5650
agreement under section 2967.29 of the Revised Code, the court 5651
determines that a releasee has violated a post-release control 5652
sanction or any conditions described in division (A) of section 5653
2967.131 of the Revised Code imposed upon the releasee and that a 5654
more restrictive sanction is appropriate, the authority or court 5655
may impose a more restrictive sanction upon the releasee, in 5656
accordance with the standards established under division (E) of 5657
this section or in accordance with the agreement made under 5658
section 2967.29 of the Revised Code, or may report the violation 5659
to the parole board for a hearing pursuant to division (F)(3) of 5660
this section. The authority or court may not, pursuant to this 5661
division, increase the duration of the releasee's post-release 5662
control or impose as a post-release control sanction a residential 5663
sanction that includes a prison term, but the authority or court 5664
may impose on the releasee any other residential sanction, 5665
nonresidential sanction, or financial sanction that the sentencing 5666
court was authorized to impose pursuant to sections 2929.16, 5667
2929.17, and 2929.18 of the Revised Code. 5668

(3) The parole board or, pursuant to an agreement under 5670
section 2967.29 of the Revised Code, the court may hold a hearing 5671
on any alleged violation by a releasee of a post-release control 5672
sanction or any conditions described in division (A) of section 5673
2967.131 of the Revised Code that are imposed upon the releasee. 5674
If after the hearing the board or court finds that the releasee 5675
violated the sanction or condition, the board or court may 5676

increase the duration of the releasee's post-release control up to 5677
the maximum duration authorized by division (B) or (C) of this 5678
section or impose a more restrictive post-release control 5679
sanction. When appropriate, the board or court may impose as a 5680
post-release control sanction a residential sanction that includes 5681
a prison term. The board or court shall consider a prison term as 5682
a post-release control sanction imposed for a violation of 5683
post-release control when the violation involves a deadly weapon 5684
or dangerous ordnance, physical harm or attempted serious physical 5685
harm to a person, or sexual misconduct, or when the releasee 5686
committed repeated violations of post-release control sanctions. 5687
The Unless a releasee's stated prison term was reduced pursuant to 5688
section 5120.032 of the Revised Code, the period of a prison term 5689
that is imposed as a post-release control sanction under this 5690
division shall not exceed nine months, and the maximum cumulative 5691
prison term for all violations under this division shall not 5692
exceed one-half of the stated prison term originally imposed upon 5693
the offender as part of this sentence. If a releasee's stated 5694
prison term was reduced pursuant to section 5120.032 of the 5695
Revised Code, the period of a prison term that is imposed as a 5696
post-release control sanction under this division and the maximum 5697
cumulative prison term for all violations under this division 5698
shall not exceed the period of time not served in prison under the 5699
sentence imposed by the court. The period of a prison term that is 5700
imposed as a post-release control sanction under this division 5701
shall not count as, or be credited toward, the remaining period of 5702
post-release control. 5703

If an offender is imprisoned for a felony committed while 5704
under post-release control supervision and is again released on 5705
post-release control for a period of time determined by division 5706
(F)(4)(d) of this section, the maximum cumulative prison term for 5707
all violations under this division shall not exceed one-half of 5708
the total stated prison terms of the earlier felony, reduced by 5709

any prison term administratively imposed by the parole board or 5710
court, plus one-half of the total stated prison term of the new 5711
felony. 5712

(4) Any period of post-release control shall commence upon an 5713
offender's actual release from prison. If an offender is serving 5714
an indefinite prison term or a life sentence in addition to a 5715
stated prison term, the offender shall serve the period of 5716
post-release control in the following manner: 5717

(a) If a period of post-release control is imposed upon the 5718
offender and if the offender also is subject to a period of parole 5719
under a life sentence or an indefinite sentence, and if the period 5720
of post-release control ends prior to the period of parole, the 5721
offender shall be supervised on parole. The offender shall receive 5722
credit for post-release control supervision during the period of 5723
parole. The offender is not eligible for final release under 5724
section 2967.16 of the Revised Code until the post-release control 5725
period otherwise would have ended. 5726

(b) If a period of post-release control is imposed upon the 5727
offender and if the offender also is subject to a period of parole 5728
under an indefinite sentence, and if the period of parole ends 5729
prior to the period of post-release control, the offender shall be 5730
supervised on post-release control. The requirements of parole 5731
supervision shall be satisfied during the post-release control 5732
period. 5733

(c) If an offender is subject to more than one period of 5734
post-release control, the period of post-release control for all 5735
of the sentences shall be the period of post-release control that 5736
expires last, as determined by the parole board or court. Periods 5737
of post-release control shall be served concurrently and shall not 5738
be imposed consecutively to each other. 5739

(d) The period of post-release control for a releasee who 5740

commits a felony while under post-release control for an earlier 5741
felony shall be the longer of the period of post-release control 5742
specified for the new felony under division (B) or (C) of this 5743
section or the time remaining under the period of post-release 5744
control imposed for the earlier felony as determined by the parole 5745
board or court. 5746

Sec. 2967.29. (A) A court of common pleas may cooperate with 5747
the department of rehabilitation and correction in the supervision 5748
of offenders who return to the court's territorial jurisdiction 5749
after serving a prison term. The court, after consultation with 5750
the board of county commissioners, may enter into an agreement 5751
with the department allowing the court and the parole board to 5752
make joint decisions relating to parole and post-release control 5753
to the extent permitted by section 2967.28 of the Revised Code. 5754

(B) An agreement made under this section shall include at 5755
least all of the following: 5756

(1) The categories of offenders with regard to which the 5757
court may participate in making decisions; 5758

(2) The process by which the offenders in each category will 5759
be identified; 5760

(3) The process by which the court and the parole board will 5761
monitor offenders and make recommendations regarding programming 5762
while the offenders are in prison; 5763

(4) The process by which the court will participate in 5764
setting appropriate sanctions and conditions on offenders who 5765
leave prison on post-release control or parole; 5766

(5) The process by which the court may participate in 5767
reducing the duration of the period of post-release control; 5768

(6) Guidelines for the supervision of offenders under 5769
post-release control or parole supervision; 5770

(7) Guidelines for sanctions for violations of parole or post-release control; 5771
5772

(8) Provisions that take into account the perspective of affected victims. 5773
5774

(C) A court that enters into an agreement under this section shall provide the department of rehabilitation and correction with a presentence investigation upon the offender's admission to prison. The department shall provide the court with a summary of an offender's progress while in prison prior to the release of the offender. 5775
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Sec. 3317.16. (A) As used in this section: 5781

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows: 5782
5783

(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero. 5784
5785
5786
5787

(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following: 5788
5789
5790

the formula amount X 5791

formula ADM 5792

The resultant number is the district's state share percentage. 5793
5794

(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code. 5795
5796
5797
5798

(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner 5799
5800

as prescribed in division (B)(4) of section 3317.022 of the Revised Code.

(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts that were subject to the joint vocational school district's tax levies for the applicable fiscal year both the current and preceding tax years.

(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula:

$$\begin{aligned} & \text{(formula amount X} \\ & \text{formula ADM) -} \\ & \text{(.0005 X total recognized valuation)} \end{aligned}$$

If the difference obtained under this division is a negative number, the district's computation shall be zero.

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\begin{aligned} & \text{state share percentage X formula amount X} \\ & \text{total vocational education weight} \end{aligned}$$

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational

expenses approved by the department shall include only expenses 5832
connected to the delivery of career-technical programming to 5833
career-technical students. The department shall require the joint 5834
vocational school district to report data annually so that the 5835
department may monitor the district's compliance with the 5836
requirements regarding the manner in which funding received under 5837
division (C)(1) of this section may be spent. 5838

(2) The department shall compute for each joint vocational 5839
school district state funds for vocational education associated 5840
services costs in accordance with the following formula: 5841

state share percentage X .05 X 5842
the formula amount X the sum of 5843
categories one and two vocational 5844
education ADM 5845

In any fiscal year, a joint vocational school district 5846
receiving funds under division (C)(2) of this section, or through 5847
a transfer of funds pursuant to division (L) of section 3317.023 5848
of the Revised Code, shall spend those funds only for the purposes 5849
that the department designates as approved for vocational 5850
education associated services expenses, which may include such 5851
purposes as apprenticeship coordinators, coordinators for other 5852
vocational education services, vocational evaluation, and other 5853
purposes designated by the department. The department may deny 5854
payment under division (C)(2) of this section to any district that 5855
the department determines is not operating those services or is 5856
using funds paid under division (C)(2) of this section, or through 5857
a transfer of funds pursuant to division (L) of section 3317.023 5858
of the Revised Code, for other purposes. 5859

(D)(1) The department shall compute and distribute state 5860
special education and related services additional weighted costs 5861
funds to each joint vocational school district in accordance with 5862
the following formula: 5863

state share percentage X formula amount X	5864
total special education weight	5865
(2)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2008 and 2009.	5866 5867
(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:	5868 5869 5870 5871 5872 5873
(formula ADM divided by 2000) X the personnel allowance X state share percentage	5874 5875
(3) In any fiscal year, a joint vocational school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:	5876 5877 5878 5879
(formula amount X the sum of categories one through six special education ADM) + (total special education weight X formula amount)	5880 5881 5882 5883 5884
The purposes approved by the department for special education expenses shall include, but shall not be limited to, compliance with state rules governing the education of children with disabilities, providing services identified in a student's individualized education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population.	5885 5886 5887 5888 5889 5890 5891 5892 5893
The department shall require joint vocational school districts to report data annually to allow for monitoring	5894 5895

compliance with division (D)(3) of this section. The department 5896
shall annually report to the governor and the general assembly the 5897
amount of money spent by each joint vocational school district for 5898
special education and related services. 5899

(4) In any fiscal year, a joint vocational school district 5900
shall spend for the provision of speech language pathology 5901
services not less than the sum of the amount calculated under 5902
division (D)(1) of this section for the students in the district's 5903
category one special education ADM and the amount calculated under 5904
division (D)(2) of this section. 5905

(E)(1) If a joint vocational school district's costs for a 5906
fiscal year for a student in its categories two through six 5907
special education ADM exceed the threshold catastrophic cost for 5908
serving the student, as specified in division (C)(3)(b) of section 5909
3317.022 of the Revised Code, the district may submit to the 5910
superintendent of public instruction documentation, as prescribed 5911
by the superintendent, of all of its costs for that student. Upon 5912
submission of documentation for a student of the type and in the 5913
manner prescribed, the department shall pay to the district an 5914
amount equal to the sum of the following: 5915

(a) One-half of the district's costs for the student in 5916
excess of the threshold catastrophic cost; 5917

(b) The product of one-half of the district's costs for the 5918
student in excess of the threshold catastrophic cost multiplied by 5919
the district's state share percentage. 5920

(2) The district shall only report under division (E)(1) of 5921
this section, and the department shall only pay for, the costs of 5922
educational expenses and the related services provided to the 5923
student in accordance with the student's individualized education 5924
program. Any legal fees, court costs, or other costs associated 5925
with any cause of action relating to the student may not be 5926

included in the amount. 5927

(F) Each fiscal year, the department shall pay each joint 5928
vocational school district an amount for adult technical and 5929
vocational education and specialized consultants. 5930

(G)(1) A joint vocational school district's local share of 5931
special education and related services additional weighted costs 5932
equals: 5933

(1 - state share percentage) X 5934
Total special education weight X 5935
the formula amount 5936

(2) For each student with a disability receiving special 5937
education and related services under an individualized education 5938
program, as defined in section 3323.01 of the Revised Code, at a 5939
joint vocational district, the resident district or, if the 5940
student is enrolled in a community school, the community school 5941
shall be responsible for the amount of any costs of providing 5942
those special education and related services to that student that 5943
exceed the sum of the amount calculated for those services 5944
attributable to that student under divisions (B), (D), (E), and 5945
(G)(1) of this section. 5946

Those excess costs shall be calculated by subtracting the sum 5947
of the following from the actual cost to provide special education 5948
and related services to the student: 5949

(a) The formula amount; 5950

(b) The product of the formula amount times the applicable 5951
multiple specified in section 3317.013 of the Revised Code; 5952

(c) Any funds paid under division (E) of this section for the 5953
student; 5954

(d) Any other funds received by the joint vocational school 5955
district under this chapter to provide special education and 5956

related services to the student, not including the amount 5957
calculated under division (G)(2) of this section. 5958

(3) The board of education of the joint vocational school 5959
district may report the excess costs calculated under division 5960
(G)(2) of this section to the department of education. 5961

(4) If the board of education of the joint vocational school 5962
district reports excess costs under division (G)(3) of this 5963
section, the department shall pay the amount of excess cost 5964
calculated under division (G)(2) of this section to the joint 5965
vocational school district and shall deduct that amount as 5966
provided in division (G)(4)(a) or (b) of this section, as 5967
applicable: 5968

