

## As Introduced

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H. B. No. 282

Representative Williams

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To amend sections 2929.12, 2929.15, 2929.22,  
2929.25, and 2937.011 of the Revised Code to add  
a person's immigration status as a factor a  
court must consider when sentencing or ordering  
bail.

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

**Section 1.** That sections 2929.12, 2929.15, 2929.22,  
2929.25, and 2937.011 of the Revised Code be amended to read as  
follows:

**Sec. 2929.12.** (A) Unless otherwise required by section  
2929.13 or 2929.14 of the Revised Code, a court that imposes a  
sentence under this chapter upon an offender for a felony has  
discretion to determine the most effective way to comply with  
the purposes and principles of sentencing set forth in section  
2929.11 of the Revised Code. In exercising that discretion, the  
court shall consider the factors set forth in divisions (B) and  
(C) of this section relating to the seriousness of the conduct,  
the factors provided in divisions (D) and (E) of this section  
relating to the likelihood of the offender's recidivism, the  
factors set forth in division (F) of this section pertaining to  
the offender's service in the armed forces of the United States,  
and the factors set forth in division (G) of this section

relating to Alford pleas and, in addition, may consider any 22  
other factors that are relevant to achieving those purposes and 23  
principles of sentencing. 24

(B) The sentencing court shall consider all of the 25  
following that apply regarding the offender, the offense, or the 26  
victim, and any other relevant factors, as indicating that the 27  
offender's conduct is more serious than conduct normally 28  
constituting the offense: 29

(1) The physical or mental injury suffered by the victim 30  
of the offense due to the conduct of the offender was 31  
exacerbated because of the physical or mental condition or age 32  
of the victim. 33

(2) The victim of the offense suffered serious physical, 34  
psychological, or economic harm, including serious physical harm 35  
the victim caused to the victim's self, as a result of the 36  
offense. 37

(3) The victim died by suicide as a result of the offense. 38

(4) The offender held a public office or position of trust 39  
in the community, and the offense related to that office or 40  
position. 41

(5) The offender's occupation, elected office, or 42  
profession obliged the offender to prevent the offense or bring 43  
others committing it to justice. 44

(6) The offender's professional reputation or occupation, 45  
elected office, or profession was used to facilitate the offense 46  
or is likely to influence the future conduct of others. 47

(7) The offender's relationship with the victim 48  
facilitated the offense. 49

(8) The offender committed the offense for hire or as a 50  
part of an organized criminal activity. 51

(9) In committing the offense, the offender was motivated 52  
by prejudice based on race, ethnic background, gender, sexual 53  
orientation, or religion. 54

(10) If the offense is a violation of section 2919.25 or a 55  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 56  
Code involving a person who was a family or household member at 57  
the time of the violation, the offender committed the offense in 58  
the vicinity of one or more children who are not victims of the 59  
offense, and the offender or the victim of the offense is a 60  
parent, guardian, custodian, or person in loco parentis of one 61  
or more of those children. 62

(11) The offender's immigration status, and whether the 63  
offender is unlawfully present in the United States or has a 64  
current or previous federal immigration detainer. 65

(C) The sentencing court shall consider all of the 66  
following that apply regarding the offender, the offense, or the 67  
victim, and any other relevant factors, as indicating that the 68  
offender's conduct is less serious than conduct normally 69  
constituting the offense: 70

(1) The victim induced or facilitated the offense. 71

(2) In committing the offense, the offender acted under 72  
strong provocation. 73

(3) In committing the offense, the offender did not cause 74  
or expect to cause physical harm to any person or property. 75

(4) There are substantial grounds to mitigate the 76  
offender's conduct, although the grounds are not enough to 77

constitute a defense. 78

(D) The sentencing court shall consider all of the 79  
following that apply regarding the offender, and any other 80  
relevant factors, as factors indicating that the offender is 81  
likely to commit future crimes: 82

(1) At the time of committing the offense, the offender 83  
was under release from confinement before trial or sentencing; 84  
was under a sanction imposed pursuant to section 2929.16, 85  
2929.17, or 2929.18 of the Revised Code; was under post-release 86  
control pursuant to section 2967.28 or any other provision of 87  
the Revised Code for an earlier offense or had been unfavorably 88  
terminated from post-release control for a prior offense 89  
pursuant to division (B) of section 2967.16 or section 2929.141 90  
of the Revised Code; was under transitional control in 91  
connection with a prior offense; or had absconded from the 92  
offender's approved community placement resulting in the 93  
offender's removal from the transitional control program under 94  
section 2967.26 of the Revised Code. 95