(a) If the student is not enrolled in a community school, the 5969
department shall deduct the amount from the account of the 5970
student's resident district pursuant to division (M) of section 5971
3317.023 of the Revised Code. 5972

(b) If the student is enrolled in a community school, the 5973
department shall deduct the amount from the account of the 5974
community school pursuant to section 3314.083 of the Revised Code. 5975
5976

Sec. 4503.065. (A) This section applies to any of the 5977
following: 5978

(1) An individual who is permanently and totally disabled; 5979

(2) An individual who is sixty-five years of age or older; 5980

(3) An individual who is the surviving spouse of a deceased 5981
person who was permanently and totally disabled or sixty-five 5982
years of age or older and who applied and qualified for a 5983
reduction in assessable value under this section in the year of 5984
death, provided the surviving spouse is at least fifty-nine but 5985
not sixty-five or more years of age on the date the deceased 5986

spouse dies. 5987

(B) The manufactured home tax on a manufactured or mobile 5988
home that is paid pursuant to division (C) of section 4503.06 of 5989
the Revised Code and that is owned and occupied as a home by an 5990
individual whose domicile is in this state and to whom this 5991
section applies, shall be reduced for any tax year for which ~~the~~ 5992
~~owner obtains a certificate of reduction from the county auditor~~ 5993
~~under section 4503.067 of the Revised Code~~ an application for such 5994
reduction has been approved, provided the individual did not 5995
acquire ownership from a person, other than the individual's 5996
spouse, related by consanguinity or affinity for the purpose of 5997
qualifying for the reduction. An owner includes a settlor of a 5998
revocable or irrevocable inter vivos trust holding the title to a 5999
manufactured or mobile home occupied by the settlor as of right 6000
under the trust. 6001

(1) For manufactured and mobile homes for which the tax 6002
imposed by section 4503.06 of the Revised Code is computed under 6003
division (D)(2) of that section, the reduction shall equal the 6004
greater of the reduction granted for the tax year preceding the 6005
first tax year to which this section applies pursuant to Section 6006
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 6007
taxpayer received a reduction for that preceding tax year, or the 6008
product of the following: 6009

(a) Twenty-five thousand dollars of the true value of the 6010
property in money; 6011

(b) The assessment percentage established by the tax 6012
commissioner under division (B) of section 5715.01 of the Revised 6013
Code, not to exceed thirty-five per cent; 6014

(c) The effective tax rate used to calculate the taxes 6015
charged against the property for the current year, where 6016
"effective tax rate" is defined as in section 323.08 of the 6017

Revised Code; 6018

(d) The quantity equal to one minus the sum of the percentage 6019
reductions in taxes received by the property for the current tax 6020
year under section 319.302 of the Revised Code and division (B) of 6021
section 323.152 of the Revised Code. 6022

(2) For manufactured and mobile homes for which the tax 6023
imposed by section 4503.06 of the Revised Code is computed under 6024
division (D)(1) of that section, the reduction shall equal the 6025
greater of the reduction granted for the tax year preceding the 6026
first tax year to which this section applies pursuant to Section 6027
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 6028
taxpayer received a reduction for that preceding tax year, or the 6029
product of the following: 6030

(a) Twenty-five thousand dollars of the cost to the owner, or 6031
the market value at the time of purchase, whichever is greater, as 6032
those terms are used in division (D)(1) of section 4503.06 of the 6033
Revised Code; 6034

(b) The percentage from the appropriate schedule in division 6035
(D)(1)(b) of section 4503.06 of the Revised Code; 6036

(c) The assessment percentage of forty per cent used in 6037
division (D)(1)(b) of section 4503.06 of the Revised Code; 6038

(d) The tax rate of the taxing district in which the home has 6039
its situs. 6040

(C) If the owner or the spouse of the owner of a manufactured 6041
or mobile home is eligible for a homestead exemption on the land 6042
upon which the home is located, the reduction to which the owner 6043
or spouse is entitled under this section shall not exceed the 6044
difference between the reduction to which the owner or spouse is 6045
entitled under division (B) of this section and the amount of the 6046
reduction under the homestead exemption. 6047

(D) No reduction shall be made with respect to the home of 6048
any person convicted of violating division (C) or (D) of section 6049
4503.066 of the Revised Code for a period of three years following 6050
the conviction. 6051

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 6052
4503.065 of the Revised Code, the owner of the home shall file an 6053
application with the county auditor of the county in which the 6054
home is located. An application for reduction in taxes based upon 6055
a physical disability shall be accompanied by a certificate signed 6056
by a physician, and an application for reduction in taxes based 6057
upon a mental disability shall be accompanied by a certificate 6058
signed by a physician or psychologist licensed to practice in this 6059
state. The certificate shall attest to the fact that the applicant 6060
is permanently and totally disabled, shall be in a form that the 6061
department of taxation requires, and shall include the definition 6062
of totally and permanently disabled as set forth in section 6063
4503.064 of the Revised Code. An application for reduction in 6064
taxes based upon a disability certified as permanent and total by 6065
a state or federal agency having the function of so classifying 6066
persons shall be accompanied by a certificate from that agency. 6067

(2) Each application shall constitute a continuing 6069
application for a reduction in taxes for each year in which the 6070
manufactured or mobile home is occupied by the applicant. Failure 6071
to receive a new application or notification under division (B) of 6072
this section after ~~a certificate of reduction has been issued~~ 6073
~~under section 4503.067 of the Revised Code~~ an application for 6074
reduction has been approved is prima-facie evidence that the 6075
original applicant is entitled to the reduction calculated on the 6076
basis of the information contained in the original application. 6077
The original application and any subsequent application shall be 6078
in the form of a signed statement and shall be filed not later 6079

than the first Monday in June. The statement shall be on a form, 6080
devised and supplied by the tax commissioner, that shall require 6081
no more information than is necessary to establish the applicant's 6082
eligibility for the reduction in taxes and the amount of the 6083
reduction to which the applicant is entitled. The form also shall 6084
contain a statement that conviction of willfully falsifying 6085
information to obtain a reduction in taxes or failing to comply 6086
with division (B) of this section shall result in the revocation 6087
of the right to the reduction for a period of three years. 6088

(3) A late application for a reduction in taxes for the year 6090
preceding the year for which an original application is filed may 6091
be filed with an original application. If the auditor determines 6092
that the information contained in the late application is correct, 6093
the auditor shall determine both the amount of the reduction in 6094
taxes to which the applicant would have been entitled for the 6095
current tax year had the application been timely filed and 6096
approved in the preceding year, and the amount the taxes levied 6097
under section 4503.06 of the Revised Code for the current year 6098
would have been reduced as a result of the reduction. When an 6099
applicant is permanently and totally disabled on the first day of 6100
January of the year in which the applicant files a late 6101
application, the auditor, in making the determination of the 6102
amounts of the reduction in taxes under division (A)(3) of this 6103
section, is not required to determine that the applicant was 6104
permanently and totally disabled on the first day of January of 6105
the preceding year. 6106

The amount of the reduction in taxes pursuant to a late 6107
application shall be treated as an overpayment of taxes by the 6108
applicant. The auditor shall credit the amount of the overpayment 6109
against the amount of the taxes or penalties then due from the 6110
applicant, and, at the next succeeding settlement, the amount of 6111

the credit shall be deducted from the amount of any taxes or 6112
penalties distributable to the county or any taxing unit in the 6113
county that has received the benefit of the taxes or penalties 6114
previously overpaid, in proportion to the benefits previously 6115
received. If, after the credit has been made, there remains a 6116
balance of the overpayment, or if there are no taxes or penalties 6117
due from the applicant, the auditor shall refund that balance to 6118
the applicant by a warrant drawn on the county treasurer in favor 6119
of the applicant. The treasurer shall pay the warrant from the 6120
general fund of the county. If there is insufficient money in the 6121
general fund to make the payment, the treasurer shall pay the 6122
warrant out of any undivided manufactured or mobile home taxes 6123
subsequently received by the treasurer for distribution to the 6124
county or taxing district in the county that received the benefit 6125
of the overpaid taxes, in proportion to the benefits previously 6126
received, and the amount paid from the undivided funds shall be 6127
deducted from the money otherwise distributable to the county or 6128
taxing district in the county at the next or any succeeding 6129
distribution. At the next or any succeeding distribution after 6130
making the refund, the treasurer shall reimburse the general fund 6131
for any payment made from that fund by deducting the amount of 6132
that payment from the money distributable to the county or other 6133
taxing unit in the county that has received the benefit of the 6134
taxes, in proportion to the benefits previously received. On the 6135
second Monday in September of each year, the county auditor shall 6136
certify the total amount of the reductions in taxes made in the 6137
current year under division (A)(3) of this section to the tax 6138
commissioner who shall treat that amount as a reduction in taxes 6139
for the current tax year and shall make reimbursement to the 6140
county of that amount in the manner prescribed in section 4503.068 6141
of the Revised Code, from moneys appropriated for that purpose. 6142

(B) If in any year ~~after~~ for which an application for 6143
reduction in taxes has been ~~filed under division (A) of this~~ 6144

~~section approved~~ the owner no longer qualifies for the reduction 6145
~~in taxes for which the owner was issued a certificate,~~ the owner 6146
shall notify the county auditor that the owner is not qualified 6147
for a reduction in taxes. 6148

During January of each year, the county auditor shall furnish 6149
each person ~~issued a certificate of reduction~~ whose application 6150
for reduction has been approved, by ordinary mail, a form on which 6151
to report any changes in ownership ~~of the home, including changes~~ 6152
~~in or revocation of a revocable inter vivos trust, changes in,~~ 6153
occupancy, disability, and other ~~changes in the~~ information 6154
earlier furnished the auditor relative to the application. 6155
6156

(C) No person shall knowingly make a false statement for the 6157
purpose of obtaining a reduction in taxes under section 4503.065 6158
of the Revised Code. 6159

(D) No person shall knowingly fail to notify the county 6160
auditor of any change required by division (B) of this section 6161
that has the effect of maintaining or securing a reduction in 6162
taxes under section 4503.065 of the Revised Code. 6163

(E) No person shall knowingly make a false statement or 6164
certification attesting to any person's physical or mental 6165
condition for purposes of qualifying such person for tax relief 6166
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 6167

(F) Whoever violates division (C), (D), or (E) of this 6168
section is guilty of a misdemeanor of the fourth degree. 6169

Sec. 4503.067. ~~(A) At the same time the tax bill for the~~ 6170
~~first half of the tax year is issued, the county auditor shall~~ 6171
~~issue a certificate of reduction in taxes for a manufactured or~~ 6172
~~mobile home in triplicate for each person who has complied with~~ 6173
~~section 4503.066 of the Revised Code and been found by the auditor~~ 6174

~~to be entitled to a reduction in taxes for the succeeding tax year. The certificate shall set forth the amount of the reduction in taxes calculated under section 4503.065 of the Revised Code. Upon issuance of the certificate, the auditor shall reduce the manufactured home tax levied on the home for the succeeding tax year by the required amount and forward the original and one copy of the certificate to the county treasurer. The auditor shall retain one copy of the certificate. The treasurer shall retain the original certificate and forward the remaining copy to the recipient with the tax bill delivered pursuant to division (D)(6) of section 4503.06 of the Revised Code.~~

~~(B) If the application or a continuing application is not approved, the auditor shall notify the applicant of the reasons for denial no later than the first Monday in October. The county auditor shall approve or deny an application for reduction under section 4503.065 of the Revised Code and shall so notify the applicant not later than the first Monday in October. Notification shall be provided on a form prescribed by the tax commissioner. If a person believes that the person's application for reduction in taxes has been improperly denied or is for less than that to which the person is entitled, the person may file an appeal with the county board of revision no later than the thirty-first day of January of the following calendar year. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code.~~

Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the taxes levied in that year were reduced pursuant to section ~~4503.067~~ 4503.065 of the Revised Code, and certify that amount to the tax commissioner. Within ninety days of the receipt of the

certification, the commissioner shall certify that amount to the 6207
director of budget and management and the director shall make two 6208
payments from the general revenue fund in favor of the county 6209
treasurer. One shall be in the full amount by which taxes were 6210
reduced. The other shall be in an amount equal to two per cent of 6211
such amount and shall be a payment to the county auditor and 6212
county treasurer for the costs of administering sections 4503.064 6213
to 4503.069 of the Revised Code. 6214

Immediately upon receipt of the payment in the full amount by 6215
which taxes were reduced, the full amount of the payment shall be 6216
distributed among the taxing districts in the county as though it 6217
had been received as taxes under section 4503.06 of the Revised 6218
Code from each person for whom taxes were reduced under ~~sections~~ 6219
~~4503.064 to 4503.069~~ section 4503.065 of the Revised Code. 6220

Sec. 4507.51. (A)(1) Every application for an identification 6221
card or duplicate shall be made on a form furnished by the 6222
registrar of motor vehicles, shall be signed by the applicant, and 6223
by the applicant's parent or guardian if the applicant is under 6224
eighteen years of age, and shall contain the following information 6225
pertaining to the applicant: name, date of birth, sex, general 6226
description including the applicant's height, weight, hair color, 6227
and eye color, address, and social security number. The 6228
application also shall state whether an applicant wishes to 6229
certify willingness to make an anatomical gift under section 6230
2108.04 of the Revised Code and shall include information about 6231
the requirements of that section that apply to persons who are 6232
less than eighteen years of age. The statement regarding 6233
willingness to make such a donation shall be given no 6234
consideration in the decision of whether to issue an 6235
identification card. Each applicant shall be photographed in color 6236
at the time of making application. 6237

(2) The application also shall state whether the applicant 6238
has executed a valid durable power of attorney for health care 6239
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 6240
executed a declaration governing the use or continuation, or the 6241
withholding or withdrawal, of life-sustaining treatment pursuant 6242
to sections 2133.01 to 2133.15 of the Revised Code and, if the 6243
applicant has executed either type of instrument, whether the 6244
applicant wishes the identification card issued to indicate that 6245
the applicant has executed the instrument. 6246

(3) The registrar or deputy registrar, in accordance with 6247
section 3503.11 of the Revised Code, shall register as an elector 6248
any person who applies for an identification card or duplicate if 6249
the applicant is eligible and wishes to be registered as an 6250
elector. The decision of an applicant whether to register as an 6251
elector shall be given no consideration in the decision of whether 6252
to issue the applicant an identification card or duplicate. 6253

(B) The application for an identification card or duplicate 6254
shall be filed in the office of the registrar or deputy registrar. 6255
Each applicant shall present documentary evidence as required by 6256
the registrar of the applicant's age and identity, and the 6257
applicant shall swear that all information given is true. An 6258
identification card issued by the department of rehabilitation and 6259
correction under section 5120.59 of the Revised Code shall be 6260
sufficient documentary evidence under this division. Upon issuing 6261
an identification card under this section for a person who has 6262
been issued an identification card under section 5120.59 of the 6263
Revised Code, the registrar or deputy registrar shall destroy the 6264
identification card issued under section 5120.59 of the Revised 6265
Code. 6266

All applications for an identification card or duplicate 6267
shall be filed in duplicate, and if submitted to a deputy 6268
registrar, a copy shall be forwarded to the registrar. The 6269

registrar shall prescribe rules for the manner in which a deputy 6270
registrar is to file and maintain applications and other records. 6271
The registrar shall maintain a suitable, indexed record of all 6272
applications denied and cards issued or canceled. 6273

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 6274
Code, the superintendent of real estate, upon the superintendent's 6275
own motion, may investigate the conduct of any licensee. Subject 6276
to section 4735.32 of the Revised Code, the Ohio real estate 6277
commission shall, pursuant to section 4735.051 of the Revised 6278
Code, impose disciplinary sanctions upon any licensee who, whether 6279
or not acting in the licensee's capacity as a real estate broker 6280
or salesperson, or in handling the licensee's own property, is 6281
found to have been convicted of a felony or a crime of moral 6282
turpitude, and shall, pursuant to section 4735.051 of the Revised 6283
Code, impose disciplinary sanctions upon any licensee who, in the 6284
licensee's capacity as a real estate broker or salesperson, or in 6285
handling the licensee's own property, is found guilty of: 6286

(1) Knowingly making any misrepresentation; 6287

(2) Making any false promises with intent to influence, 6288
persuade, or induce; 6289

(3) A continued course of misrepresentation or the making of 6290
false promises through agents, salespersons, advertising, or 6291
otherwise; 6292

(4) Acting for more than one party in a transaction except as 6293
permitted by and in compliance with section 4735.71 of the Revised 6294
Code; 6295

(5) Failure within a reasonable time to account for or to 6296
remit any money coming into the licensee's possession which 6297
belongs to others; 6298

(6) Dishonest or illegal dealing, gross negligence, 6299

incompetency, or misconduct; 6300

(7)(a) By final adjudication by a court, a violation of any 6301
municipal or federal civil rights law relevant to the protection 6302
of purchasers or sellers of real estate or, by final adjudication 6303
by a court, any unlawful discriminatory practice pertaining to the 6304
purchase or sale of real estate prohibited by Chapter 4112. of the 6305
Revised Code, provided that such violation arose out of a 6306
situation wherein parties were engaged in bona fide efforts to 6307
purchase, sell, or lease real estate, in the licensee's practice 6308
as a licensed real estate broker or salesperson; 6309

(b) A second or subsequent violation of any unlawful 6310
discriminatory practice pertaining to the purchase or sale of real 6311
estate prohibited by Chapter 4112. of the Revised Code or any 6312
second or subsequent violation of municipal or federal civil 6313
rights laws relevant to purchasing or selling real estate whether 6314
or not there has been a final adjudication by a court, provided 6315
that such violation arose out of a situation wherein parties were 6316
engaged in bona fide efforts to purchase, sell, or lease real 6317
estate. For any second offense under this division, the commission 6318
shall suspend for a minimum of two months or revoke the license of 6319
the broker or salesperson. For any subsequent offense, the 6320
commission shall revoke the license of the broker or salesperson. 6321

(8) Procuring a license under this chapter, for the licensee 6322
or any salesperson by fraud, misrepresentation, or deceit; 6323

(9) Having violated or failed to comply with any provision of 6324
sections 4735.51 to 4735.74 of the Revised Code or having 6325
willfully disregarded or violated any other provisions of this 6326
chapter; 6327

(10) As a real estate broker, having demanded, without 6328
reasonable cause, other than from a broker licensed under this 6329
chapter, a commission to which the licensee is not entitled, or, 6330

as a real estate salesperson, having demanded, without reasonable
cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised
Code, having paid commissions or fees to, or divided commissions
or fees with, anyone not licensed as a real estate broker or
salesperson under this chapter or anyone not operating as an
out-of-state commercial real estate broker or salesperson under
section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate
professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed
commission, rebate, or direct profit on expenditures made for a
principal;

(14) Having offered anything of value other than the
consideration recited in the sales contract as an inducement to a
person to enter into a contract for the purchase or sale of real
estate or having offered real estate or the improvements on real
estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker
and undisclosed principal, or real estate salesperson and
undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person
to guarantee future profits which may result from the resale of
real property;

(17) Having placed a sign on any property offering it for
sale or for rent without the consent of the owner or the owner's
authorized agent;

(18) Having induced any party to a contract of sale or lease
to break such contract for the purpose of substituting in lieu of
it a new contract with another principal;

(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;

(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;

(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;

(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;

(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any

other instruments or papers related to the performance of any of 6392
the acts set forth in the definition of a real estate broker; 6393

(25) Failure of a real estate broker or salesperson to 6394
furnish all parties involved in a real estate transaction true 6395
copies of all listings and other agreements to which they are a 6396
party, at the time each party signs them; 6397

(26) Failure to maintain at all times a special or trust bank 6398
account in a depository located in this state. The account shall 6399
be noninterest-bearing, separate and distinct from any personal or 6400
other account of the broker, and, except as provided in division 6401
(A)(27) of this section, shall be used for the deposit and 6402
maintenance of all escrow funds, security deposits, and other 6403
moneys received by the broker in a fiduciary capacity. The name, 6404
account number, if any, and location of the depository wherein 6405
such special or trust account is maintained shall be submitted in 6406
writing to the superintendent. Checks drawn on such special or 6407
trust bank accounts are deemed to meet the conditions imposed by 6408
section 1349.21 of the Revised Code. Funds deposited in the trust 6409
or special account in connection with a purchase agreement shall 6410
be maintained in accordance with section 4735.24 of the Revised 6411
Code. 6412

(27) Failure to maintain at all times a special or trust bank 6413
account in a depository in this state, to be used exclusively for 6414
the deposit and maintenance of all rents, security deposits, 6415
escrow funds, and other moneys received by the broker in a 6416
fiduciary capacity in the course of managing real property. This 6417
account shall be separate and distinct from any other account 6418
maintained by the broker. The name, account number, and location 6419
of the depository shall be submitted in writing to the 6420
superintendent. This account may earn interest, which shall be 6421
paid to the property owners on a pro rata basis. 6422

Division (A)(27) of this section does not apply to brokers 6423

who are not engaged in the management of real property on behalf of real property owners. 6424
6425

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party; 6426
6427

(29) Having an unsatisfied final judgment in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson; 6428
6429
6430

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction; 6431
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(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it; 6437
6438
6439

(32) Performing any service for another constituting the practice of law, as determined by any court of law; 6440
6441

(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability. 6442
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(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 6447
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(35) Having knowingly inserted or participated in inserting 6453

any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law.

(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated if the commission finds that the dealer had knowledge of the salesperson's actions that violated this section.

(D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.

(E) The commission immediately shall notify the real estate appraiser board of any disciplinary action taken under this section against a licensee who also is a state-certified real

estate appraiser under Chapter 4763. of the Revised Code. 6485

Sec. 4735.24. (A) Except as otherwise provided in this 6486
section, when earnest money connected to a real estate purchase 6487
agreement is deposited in a real estate broker's trust or special 6488
account, the broker shall maintain that money in the account in 6489
accordance with the terms of the purchase agreement until one of 6490
the following occurs: 6491

(1) The transaction closes and the broker disburses the 6492
earnest money to the closing or escrow agent or otherwise 6493
disburses the money pursuant to the terms of the purchase 6494
agreement. 6495

(2) The parties provide the broker with written instructions 6496
that both parties have signed that specify how the broker is to 6497
disburse the earnest money and the broker acts pursuant to those 6498
instructions. 6499

(3) The broker receives a copy of a final court order that 6500
specifies to whom the earnest money is to be awarded and the 6501
broker acts pursuant to the court order. 6502

(4) The earnest money becomes unclaimed funds as defined in 6503
division (M)(2) of section 169.02 of the Revised Code and, after 6504
providing the notice that division (D) of section 169.03 of the 6505
Revised Code requires, the broker has reported the unclaimed funds 6506
to the director of commerce pursuant to section 169.03 of the 6507
Revised Code and has remitted all of the earnest money to the 6508
director. 6509

(B) A purchase agreement may provide that in the event of a 6510
dispute regarding the disbursement of the earnest money, the 6511
broker will return the money to the purchaser without notice to 6512
the parties unless, within two years from the date the earnest 6513
money was deposited in the broker's trust or special account, the 6514

broker has received one of the following: 6515

(1) Written instructions signed by both parties specifying 6516
how the money is to be disbursed; 6517

(2) Written notice that a court action to resolve the dispute 6518
has been filed. 6519

(C)(1) If the parties dispute the disbursement of the earnest 6520
money and the purchase agreement contains the provision described 6521
in division (B) of this section, not later than the first day of 6522
September following the two year anniversary date of the deposit 6523
of the earnest money in the broker's account, the broker shall 6524
return the earnest money to the purchaser unless the parties 6525
provided the broker with written instructions or a notice of a 6526
court action as described in division (B) of this section. 6527

(2) If the broker cannot locate the purchaser at the time the 6528
disbursement is due, after providing the notice that division (D) 6529
of section 169.03 of the Revised Code requires, the broker shall 6530
report the earnest money as unclaimed funds to the director of 6531
commerce pursuant to section 169.03 of the Revised Code and remit 6532
all of the earnest money to the director. 6533

Sec. 4743.06. Not later than one hundred eighty days after 6534
the effective date of this section, each board, commission, or 6535
agency that is created under or by virtue of Title XLVII of the 6536
Revised Code and that is authorized to deny licensure or 6537
certification without offering an opportunity for a hearing 6538
pursuant to Chapter 119. of the Revised Code to applicants who 6539
have been convicted of, pleaded guilty to, or had a judicial 6540
finding of guilt for any specified criminal offense regardless of 6541
the jurisdiction in which the offense was committed and that 6542
intends to add specified criminal offenses to the list of criminal 6543
offenses for which licensure or certification can be so denied on 6544
the effective date of this section shall promulgate rules pursuant 6545

to Chapter 119. of the Revised Code that list each of the 6546
additional criminal offenses for which licensure or certification 6547
can be so denied and state the basis for which each of those 6548
specified criminal offenses is substantially related to a person's 6549
fitness and ability to perform the duties and responsibilities of 6550
the occupation, profession, or trade. 6551

Sec. 5120.07. (A) There is hereby created the ex-offender 6552
reentry coalition consisting of the following seventeen members or 6553
their designees: 6554

- (1) The director of rehabilitation and correction; 6555
- (2) The director of aging; 6556
- (3) The director of alcohol and drug addiction services; 6557
- (4) The director of development; 6558
- (5) The superintendent of public instruction; 6559
- (6) The director of health; 6560
- (7) The director of job and family services; 6561
- (8) The director of mental health; 6562
- (9) The director of mental retardation and developmental 6563
disabilities; 6564
- (10) The director of public safety; 6565
- (11) The director of youth services; 6566
- (12) The chancellor of the Ohio board of regents; 6567
- (13) The director of the governor's office of external 6568
affairs and economic opportunity; 6569
- (14) The director of the governor's office of faith-based and 6570
community initiatives; 6571
- (15) The director of the rehabilitation services commission; 6572

- (16) The director of the department of commerce; 6573
- (17) The executive director of a health care licensing board 6574
created under Title XLVII of the Revised Code, as appointed by the 6575
chairperson of the coalition. 6576
- (B) The members of the coalition shall serve without 6577
compensation. The director of rehabilitation and correction or the 6578
director's designee shall be the chairperson of the coalition. 6579
- (C) In consultation with persons interested and involved in 6580
the reentry of ex-offenders into the community, including but not 6581
limited to, service providers, community-based organizations, and 6582
local governments, the coalition shall identify and examine social 6583
service barriers and other obstacles to the reentry of 6584
ex-offenders into the community. Not later than one year after the 6585
effective date of this act and on or before the same date of each 6586
year thereafter, the coalition shall submit to the speaker of the 6587
house of representatives and the president of the senate a report, 6588
including recommendations for legislative action, the activities 6589
of the coalition, and the barriers affecting the successful 6590
reentry of ex-offenders into the community. The report shall 6591
analyze the effects of those barriers on ex-offenders and on their 6592
children and other family members in various areas, including but 6593
not limited to, the following: 6594
- (1) Admission to public and other housing; 6595
- (2) Child support obligations and procedures; 6596
- (3) Parental incarceration and family reunification; 6597
- (4) Social security benefits, veterans' benefits, food 6598
stamps, and other forms of public assistance; 6599
- (5) Employment; 6600
- (6) Education programs and financial assistance; 6601
- (7) Substance abuse, mental health, and sex offender 6602

treatment programs and financial assistance; 6603

(8) Civic and political participation; 6604

(9) Other collateral consequences under the Revised Code or 6605
the Ohio administrative code law that may result from a criminal 6606
conviction. 6607

Sec. 5120.52. The department of rehabilitation and correction 6608
may enter into a contract with any person or with a political 6609
subdivision in which a state correctional institution is located 6610
under which ~~the~~ an institution will provide water or sewage 6611
treatment services for the person or political subdivision if the 6612
institution has a water or sewage treatment facility with 6613
sufficient excess capacity to provide the services. 6614

Any such contract shall include all of the following: 6615

(A) Limitations on the quantity of sewage that the facility 6616
will accept or the quantity of potable water that the facility 6617
will provide that are compatible with the needs of the state 6618
correctional institution; 6619

(B) The bases for calculating reasonable rates to be charged 6620
the person or political subdivision for potable water or for 6621
sewage treatment services and for adjusting the rates; 6622

(C) All other provisions the department considers necessary 6623
or proper to protect the interests of the state in the facility 6624
and the purpose for which it was constructed. 6625

All amounts due the department under the contract shall be 6626
paid to the department by the person or political subdivision at 6627
the times specified in the contract. The department shall deposit 6628
all such amounts in the state treasury to the credit of the 6629
correctional institution water and sewage treatment facility 6630
services fund, which is hereby created. The fund shall be used by 6631
the department to pay costs associated with operating and 6632

maintaining the water or sewage treatment facility. 6633

Sec. 5120.59. Before a prisoner is released from a state 6634
correctional institution, the department of rehabilitation and 6635
correction shall attempt to verify the prisoner's identification 6636
and social security number. If the department is not able to 6637
verify the prisoner's identification and social security number, 6638
if the prisoner has no other documentary evidence required by the 6639
registrar of motor vehicles for the issuance of an identification 6640
card under section 4507.50 of the Revised Code, and if the 6641
department determines that the prisoner is legally living in the 6642
United States, the department shall issue to the prisoner upon the 6643
prisoner's release an identification card that the prisoner may 6644
present to the registrar or a deputy registrar of motor vehicles 6645
to obtain an identification card under section 4507.50 of the 6646
Revised Code. The director of rehabilitation and correction may 6647
adopt rules for the implementation of this section. 6648

6649

Sec. 5120.63. (A) As used in this section: 6650

(1) "Random drug testing" means a procedure in which blood or 6651
urine specimens are collected from individuals chosen by 6652
automatic, random selection and without prearrangement or 6653
planning, for the purpose of scientifically analyzing the 6654
specimens to determine whether the individual ingested or was 6655
injected with a drug of abuse. 6656

(2) "State correctional institution" has the same meaning as 6657
in section 2967.01 of the Revised Code. 6658

(3) "Stated prison term" has the same meaning as in section 6659
2929.01 of the Revised Code. 6660

(B) The department of rehabilitation and correction shall 6661
establish and administer a statewide random drug testing program 6662

in which all persons who were convicted of or pleaded guilty to a 6663
felony offense and are serving a stated prison term in a state 6664
correctional institution shall submit to random drug testing. The 6665
department may enter into contracts with laboratories or entities 6666
in the state that are accredited by the national institute on drug 6667
abuse to perform blood or urine specimen collection, 6668
documentation, maintenance, transportation, preservation, storage, 6669
and analyses and other duties required under this section in the 6670
performance of random drug testing of prisoners in those 6671
correctional institutions. The terms of any contract entered into 6672
under this division shall include a requirement that the 6673
laboratory or entity and its employees, the superintendents, 6674
managing officers, and employees of state correctional 6675
institutions, all employees of the department, and all other 6676
persons comply with the standards for the performance of random 6677
drug testing as specified in the policies and procedures 6678
established by the department under division (D) of this section. 6679
If no laboratory or entity has entered into a contract as 6680
specified in this division, the department shall cause a prisoner 6681
to submit to random drug testing performed by a reputable public 6682
laboratory to determine whether the prisoner ingested or was 6683
injected with a drug of abuse. 6684

(C) A prisoner who is subjected to random drug testing under 6685
this section and whose test indicates that the prisoner ingested 6686
or was injected with a drug of abuse shall pay the fee for that 6687
positive test and other subsequent test fees as a sanction 6688
specified by the department of rehabilitation and correction 6689
pursuant to division (D)(6) of this section. 6690

(D) The department of rehabilitation and correction shall 6691
establish policies and procedures to implement the random drug 6692
testing program established under this section. The policies and 6693
procedures shall include, but are not limited to, provisions that 6694

do the following: 6695

(1) Establish standards for the performance of random drug 6696
testing that include, but are not limited to, standards governing 6697
the following: 6698

(a) The collection by the laboratory or entity described in 6699
division (B) of this section of blood or urine specimens of 6700
individuals in a scientifically or medically approved manner and 6701
under reasonable and sanitary conditions; 6702

(b) The collection and testing by the laboratory or entity 6703
described in division (B) of this section of blood or urine 6704
specimens with due regard for the privacy of the individual being 6705
tested and in a manner reasonably calculated to prevent 6706
substitutions or interference with the collection and testing of 6707
the specimens; 6708

(c) The documentation of blood or urine specimens collected 6709
by the laboratory or entity described in division (B) of this 6710
section and documentation procedures that reasonably preclude the 6711
possibility of erroneous identification of test results and that 6712
provide the individual being tested an opportunity to furnish 6713
information identifying any prescription or nonprescription drugs 6714
used by the individual in connection with a medical condition; 6715

(d) The collection, maintenance, storage, and transportation 6716
by the laboratory or entity described in division (B) of this 6717
section of blood or urine specimens in a manner that reasonably 6718
precludes the possibility of contamination or adulteration of the 6719
specimens; 6720

(e) The testing by the laboratory or entity described in 6721
division (B) of this section of blood or urine specimen of an 6722
individual to determine whether the individual ingested or was 6723
injected with a drug of abuse, in a manner that conforms to 6724
scientifically accepted analytical methods and procedures and that 6725

may include verification or confirmation of any positive test 6726
result by a reliable analytical method; 6727

(f) The analysis of an individual's blood or urine specimen 6728
by an employee of the laboratory or entity described in division 6729
(B) of this section who is qualified by education, training, and 6730
experience to perform that analysis and whose regular duties 6731
include the analysis of blood or urine specimens to determine the 6732
presence of a drug of abuse and whether the individual who is the 6733
subject of the test ingested or was injected with a drug of abuse. 6734

(2) Specify the frequency of performing random drug testing 6735
of prisoners in a state correctional institution; 6736

(3) Prescribe procedures for the automatic, random selection 6737
of prisoners in a state correctional institution to submit to 6738
random drug testing under this section; 6739

(4) Provide for reasonable safeguards for the transmittal 6740
from the laboratory or entity described in division (B) of this 6741
section to the department of the results of the random drug 6742
testing of prisoners in state correctional institutions pursuant 6743
to division (F) of this section; 6744

(5) Establish a reasonable fee to cover the costs associated 6745
with random drug testing and analyses performed by a laboratory or 6746
entity under this section and establish procedures for the 6747
collection of those fees from the prisoners subjected to the drug 6748
test; 6749

(6) Establish guidelines for imposing sanctions upon a 6750
prisoner whose test results indicate that the prisoner ingested or 6751
was injected with a drug of abuse. 6752

(E) The warden of each correctional institution, pursuant to 6753
the contract entered into under division (B) of this section or, 6754
if no contract was entered into under that division, pursuant to 6755
the policies and procedures established by the department of 6756

rehabilitation and correction under division (D) of this section, 6757
shall facilitate the collection, documentation, maintenance, and 6758
transportation by the laboratory or entity described in division 6759
(B) of this section, of the blood or urine specimens of the 6760
prisoners in the state correctional institution who are subject to 6761
random drug testing. 6762

(F) A laboratory or entity that performs random drug testing 6763
of prisoners and analyses of blood or urine specimens under this 6764
section shall transmit the results of each drug test to the 6765
department of rehabilitation and correction. The department shall 6766
file for record the results of the drug tests that indicate 6767
whether or not each prisoner in the state correctional institution 6768
who was subjected to the drug test ingested or was injected with a 6769
drug of abuse. The department shall send a copy of the results of 6770
the drug tests to the warden of the state correctional institution 6771
in which the prisoner who was subjected to the drug test is 6772
confined. The warden shall give appropriate notice of the drug 6773
test results to each prisoner who was subjected to the drug test 6774
and whose drug test results indicate that the prisoner ingested or 6775
was injected with a drug of abuse. In accordance with 6776
institutional disciplinary procedures, the warden shall afford 6777
that prisoner an opportunity to be heard regarding the results of 6778
the drug test and to present contrary evidence at a hearing held 6779
before the warden within thirty days after notification to the 6780
prisoner under this division. After the hearing, if a hearing is 6781
held, the warden shall make a determination regarding any evidence 6782
presented by the prisoner. If the warden rejects the evidence 6783
presented by the prisoner at the hearing or if no hearing is held 6784
under this division, the warden may subject the prisoner to 6785
sanctions that include payment of the fee for the test. 6786

~~(G) If a prisoner has been subjected to two or more drug 6787
tests pursuant to this section and if the results of two of those 6788~~

~~tests indicate that the prisoner ingested or was injected with a drug of abuse, the parole board may extend the stated prison term of the prisoner pursuant to the bad time provisions in section 2967.11 of the Revised Code if by ingesting or being injected with the drug of abuse the prisoner committed a violation as defined in that section.~~

~~(H)~~ All fees for random drug tests collected from prisoners under this section or collected by the adult parole authority under section 2929.15, 2951.05, or 2967.131 of the Revised Code shall be forwarded to the treasurer of state for deposit in the offender financial responsibility fund created in division (I) of section 5120.56 of the Revised Code.

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

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

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense,

and either the date on which the inmate will be eligible for 6820
parole relative to the offense if the prison term or term of 6821
imprisonment is an indefinite term or life term or the date on 6822
which the term ends if the prison term is a definite term; 6823

(c) All of the following information that is applicable 6824
regarding the inmate: 6825

(i) If known to the department prior to the conduct of any 6826
hearing for judicial release of the defendant pursuant to section 6827
2929.20 of the Revised Code in relation to any prison term or term 6828
of imprisonment the inmate is serving for any offense, notice of 6829
the fact that the inmate will be having a hearing regarding a 6830
possible grant of judicial release, the date of the hearing, and 6831
the right of any person pursuant to division (J) of that section 6832
to submit to the court a written statement regarding the possible 6833
judicial release; 6834

(ii) If the inmate is serving a prison term pursuant to 6835
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 6836
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 6837
Code, prior to the conduct of any hearing pursuant to section 6838
2971.05 of the Revised Code to determine whether to modify the 6839
requirement that the inmate serve the entire prison term in a 6840
state correctional facility in accordance with division (C) of 6841
that section, whether to continue, revise, or revoke any existing 6842
modification of that requirement, or whether to terminate the 6843
prison term in accordance with division (D) of that section, 6844
notice of the fact that the inmate will be having a hearing 6845
regarding those determinations and of the date of the hearing; 6846

(iii) At least three weeks before the adult parole authority 6847
recommends a pardon or commutation of sentence for the inmate or 6848
at least three weeks prior to a hearing before the adult parole 6849
authority regarding a grant of parole to the inmate in relation to 6850
any prison term or term of imprisonment the inmate is serving for 6851

any offense, notice of the fact that the inmate might be under 6852
consideration for a pardon or commutation of sentence or will be 6853
having a hearing regarding a possible grant of parole, of the date 6854
of any hearing regarding a possible grant of parole, and of the 6855
right of any person to submit a written statement regarding the 6856
pending action; 6857

(iv) At least three weeks before the inmate ~~has a hearing~~ 6858
~~regarding a transfer~~ is transferred to transitional control under 6859
section 2967.26 of the Revised Code in relation to any prison term 6860
or term of imprisonment the inmate is serving for any offense, 6861
notice of the pendency of the transfer, of the date of the 6862
possible transfer, and of the right of any person to submit a 6863
statement regarding the possible transfer; 6864

(v) Prompt notice of the inmate's escape from any facility in 6865
which the inmate was incarcerated and of the capture of the inmate 6866
after an escape; 6867

(vi) Notice of the inmate's death while in confinement; 6868

(vii) Prior to the release of the inmate from confinement, 6869
notice of the fact that the inmate will be released, of the date 6870
of the release, and, if applicable, of the standard terms and 6871
conditions of the release; 6872

(viii) Notice of the inmate's judicial release. 6873

(2) Information as to where a person can send written 6874
statements of the types referred to in divisions (A)(1)(c)(i), 6875
(iii), and (iv) of this section. 6876

(B)(1) The department shall update the database required 6877
under division (A) of this section every twenty-four hours to 6878
ensure that the information it contains is accurate and current. 6879

(2) The database required under division (A) of this section 6880
is a public record open for inspection under section 149.43 of the 6881

Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.

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

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

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

(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."

Sec. 5120.70. (A) There is hereby created in the state treasury the federal equitable sharing fund. The director of rehabilitation and correction shall deposit in the fund all money received by the department from the federal government as equitable sharing payments under 28 U.S.C. 524. The director shall establish rules pursuant to Chapter 119. of the Revised Code for the operation of the fund.

(B)(1) The department of rehabilitation and correction shall use federally forfeited property and the proceeds of federally forfeited property only for law enforcement purposes. The

department shall implement auditing procedures that will trace 6912
assets and interest to the equitable sharing fund. 6913

(2) Within sixty days of the close of the fiscal year, the 6914
department shall submit to the chairpersons of the committees of 6915
the senate and the house of representatives that consider criminal 6916
justice legislation all of the following information: 6917

(a) The annual certification report submitted to the United 6918
States department of justice and the United States department of 6919
treasury; 6920

(b) A report identifying all DAG-71 forms submitted to the 6921
federal government and a consecutive numbering log of the copies 6922
including identifiers for the type of asset, the amount, the share 6923
requested, the amount received, and the date received. 6924

(3) The department shall provide the committees with any 6925
documentation related to the reports that members of the 6926
committees request. The report may be submitted in a tangible 6927
format, an electronic format, or both. 6928

Sec. 5139.02. (A)(1) As used in this section, "managing 6929
officer" means ~~the assistant director~~, a deputy director, an 6930
assistant deputy director, a superintendent, a regional 6931
administrator, a deputy superintendent, or the superintendent of 6932
schools of the department of youth services, a member of the 6933
release authority, the chief of staff to the release authority, 6934
and the victims administrator of the office of victim services. 6935

(2) Each division established by the director of youth 6936
services shall consist of managing officers and other employees, 6937
including those employed in institutions and regions as necessary 6938
to perform the functions assigned to them. The director, ~~assistant~~ 6939
~~director~~, or appropriate deputy director or managing officer of 6940
the department shall supervise the work of each division and 6941

determine general policies governing the exercise of powers vested 6942
in the department and assigned to each division. The appropriate 6943
managing officer or deputy director is responsible to the director 6944
~~or assistant director~~ for the organization, direction, and 6945
supervision of the work of the division or unit and for the 6946
exercise of the powers and the performance of the duties of the 6947
department assigned to it and, with the director's approval, may 6948
establish bureaus or other administrative units within the 6949
department. 6950

(B) The director shall appoint all managing officers, who 6951
shall be in the unclassified civil service. The director may 6952
appoint a person who holds a certified position in the classified 6953
service within the department to a position as a managing officer 6954
within the department. A person appointed pursuant to this 6955
division to a position as a managing officer shall retain the 6956
right to resume the position and status held by the person in the 6957
classified service immediately prior to the person's appointment 6958
as managing officer, regardless of the number of positions the 6959
person held in the unclassified service. A managing officer's 6960
right to resume a position in the classified service may only be 6961
exercised when the director demotes the managing officer to a pay 6962
range lower than the managing officer's current pay range or 6963
revokes the managing officer's appointment to the position of 6964
managing officer. A managing officer forfeits the right to resume 6965
a position in the classified service when the managing officer is 6966
removed from the position of managing officer due to incompetence, 6967
inefficiency, dishonesty, drunkenness, immoral conduct, 6968
insubordination, discourteous treatment of the public, neglect of 6969
duty, violation of this chapter or Chapter 124. of the Revised 6970
Code, the rules of the director of youth services or the director 6971
of administrative services, any other failure of good behavior, 6972
any other acts of misfeasance, malfeasance, or nonfeasance in 6973
office, or conviction of a felony. A managing officer also 6974

forfeits the right to resume a position in the classified service 6975
upon transfer to a different agency. 6976

Reinstatement to a position in the classified service shall 6977
be to the position held in the classified service immediately 6978
prior to appointment as managing officer, or to another position 6979
certified by the director of administrative services as being 6980
substantially equal to that position. If the position the person 6981
previously held in the classified service immediately prior to 6982
appointment as a managing officer has been placed in the 6983
unclassified service or is otherwise unavailable, the person shall 6984
be appointed to a position in the classified service within the 6985
department that the director of administrative services certifies 6986
is comparable in compensation to the position the person 6987
previously held in the classified service. Service as a managing 6988
officer shall be counted as service in the position in the 6989
classified service held by the person immediately prior to the 6990
person's appointment as a managing officer. If a person is 6991
reinstated to a position in the classified service under this 6992
division, the person shall be returned to the pay range and step 6993
to which the person had been assigned at the time of the 6994
appointment as managing officer. Longevity, where applicable, 6995
shall be calculated pursuant to the provisions of section 124.181 6996
of the Revised Code. 6997

(C) Each person appointed as a managing officer shall have 6998
received special training and shall have experience in the type of 6999
work that the person's division is required to perform. Each 7000
managing officer, under the supervision of the director, has 7001
entire charge of the division, institution, unit, or region for 7002
which the managing officer is appointed and, with the director's 7003
approval, shall appoint necessary employees and may remove them 7004
for cause. 7005

(D) The director may designate one or more deputy directors 7006

to sign any personnel actions on the director's behalf. The 7007
director shall make a designation in a writing signed by the 7008
director, and the designation shall remain in effect until the 7009
director revokes or supersedes it with a new designation. 7010

Sec. 5139.18. (A) Except with respect to children who are 7011
granted a judicial release to court supervision pursuant to 7012
division (B) of section 2152.22 of the Revised Code, the 7013
department of youth services is responsible for locating homes or 7014
jobs for children released from its institutions, for supervision 7015
of children released from its institutions, and for providing or 7016
arranging for the provision to those children of appropriate 7017
services that are required to facilitate their satisfactory 7018
community adjustment. Regional administrators through their staff 7019
of parole officers shall supervise children paroled or released to 7020
community supervision in a manner that insures as nearly as 7021
possible the children's rehabilitation and that provides maximum 7022
protection to the general public. 7023

(B) The department of youth services shall exercise general 7024
supervision over all children who have been released on placement 7025
from any of its institutions other than children who are granted a 7026
judicial release to court supervision pursuant to division (B) of 7027
section 2152.22 of the Revised Code. The director of youth 7028
services, with the consent and approval of the board of county 7029
commissioners of any county, may contract with the public children 7030
services agency of that county, the department of probation of 7031
that county established pursuant to section 2301.27 of the Revised 7032
Code, or the probation department or service established pursuant 7033
to sections 2151.01 to 2151.54 of the Revised Code for the 7034
provision of direct supervision and control over and the provision 7035
of supportive assistance to all children who have been released on 7036
placement into that county from any of its institutions, or, with 7037
the consent of the juvenile judge or the administrative judge of 7038

the juvenile court of any county, contract with any other public 7039
agency, institution, or organization that is qualified to provide 7040
the care and supervision that is required under the terms and 7041
conditions of the child's treatment plan for the provision of 7042
direct supervision and control over and the provision of 7043
supportive assistance to all children who have been released on 7044
placement into that county from any of its institutions. 7045

(C) A juvenile parole officer shall furnish to a child placed 7046
on community control under the parole officer's supervision a 7047
statement of the conditions of parole and shall instruct the child 7048
regarding them. The parole officer shall keep informed concerning 7049
the conduct and condition of a child under the parole officer's 7050
supervision and shall report on the child's conduct to the judge 7051
as the judge directs. A parole officer shall use all suitable 7052
methods to aid a child on community control and to improve the 7053
child's conduct and condition. A parole officer shall keep full 7054
and accurate records of work done for children under the parole 7055
officer's supervision. 7056

(D) In accordance with division (D) of section 2151.14 of the 7057
Revised Code, a court may issue an order requiring boards of 7058
education, governing bodies of chartered nonpublic schools, public 7059
children services agencies, private child placing agencies, 7060
probation departments, law enforcement agencies, and prosecuting 7061
attorneys that have records related to the child in question to 7062
provide copies of one or more specified records, or specified 7063
information in one or more specified records, that the individual 7064
or entity has with respect to the child to the department of youth 7065
services when the department has custody of the child or is 7066
performing any services for the child that are required by the 7067
juvenile court or by statute, and the department requests the 7068
records in accordance with division (D)(3)(a) of section 2151.14 7069
of the Revised Code. 7070

(E) Whenever any placement official has reasonable cause to believe that any child released by a court pursuant to section 2152.22 of the Revised Code has violated the conditions of the child's placement, the official may request, in writing, from the committing court or transferee court a custodial order, and, upon reasonable and probable cause, the court may order any sheriff, deputy sheriff, constable, or police officer to apprehend the child. A child so apprehended may be confined in the detention facility of the county in which the child is apprehended until further order of the court. If a child who was released on supervised release by the release authority of the department of youth services or a child who was granted a judicial release to department of youth services supervision violates the conditions of the supervised release or judicial release, section 5139.52 of the Revised Code applies with respect to that child.

Sec. 5139.281. The department of youth services shall adopt rules prescribing the manner of application for financial assistance under this section for the operation and maintenance of a detention facility provided, or district detention facility established, under section 2151.41 of the Revised Code and prescribing minimum standards of operation, including criteria for programs of education, training, counseling, recreation, health, and safety, and qualifications of personnel with which a facility shall comply as a condition of eligibility for assistance under this section. If the board of county commissioners providing a detention facility or the board of trustees of a district detention facility applies to the department for assistance and if the department finds that the application is in accordance with the rules adopted under this section and that the facility meets the minimum standards adopted under this section, the department may grant assistance to the applicant board for the operation and maintenance of each facility in an amount not to exceed fifty per

cent of the approved annual operating cost. The board shall make a separate application for each year for which assistance is requested.

The department shall adopt any necessary rules for the care, treatment, and training in a district detention facility of children found to be delinquent children and committed to the facility by the juvenile court under section 2151.19 of the Revised Code and may approve for this purpose any facility that is found to be in compliance with the rules it adopts.

The department shall ~~provide fund~~, at least once every six months, in-service training programs approved by the department for staff members of detention facilities or district detention facilities ~~and shall pay all travel and other necessary expenses incurred by participating staff members.~~

Sec. 5139.31. The department of youth services may inspect any school, forestry camp, district detention facility, or other facility for which an application for financial assistance has been made to the department under section 2152.43 or 2151.651 of the Revised Code or for which financial assistance has been granted by the department under section 5139.27, 5139.271, or 5139.281 of the Revised Code. The inspection may include, but need not be limited to, examination and evaluation of the physical condition of the school, forestry camp, district detention facility, or other facility, including any equipment used in connection with it; observation and evaluation of the ~~training~~ programming and treatment of children admitted to it; examination and analysis and copying of any papers, records, or other documents relating to the qualifications of personnel, the commitment of children to it, and its administration.

Sec. 5139.36. (A) In accordance with this section and the

rules adopted under it and from funds appropriated to the 7133
department of youth services for the purposes of this section, the 7134
department shall make grants that provide financial resources to 7135
operate community corrections facilities for felony delinquents. 7136

(B)(1) Each community corrections facility that intends to 7137
seek a grant under this section shall file an application with the 7138
department of youth services at the time and in accordance with 7139
the procedures that the department shall establish by rules 7140
adopted in accordance with Chapter 119. of the Revised Code. In 7141
addition to other items required to be included in the 7142
application, a plan that satisfies both of the following shall be 7143
included: 7144

(a) It reduces the number of felony delinquents committed to 7145
the department from the county or counties associated with the 7146
community corrections facility. 7147

(b) It ensures equal access for minority felony delinquents 7148
to the programs and services for which a potential grant would be 7149
used. 7150

(2) The department of youth services shall review each 7151
application submitted pursuant to division (B)(1) of this section 7152
to determine whether the plan described in that division, the 7153
community corrections facility, and the application comply with 7154
this section and the rules adopted under it. 7155

(C) To be eligible for a grant under this section and for 7156
continued receipt of moneys comprising a grant under this section, 7157
a community corrections facility shall satisfy at least all of the 7158
following requirements: 7159

(1) Be constructed, reconstructed, improved, or financed by 7160
the Ohio building authority pursuant to section 307.021 of the 7161
Revised Code and Chapter 152. of the Revised Code for the use of 7162
the department of youth services and be designated as a community 7163

corrections facility; 7164

(2) Have written standardized criteria governing the types of 7165
felony delinquents that are eligible for the programs and services 7166
provided by the facility; 7167

(3) Have a written standardized intake screening process and 7168
an intake committee that at least performs both of the following 7169
tasks: 7170

(a) Screens all eligible felony delinquents who are being 7171
considered for admission to the facility in lieu of commitment to 7172
the department; 7173

(b) Notifies, within ten days after the date of the referral 7174
of a felony delinquent to the facility, the committing court 7175
whether the felony delinquent will be admitted to the facility. 7176

(4) Comply with all applicable fiscal and program rules that 7177
the department adopts in accordance with Chapter 119. of the 7178
Revised Code and demonstrate that felony delinquents served by the 7179
facility have been or will be diverted from a commitment to the 7180
department. 7181

(D) The department of youth services shall determine the 7182
method of distribution of the funds appropriated for grants under 7183
this section to community corrections facilities. 7184

(E)(1) The department of youth services shall adopt rules in 7185
accordance with Chapter 119. of the Revised Code to establish the 7186
minimum occupancy threshold of community corrections facilities. 7187

(2) The department may make referrals for the placement of 7188
children in its custody to a community corrections facility. At 7189
least forty-five days prior to the referral of a child or within 7190
any shorter period prior to the referral of the child that the 7191
committing court may allow, the department shall notify the 7192
committing court of its intent to place the child in a community 7193

corrections facility. The court shall have thirty days after the receipt of the notice to approve or disapprove the placement. If the court does not respond to the notice of the placement within that thirty-day period, the department shall proceed with the placement and debit the county in accordance with sections 5139.41 to 5139.43 of the Revised Code. A child placed in a community corrections facility pursuant to this division shall remain in the legal custody of the department of youth services during the period in which the child is in the community corrections facility.

(3) Counties that are not associated with a community corrections facility may refer children to a community corrections facility with the consent of the facility. The department of youth services shall debit the county that makes the referral in accordance with sections 5139.41 to 5139.43 of the Revised Code.

(F) ~~If the~~ The board or other governing body of a community corrections facility ~~establishes an advisory board, the board or other governing authority of the~~ shall meet not less often than once per quarter. A community corrections facility ~~shall~~ may reimburse the members of the board or other governing body of the facility and the members of an advisory board created by the board or other governing body of the facility for their actual and necessary expenses incurred in the performance of their official duties ~~on the advisory board~~. The members of the board or other governing body of the facility and the members of an advisory boards board created by the board or other governing body of the facility shall serve without compensation.

Sec. 5139.38. Within ninety days prior to the expiration of the prescribed minimum period of institutionalization of a felony delinquent committed to the department of youth services and with prior ~~notification to~~ approval of the committing court, the

department may transfer the felony delinquent to a community 7225
facility ~~for a period of supervised treatment prior to ordering a~~ 7226
~~release of the felony delinquent~~ on supervised release ~~or prior to~~ 7227
~~the release and placement of the felony delinquent~~ as described in 7228
section 5139.18 of the Revised Code. For purposes of transfers 7229
under this section, both of the following apply: 7230

(A) The community facility may be a community corrections 7231
facility that has received a grant pursuant to section 5139.36 of 7232
the Revised Code, a community residential program with which the 7233
department has contracted for purposes of this section, or another 7234
private entity with which the department has contracted for 7235
purposes of this section. Division (E) of section 5139.36 of the 7236
Revised Code does not apply in connection with a transfer of a 7237
felony delinquent that is made to a community corrections facility 7238
pursuant to this section. 7239

(B) During the period in which the felony delinquent is in 7240
the community facility, the felony delinquent shall remain in the 7241
custody of the department. 7242

Sec. 5139.41. The appropriation made to the department of 7243
youth services for care and custody of felony delinquents shall be 7244
expended in accordance with the following procedure that the 7245
department shall use for each year of a biennium. The procedure 7246
shall be consistent with sections 5139.41 to 5139.43 of the 7247
Revised Code and shall be developed in accordance with the 7248
following guidelines: 7249

(A) The line item appropriation for the care and custody of 7250
felony delinquents shall provide funding for operational costs for 7251
the following: 7252

(1) Institutions and the diagnosis, care, or treatment of 7253
felony delinquents at facilities pursuant to contracts entered 7254
into under section 5139.08 of the Revised Code; 7255

(2) Community corrections facilities constructed, 7256
reconstructed, improved, or financed as described in section 7257
5139.36 of the Revised Code for the purpose of providing 7258
alternative placement and services for felony delinquents who have 7259
been diverted from care and custody in institutions; 7260

(3) County juvenile courts that administer programs and 7261
services for prevention, early intervention, diversion, treatment, 7262
and rehabilitation services and programs that are provided for 7263
alleged or adjudicated unruly or delinquent children or for 7264
children who are at risk of becoming unruly or delinquent 7265
children; 7266

(4) Administrative expenses the department incurs in 7267
connection with the felony delinquent care and custody programs 7268
described in section 5139.43 of the Revised Code. 7269

(B) From the appropriated line item for the care and custody 7270
of felony delinquents, the department, with the advice of the 7271
RECLAIM advisory committee established under section 5139.44 of 7272
the Revised Code, shall allocate annual operational funds for 7273
county juvenile programs, institutional care and custody, 7274
community corrections facilities care and custody, and 7275
administrative expenses incurred by the department associated with 7276
felony delinquent care and custody programs. The department, with 7277
the advice of the RECLAIM advisory committee, shall adjust these 7278
allocations, when modifications to this line item are made by 7279
legislative or executive action. 7280

(C) The department shall divide county juvenile program 7281
allocations among county juvenile courts that administer programs 7282
and services for prevention, early intervention, diversion, 7283
treatment, and rehabilitation that are provided for alleged or 7284
adjudicated unruly or delinquent children or for children who are 7285
at risk of becoming unruly or delinquent children. The department 7286
shall base funding on the county's previous year's ratio of the 7287

department's institutional and community correctional facilities 7288
commitments to that county's four year average of felony 7289
adjudications, ~~divided by statewide ratios of commitments to~~ 7290
~~felony adjudications~~, as specified in the following formula: 7291

(1) The department shall give to each county a proportional 7292
allocation of commitment credits. The proportional allocation of 7293
commitment credits shall be calculated by the following 7294
procedures: 7295

(a) The department shall determine for each county and for 7296
the state a four year average of felony adjudications. 7297

(b) The department shall determine for each county and for 7298
the state the number of charged bed days, for both the department 7299
and community correctional facilities, from the previous year. 7300

(c) The department shall divide the statewide total number of 7301
charged bed days by the statewide total number of felony 7302
adjudications, which quotient shall then be multiplied by a factor 7303
determined by the department. 7304

(d) The department shall calculate the county's allocation of 7305
credits by multiplying the number of adjudications for each court 7306
by the result determined pursuant to division (C)(1)(c) of this 7307
section. 7308

(2) The department shall subtract from the allocation 7309
determined pursuant to division (C)(1) of this section a credit 7310
for every chargeable bed day a youth stays in a department 7311
institution and two-thirds of credit for every chargeable bed day 7312
a youth stays in a community correctional facility, except for 7313
public safety beds. At the end of the year, the department shall 7314
divide the amount of remaining credits of that county's allocation 7315
by the total number of remaining credits to all counties, to 7316
determine the county's percentage, which shall then be applied to 7317
the total county allocation to determine the county's payment for 7318

the fiscal year. 7319

(3) The department shall pay counties three times during the 7320
fiscal year to allow for credit reporting and audit adjustments, 7321
and modifications to the appropriated line item for the care and 7322
custody of felony delinquents, as described in this section. The 7323
department shall pay fifty per cent of the payment by the 7324
fifteenth of July of each fiscal year, twenty-five per cent by the 7325
fifteenth of January of that fiscal year, and twenty-five per cent 7326
of the payment by the fifteenth of June of that fiscal year. 7327

(D) In fiscal year 2004, the payment of county juvenile 7328
programs shall be based on the following procedure: 7329

(1) The department shall divide the funding earned by each 7330
court in fiscal year 2003 by the aggregate funding of all courts, 7331
resulting in a percentage. 7332

(2) The department shall apply the percentage determined 7333
under division (D)(1) of this section to the total county juvenile 7334
program allocation for fiscal year 2004 to determine each court's 7335
total payment. 7336

(3) The department shall make payments in accordance with the 7337
schedule established in division (C)(3) of this section. 7338

Sec. 5139.43. (A) The department of youth services shall 7339
operate a felony delinquent care and custody program that shall be 7340
operated in accordance with the formula developed pursuant to 7341
section 5139.41 of the Revised Code, subject to the conditions 7342
specified in this section. 7343

(B)(1) Each juvenile court shall use the moneys disbursed to 7344
it by the department of youth services pursuant to division (B) of 7345
section 5139.41 of the Revised Code in accordance with the 7346
applicable provisions of division (B)(2) of this section and shall 7347
transmit the moneys to the county treasurer for deposit in 7348

accordance with this division. The county treasurer shall create 7349
in the county treasury a fund that shall be known as the felony 7350
delinquent care and custody fund and shall deposit in that fund 7351
the moneys disbursed to the juvenile court pursuant to division 7352
(B) of section 5139.41 of the Revised Code. The county treasurer 7353
also shall deposit into that fund the state subsidy funds granted 7354
to the county pursuant to section 5139.34 of the Revised Code. The 7355
moneys disbursed to the juvenile court pursuant to division (B) of 7356
section 5139.41 of the Revised Code and deposited pursuant to this 7357
division in the felony delinquent care and custody fund shall not 7358
be commingled with any other county funds except state subsidy 7359
funds granted to the county pursuant to section 5139.34 of the 7360
Revised Code; shall not be used for any capital construction 7361
projects; upon an order of the juvenile court and subject to 7362
appropriation by the board of county commissioners, shall be 7363
disbursed to the juvenile court for use in accordance with the 7364
applicable provisions of division (B)(2) of this section; shall 7365
not revert to the county general fund at the end of any fiscal 7366
year; and shall carry over in the felony delinquent care and 7367
custody fund from the end of any fiscal year to the next fiscal 7368
year. At the end of each fiscal year, beginning June 30, 2008, the 7369
balance in the felony delinquent care and custody fund in any 7370
county shall not exceed the total moneys allocated to the county 7371
pursuant to sections 5139.34 and 5139.41 of the Revised Code 7372
during the previous fiscal year, unless that county has applied 7373
for and been granted an exemption by the director of youth 7374
services. The department shall withhold from future payments to a 7375
county an amount equal to any moneys in the felony delinquent care 7376
and custody fund of the county that exceed the total moneys 7377
allocated pursuant to those sections to the county during the 7378
preceding fiscal year and shall reallocate the withheld amount. 7379
The department shall adopt rules for the withholding and 7380
reallocation of moneys disbursed under sections 5139.34 and 7381

5139.41 of the Revised Code and for the criteria and process for a county to obtain an exemption from the withholding requirement. The moneys disbursed to the juvenile court pursuant to division (B) of section 5139.41 of the Revised Code and deposited pursuant to this division in the felony delinquent care and custody fund shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the juvenile court is eligible to receive or the current level of county funding of the juvenile court and of any programs or services for delinquent children, unruly children, or juvenile traffic offenders.

(2)(a) A county and the juvenile court that serves the county shall use the moneys in its felony delinquent care and custody fund in accordance with rules that the department of youth services adopts pursuant to division (D) of section 5139.04 of the Revised Code and as follows:

(i) The moneys in the fund that represent state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code shall be used to aid in the support of prevention, early intervention, diversion, treatment, and rehabilitation programs that are provided for alleged or adjudicated unruly children or delinquent children or for children who are at risk of becoming unruly children or delinquent children. The county shall not use for capital improvements more than fifteen per cent of the moneys in the fund that represent the applicable annual grant of those state subsidy funds.

(ii) The moneys in the fund that were disbursed to the juvenile court pursuant to division (B) of section 5139.41 of the Revised Code and deposited pursuant to division (B)(1) of this section in the fund shall be used to provide programs and services for the training, treatment, or rehabilitation of felony delinquents that are alternatives to their commitment to the department, including, but not limited to, community residential

programs, day treatment centers, services within the home, and 7414
electronic monitoring, and shall be used in connection with 7415
training, treatment, rehabilitation, early intervention, or other 7416
programs or services for any delinquent child, unruly child, or 7417
juvenile traffic offender who is under the jurisdiction of the 7418
juvenile court. 7419

The fund also may be used for prevention, early intervention, 7420
diversion, treatment, and rehabilitation programs that are 7421
provided for alleged or adjudicated unruly children, delinquent 7422
children, or juvenile traffic offenders or for children who are at 7423
risk of becoming unruly children, delinquent children, or juvenile 7424
traffic offenders. Consistent with division (B)(1) of this 7425
section, a county and the juvenile court of a county shall not use 7426
any of those moneys for capital construction projects. 7427

(iii) Moneys in the fund shall not be used to support 7428
programs or services that do not comply with federal juvenile 7429
justice and delinquency prevention core requirements or to support 7430
programs or services that research has shown to be ineffective. 7431

(iv) The county and the juvenile court that serves the county 7432
may not use moneys in the fund for the provision of care and 7433
services for children, including, but not limited to, care and 7434
services in a detention facility, in another facility, or in to 7435
provide out-of-home placement, unless the minimum standards that 7436
apply to the care and services and that the department prescribes 7437
in rules adopted pursuant to division (D) of section 5139.04 of 7438
the Revised Code have been satisfied of children only in detention 7439
centers, community rehabilitation centers, or community 7440
corrections facilities approved by the department pursuant to 7441
standards adopted by the department, licensed by an authorized 7442
state agency, or accredited by the American correctional 7443
association or another national organization recognized by the 7444
department. 7445

(b) Each juvenile court shall comply with division (B)(3)(d) 7446
of this section as implemented by the department. If a juvenile 7447
court fails to comply with division (B)(3)(d) of this section, the 7448
department shall not be required to make any disbursements in 7449
accordance with division (C) or (D) of section 5139.41 or division 7450
(C)(2) of section 5139.34 of the Revised Code. 7451

(3) In accordance with rules adopted by the department 7452
pursuant to division (D) of section 5139.04 of the Revised Code, 7453
each juvenile court and the county served by that juvenile court 7454
shall do all of the following that apply: 7455

(a) The juvenile court shall prepare an annual grant 7456
agreement and application for funding that satisfies the 7457
requirements of this section and section 5139.34 of the Revised 7458
Code and that pertains to the use, upon an order of the juvenile 7459
court and subject to appropriation by the board of county 7460
commissioners, of the moneys in its felony delinquent care and 7461
custody fund for specified programs, care, and services as 7462
described in division (B)(2)(a) of this section, shall submit that 7463
agreement and application to the county family and children first 7464
council, the regional family and children first council, or the 7465
local intersystem services to children cluster as described in 7466
sections 121.37 and 121.38 of the Revised Code, whichever is 7467
applicable, and shall file that agreement and application with the 7468
department for its approval. The annual grant agreement and 7469
application for funding shall include a method of ensuring equal 7470
access for minority youth to the programs, care, and services 7471
specified in it. 7472

The department may approve an annual grant agreement and 7473
application for funding only if the juvenile court involved has 7474
complied with the preparation, submission, and filing requirements 7475
described in division (B)(3)(a) of this section. If the juvenile 7476
court complies with those requirements and the department approves 7477

that agreement and application, the juvenile court and the county 7478
served by the juvenile court may expend the state subsidy funds 7479
granted to the county pursuant to section 5139.34 of the Revised 7480
Code only in accordance with division (B)(2)(a) of this section, 7481
the rules pertaining to state subsidy funds that the department 7482
adopts pursuant to division (D) of section 5139.04 of the Revised 7483
Code, and the approved agreement and application. 7484

(b) By the thirty-first day of August of each year, the 7485
juvenile court shall file with the department a report that 7486
contains all of the statistical and other information for each 7487
month of the prior state fiscal year. If the juvenile court fails 7488
to file the report required by division (B)(3)(b) of this section 7489
by the thirty-first day of August of any year, the department 7490
shall not disburse any payment of state subsidy funds to which the 7491
county otherwise is entitled pursuant to section 5139.34 of the 7492
Revised Code and shall not disburse pursuant to division (B) of 7493
section 5139.41 of the Revised Code the applicable allocation 7494
until the juvenile court fully complies with division (B)(3)(b) of 7495
this section. 7496

(c) If the department requires the juvenile court to prepare 7497
monthly statistical reports and to submit the reports on forms 7498
provided by the department, the juvenile court shall file those 7499
reports with the department on the forms so provided. If the 7500
juvenile court fails to prepare and submit those monthly 7501
statistical reports within the department's timelines, the 7502
department shall not disburse any payment of state subsidy funds 7503
to which the county otherwise is entitled pursuant to section 7504
5139.34 of the Revised Code and shall not disburse pursuant to 7505
division (B) of section 5139.41 of the Revised Code the applicable 7506
allocation until the juvenile court fully complies with division 7507
(B)(3)(c) of this section. If the juvenile court fails to prepare 7508
and submit those monthly statistical reports within one hundred 7509

eighty days of the date the department establishes for their 7510
submission, the department shall not disburse any payment of state 7511
subsidy funds to which the county otherwise is entitled pursuant 7512
to section 5139.34 of the Revised Code and shall not disburse 7513
pursuant to division (B) of section 5139.41 of the Revised Code 7514
the applicable allocation, and the state subsidy funds and the 7515
remainder of the applicable allocation shall revert to the 7516
department. If a juvenile court states in a monthly statistical 7517
report that the juvenile court adjudicated within a state fiscal 7518
year five hundred or more children to be delinquent children for 7519
committing acts that would be felonies if committed by adults and 7520
if the department determines that the data in the report may be 7521
inaccurate, the juvenile court shall have an independent auditor 7522
or other qualified entity certify the accuracy of the data on a 7523
date determined by the department. 7524

(d) If the department requires the juvenile court and the 7525
county to participate in a fiscal monitoring program or another 7526
monitoring program that is conducted by the department to ensure 7527
compliance by the juvenile court and the county with division (B) 7528
of this section, the juvenile court and the county shall 7529
participate in the program and fully comply with any guidelines 7530
for the performance of audits adopted by the department pursuant 7531
to that program and all requests made by the department pursuant 7532
to that program for information necessary to reconcile fiscal 7533
accounting. If an audit that is performed pursuant to a fiscal 7534
monitoring program or another monitoring program described in this 7535
division determines that the juvenile court or the county used 7536
moneys in the county's felony delinquent care and custody fund for 7537
expenses that are not authorized under division (B) of this 7538
section, within forty-five days after the department notifies the 7539
county of the unauthorized expenditures, the county either shall 7540
repay the amount of the unauthorized expenditures from the county 7541
general revenue fund to the state's general revenue fund or shall 7542

file a written appeal with the department. If an appeal is timely 7543
filed, the director of the department shall render a decision on 7544
the appeal and shall notify the appellant county or its juvenile 7545
court of that decision within forty-five days after the date that 7546
the appeal is filed. If the director denies an appeal, the 7547
county's fiscal agent shall repay the amount of the unauthorized 7548
expenditures from the county general revenue fund to the state's 7549
general revenue fund within thirty days after receiving the 7550
director's notification of the appeal decision. ~~If the county 7551
fails to make the repayment within that thirty day period and if 7552
the unauthorized expenditures pertain to moneys allocated under 7553
sections 5139.41 to 5139.43 of the Revised Code, the department 7554
shall deduct the amount of the unauthorized expenditures from the 7555
next allocation of those moneys to the county in accordance with 7556
this section or from the allocations that otherwise would be made 7557
under those sections to the county during the next state fiscal 7558
year in accordance with this section and shall return that 7559
deducted amount to the state's general revenue fund. If the county 7560
fails to make the repayment within that thirty day period and if 7561
the unauthorized expenditures pertain to moneys granted pursuant 7562
to section 5139.34 of the Revised Code, the department shall 7563
deduct the amount of the unauthorized expenditures from the next 7564
annual grant to the county pursuant to that section and shall 7565
return that deducted amount to the state's general revenue fund.~~ 7566

(C) The determination of which county a reduction of the care 7567
and custody allocation will be charged against for a particular 7568
youth shall be made as outlined below for all youths who do not 7569
qualify as public safety beds. The determination of which county a 7570
reduction of the care and custody allocation will be charged 7571
against shall be made as follows until each youth is released: 7572

(1) In the event of a commitment, the reduction shall be 7574

charged against the committing county. 7575

(2) In the event of a recommitment, the reduction shall be 7576
charged against the original committing county until the 7577
expiration of the minimum period of institutionalization under the 7578
original order of commitment or until the date on which the youth 7579
is admitted to the department of youth services pursuant to the 7580
order of recommitment, whichever is later. Reductions of the 7581
allocation shall be charged against the county that recommitted 7582
the youth after the minimum expiration date of the original 7583
commitment. 7584

(3) In the event of a revocation of a release on parole, the 7585
reduction shall be charged against the county that revokes the 7586
youth's parole. 7587

(D) A juvenile court is not precluded by its allocation 7588
amount for the care and custody of felony delinquents from 7589
committing a felony delinquent to the department of youth services 7590
for care and custody in an institution or a community corrections 7591
facility when the juvenile court determines that the commitment is 7592
appropriate. 7593

Sec. 5139.50. (A) The release authority of the department of 7594
youth services is hereby created as a bureau in the department. 7595
The release authority shall consist of five members who are 7596
appointed by the director of youth services and who have the 7597
qualifications specified in division (B) of this section. The 7598
members of the release authority shall devote their full time to 7599
the duties of the release authority and shall neither seek nor 7600
hold other public office. The members shall be in the unclassified 7601
civil service. 7602

(B) A person appointed as a member of the release authority 7603
shall have a bachelor's degree from an accredited college or 7604
university or equivalent relevant experience and shall have the 7605

skills, training, or experience necessary to analyze issues of 7606
law, administration, and public policy. The membership of the 7607
release authority shall represent, insofar as practicable, the 7608
diversity found in the children in the legal custody of the 7609
department of youth services. 7610

In appointing the five members, the director shall ensure 7611
that the appointments include all of the following: 7612

(1) At least four members who have five or more years of 7613
experience in criminal justice, juvenile justice, or an equivalent 7614
relevant profession; 7615

(2) At least one member who has experience in victim services 7616
or advocacy or who has been a victim of a crime or is a family 7617
member of a victim; 7618

(3) At least one member who has experience in direct care 7619
services to delinquent children. 7620

(C) The initial appointments of members of the release 7621
authority shall be for a term of six years for the chairperson and 7622
one member, a term of four years for two members, and a term of 7623
two years for one member. Thereafter, members shall be appointed 7624
for six-year terms until the effective date of this amendment, 7625
after which members shall be appointed for four-year terms. At the 7626
conclusion of a term, a member shall hold office until the 7627
appointment and qualification of the member's successor. The 7628
director shall fill a vacancy occurring before the expiration of a 7629
term for the remainder of that term and, if a member is on 7630
extended leave or disability status for more than thirty work 7631
days, may appoint an interim member to fulfill the duties of that 7632
member. A member may be reappointed, ~~but a member may serve no~~ 7633
~~more than two consecutive terms regardless of the length of the~~ 7634
~~member's initial term.~~ A member may be removed for good cause by 7635
the director. 7636

(D) The director of youth services shall designate as 7637
chairperson of the release authority one of the members who has 7638
experience in criminal justice, juvenile justice, or an equivalent 7639
relevant profession. The chairperson shall be a managing officer 7640
of the department, shall supervise the members of the board and 7641
the other staff in the bureau, and shall perform all duties and 7642
functions necessary to ensure that the release authority 7643
discharges its responsibilities. The chairperson shall serve as 7644
the official spokesperson for the release authority. 7645

(E) The release authority shall do all of the following: 7646

(1) Serve as the final and sole authority for making 7647
decisions, in the interests of public safety and the children 7648
involved, regarding the release and discharge of all children 7649
committed to the legal custody of the department of youth 7650
services, except children placed by a juvenile court on judicial 7651
release to court supervision or on judicial release to department 7652
of youth services supervision, children who have not completed a 7653
prescribed minimum period of time or prescribed period of time in 7654
a secure facility, or children who are required to remain in a 7655
secure facility until they attain twenty-one years of age; 7656

(2) Establish written policies and procedures for conducting 7657
reviews of the status for all youth in the custody of the 7658
department, setting or modifying dates of release and discharge, 7659
specifying the duration, terms, and conditions of release to be 7660
carried out in supervised release subject to the addition of 7661
additional consistent terms and conditions by a court in 7662
accordance with section 5139.51 of the Revised Code, and giving a 7663
child notice of all reviews; 7664

(3) Maintain records of its official actions, decisions, 7665
orders, and hearing summaries and make the records accessible in 7666
accordance with division (D) of section 5139.05 of the Revised 7667
Code; 7668

- (4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;
- (5) Collect, develop, and maintain statistical information regarding its services and decisions;
- (6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.
- (F) The release authority may do any of the following:
- (1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;
- (2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;
- (3) Administer oaths and receive testimony of persons under oath;
- (4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;
- (5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.

(G) The release authority may delegate responsibilities to hearing officers or other designated staff under the release authority's auspices. However, the release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.

The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions.

(H) The legal staff of the department of youth services shall provide assistance to the release authority in the formulation of policy and in its handling of individual cases.

Sec. 5145.01. Courts shall impose sentences to a state correctional institution for felonies pursuant to sections 2929.13 and 2929.14 of the Revised Code. All prison terms may be ended in the manner provided by law, but no prison term shall exceed the maximum term provided for the felony of which the prisoner was convicted as extended pursuant to section 2929.141, ~~2967.11~~, or 2967.28 of the Revised Code.

If a prisoner is sentenced for two or more separate felonies, the prisoner's term of imprisonment shall run as a concurrent sentence, except if the consecutive sentence provisions of sections 2929.14 and 2929.41 of the Revised Code apply. If sentenced consecutively, for the purposes of sections 5145.01 to 5145.27 of the Revised Code, the prisoner shall be held to be serving one continuous term of imprisonment.

If a court imposes a sentence to a state correctional institution for a felony of the fourth or fifth degree, the department of rehabilitation and correction, notwithstanding the court's designation of a state correctional institution as the place of service of the sentence, may designate that the person sentenced is to be housed in a county, multicounty, municipal,

municipal-county, or multicounty-municipal jail or workhouse if 7730
authorized pursuant to section 5120.161 of the Revised Code. 7731

If, through oversight or otherwise, a person is sentenced to 7732
a state correctional institution under a definite term for an 7733
offense for which a definite term of imprisonment is not provided 7734
by statute, the sentence shall not thereby become void, but the 7735
person shall be subject to the liabilities of such sections and 7736
receive the benefits thereof, as if the person had been sentenced 7737
in the manner required by this section. 7738

As used in this section, "prison term" has the same meaning 7739
as in section 2929.01 of the Revised Code. 7740

Sec. 5145.163. (A) As used in this section: 7741

(1) "Customer model enterprise" means an enterprise conducted 7742
under a federal prison industries enhancement certification 7743
program in which a private party participates in the enterprise 7744
only as a purchaser of goods and services. 7745

(2) "Employer model enterprise" means an enterprise conducted 7746
under a federal prison industries enhancement certification 7747
program in which a private party participates in the enterprise as 7748
an operator of the enterprise. 7749

(3) "Injury" means a diagnosable injury to an inmate 7750
supported by medical findings that it was sustained in the course 7751
of and arose out of authorized work activity that was an integral 7752
part of the inmate's participation in the Ohio penal industries 7753
program. 7754

(4) "Inmate" ~~includes~~ means any person who is committed to a 7755
detention facility, who is in the custody of the department of 7756
rehabilitation and correction, and who is participating in an 7757
approved assignment Ohio penal industries program that is under 7758
the federal prison industries enhancement certification program. 7759

~~"Inmate" does not include a prisoner confined within a detention facility operated by or for a political subdivision.~~ 7760
7761

~~(2)(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.~~ 7762
7763

(6) "Loss of earning capacity" means an impairment of the body of an inmate to a degree that makes the inmate unable to return to work activity under the Ohio penal industries program and results in a reduction of compensation earned by the inmate at the time the injury occurred. 7764
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~~(B) Private employers who purchase goods made by inmates or utilize inmate labor in the production of goods under the federal prison industries enhancement certification program Every inmate shall purchase and be solely responsible to provide covered by a policy of disability insurance for inmates participating in the program to provide benefits for loss of earning capacity due to an injury and for medical treatment of the injury following the inmate's release from prison. If the enterprise for which the inmate works is a customer model enterprise, Ohio penal industries shall purchase the policy. If the enterprise for which the inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation.~~ 7769
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~~(C) The policy of insurance required by this section shall provide benefit payments for any inmate who sustains a compensable injury while participating in the program. The benefit payments shall compensate the inmate for any temporary or permanent loss of earning capacity that results from a compensable injury and is present at the time of the inmate's release Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the~~ 7783
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inmate shall be medically examined, and the insurer shall 7792
determine the inmate's entitlement to disability benefits based on 7793
the medical examination. The inmate shall accept or reject an 7794
award within thirty days after a determination of the inmate's 7795
entitlement to the award. ~~The~~ If the inmate accepts the award, the 7796
benefits shall be ~~awarded~~ paid upon the inmate's release from 7797
prison ~~by parole or final discharge. The policy of insurance shall~~ 7798
~~provide coverage for injuries occurring during activities that are~~ 7799
~~an integral part of the inmate's participation in the program~~ 7800
~~production. The policy of insurance~~ The amount of disability 7801
benefits payable to the inmate shall be reduced by sick leave 7802
benefits or other compensation for lost pay made by Ohio penal 7803
industries to the inmate due to an injury that rendered the inmate 7804
unable to work. An inmate shall not ~~pay~~ receive disability 7805
benefits for injuries occurring as the result of a fight, assault, 7806
horseplay, purposely self-inflicted injury, use of alcohol or 7807
controlled substances, misuse of prescription drugs, or other 7808
activity that is prohibited by the department's or institution's 7809
inmate conduct rules or the work rules of the private participant 7810
in the enterprise. 7811

~~(D) Private employers shall submit to the prison labor~~ 7812
~~advisory board as a requirement for participation in the federal~~ 7813
~~prison industries enhancement certification program proof of~~ 7814
~~liability coverage that meets or exceeds the requirements set~~ 7815
~~forth in 18 U.S.C. 1761(c)(3).~~ 7816

~~(E) Inmates covered under this section are not employees of~~ 7817
the department of rehabilitation and correction or the private 7818
employer. ~~Nothing in this section shall be construed as creating a~~ 7819
~~contract for hire between the inmate and any other entity~~ 7820
participant in an enterprise. 7821

~~(F) Any (E) An inmate participating in the federal prison~~ 7822
~~industries enhancement certification program is ineligible to~~ 7823

receive compensation or benefits under Chapter 4121., 4123., 7824
4127., or 4131. of the Revised Code for any injury, death, or 7825
occupational disease received in the course of, and arising out 7826
of, participation in ~~that~~ the Ohio penal industries program. Any 7827
claim for an injury arising from an inmate's participation in the 7828
program is specifically excluded from the jurisdiction of the Ohio 7829
bureau of workers' compensation and the industrial commission of 7830
Ohio. 7831

~~(G)(F)~~ Any liability disability benefit awarded for any 7832
injury award accepted by an inmate under this ~~provision~~ section 7833
shall be the inmate's exclusive remedy against the insurer, the 7834
private employer participant in an enterprise, and the state. If 7835
an inmate rejects an award or a disability claim is denied, the 7836
inmate may bring an action in the court of claims within the 7837
appropriate period of limitations. 7838

~~(H)(G)~~ If any inmate awarded liability who is paid disability 7839
benefits under this ~~provision~~ section is ~~recommitted to the~~ 7840
~~eustody of the department of rehabilitation and correction~~ 7841
reincarcerated, the benefits shall immediately cease but shall 7842
resume upon the inmate's subsequent ~~parole or discharge~~ release 7843
from incarceration. 7844

Sec. 5149.06. ~~(A)~~ One of the primary duties of the field 7845
services section is to assist the counties in developing their own 7846
probation services on either a single-county or multiple-county 7847
basis. The section, within limits of available personnel and 7848
funds, may supervise selected probationers from local courts. 7849

~~(B)~~ ~~The adult parole authority probation services fund shall~~ 7850
~~be created in the state treasury. The fund shall consist of all~~ 7851
~~moneys that are paid to the treasurer of any county under section~~ 7852
~~2951.021 of the Revised Code for deposit into the county's~~ 7853
~~probation services fund established under division (A)(1) of~~ 7854

~~section 321.44 of the Revised Code and that subsequently are 7855
appropriated and transferred to the adult parole authority 7856
probation services fund under division (A)(2) of that section. The 7857
chief of the adult parole authority, with the approval of the 7858
director of the department of rehabilitation and correction, shall 7859
use the money contained in the adult parole authority probation 7860
services fund for probation related expenses in the counties for 7861
which the authority provides probation services. Probation related 7862
expenses may include specialized staff, purchase of equipment, 7863
purchase of services, reconciliation programs for victims and 7864
offenders, other treatment programs, including alcohol and drug 7865
addiction programs certified under section 3793.06 of the Revised 7866
Code, determined to be appropriate by the chief of the authority, 7867
and other similar probation related expenses. 7868~~

Section 2. That existing sections 9.06, 121.05, 124.11, 7869
135.804, 321.44, 322.07, 323.151, 323.152, 323.153, 323.154, 7870
323.155, 323.156, 323.159, 341.192, 1713.34, 2921.36, 2929.01, 7871
2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 7872
2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 7873
2967.03, 2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 7874
2967.28, 3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 4507.51, 7875
4735.18, 5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 7876
5139.31, 5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 7877
5145.163, and 5149.06 and section 2967.11 of the Revised Code is 7878
hereby repealed. 7879

Section 3. Section 5120.07 of the Revised Code is hereby 7880
repealed, effective December 31, 2011. 7881

Section 4. That the amendment by this act to section 3317.16 7882
of the Revised Code shall first apply to the fiscal year ending 7883
June 30, 2009, and that the total amount of payments under that 7884

section during that fiscal year to any joint vocational school 7885
district affected by the amendment shall be calculated as though 7886
the amendment had been in effect prior to July 1, 2008. 7887

Section 5. The items of law contained in this act, and their 7888
applications, are severable. If any item of law contained in this 7889
act, or if any application of any item of law contained in this 7890
act, is held invalid, the invalidity does not affect other items 7891
of law contained in this act and their applications that can be 7892
given effect without the invalid item of law or application. 7893

Section 6. Section 323.156 of the Revised Code is presented 7894
in this act as a composite of the section as amended by both Am. 7895
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. The 7896
General Assembly, applying the principle stated in division (B) of 7897
section 1.52 of the Revised Code that amendments are to be 7898
harmonized if reasonably capable of simultaneous operation, finds 7899
that the composite is the resulting version of the section in 7900
effect prior to the effective date of the section as presented in 7901
this act. 7902

Section 7. Section 2929.14 of the Revised Code is presented 7903
in this act as a composite of the section as amended by both Sub. 7904
S.B. 184 and Sub. S.B. 220 of the 127th General Assembly. The 7905
General Assembly, applying the principle stated in division (B) of 7906
section 1.52 of the Revised Code that amendments are to be 7907
harmonized if reasonably capable of simultaneous operation, finds 7908
that the composite is the resulting version of the section in 7909
effect prior to the effective date of the section as presented in 7910
this act. 7911