(2) The offender previously was adjudicated a delinquent 96  
child pursuant to Chapter 2151. of the Revised Code prior to 97  
January 1, 2002, or pursuant to Chapter 2152. of the Revised 98  
Code, or the offender has a history of criminal convictions. 99

(3) The offender has not been rehabilitated to a 100  
satisfactory degree after previously being adjudicated a 101  
delinquent child pursuant to Chapter 2151. of the Revised Code 102  
prior to January 1, 2002, or pursuant to Chapter 2152. of the 103  
Revised Code, or the offender has not responded favorably to 104  
sanctions previously imposed for criminal convictions. 105

(4) The offender has demonstrated a pattern of drug or 106

alcohol abuse that is related to the offense, and the offender 107  
refuses to acknowledge that the offender has demonstrated that 108  
pattern, or the offender refuses treatment for the drug or 109  
alcohol abuse. 110

(5) The offender shows no genuine remorse for the offense. 111

(E) The sentencing court shall consider all of the 112  
following that apply regarding the offender, and any other 113  
relevant factors, as factors indicating that the offender is not 114  
likely to commit future crimes: 115

(1) Prior to committing the offense, the offender had not 116  
been adjudicated a delinquent child. 117

(2) Prior to committing the offense, the offender had not 118  
been convicted of or pleaded guilty to a criminal offense. 119

(3) Prior to committing the offense, the offender had led 120  
a law-abiding life for a significant number of years. 121

(4) The offense was committed under circumstances not 122  
likely to recur. 123

(5) Except as provided in division (G) of this section, 124  
the offender shows genuine remorse for the offense. 125

(F) The sentencing court shall consider the offender's 126  
military service record and whether the offender has an 127  
emotional, mental, or physical condition that is traceable to 128  
the offender's service in the armed forces of the United States 129  
and that was a contributing factor in the offender's commission 130  
of the offense or offenses. 131

(G) If the offender enters an Alford plea, the sentencing 132  
court shall not consider whether the offender showed genuine 133  
remorse for the offense. 134

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 135  
felony the court is not required to impose a prison term, a 136  
mandatory prison term, or a term of life imprisonment upon the 137  
offender, the court may directly impose a sentence that consists 138  
of one or more community control sanctions authorized pursuant 139  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 140  
the court is sentencing an offender for a fourth degree felony 141  
OVI offense under division (G) (1) of section 2929.13 of the 142  
Revised Code, in addition to the mandatory term of local 143  
incarceration imposed under that division and the mandatory fine 144  
required by division (B) (3) of section 2929.18 of the Revised 145  
Code, the court may impose upon the offender a community control 146  
sanction or combination of community control sanctions in 147  
accordance with sections 2929.16 and 2929.17 of the Revised 148  
Code. If the court is sentencing an offender for a third or 149  
fourth degree felony OVI offense under division (G) (2) of 150  
section 2929.13 of the Revised Code, in addition to the 151  
mandatory prison term or mandatory prison term and additional 152  
prison term imposed under that division, the court also may 153  
impose upon the offender a community control sanction or 154  
combination of community control sanctions under section 2929.16 155  
or 2929.17 of the Revised Code, but the offender shall serve all 156  
of the prison terms so imposed prior to serving the community 157  
control sanction. 158

The duration of all community control sanctions imposed on 159  
an offender under this division shall not exceed five years. If 160  
the offender absconds or otherwise leaves the jurisdiction of 161  
the court in which the offender resides without obtaining 162  
permission from the court or the offender's probation officer to 163  
leave the jurisdiction of the court, or if the offender is 164  
confined in any institution for the commission of any offense 165

while under a community control sanction, the period of the 166  
community control sanction ceases to run until the offender is 167  
brought before the court for its further action. If the court 168  
sentences the offender to one or more nonresidential sanctions 169  
under section 2929.17 of the Revised Code, the court shall 170  
impose as a condition of the nonresidential sanctions that, 171  
during the period of the sanctions, the offender must abide by 172  
the law and must not leave the state without the permission of 173  
the court or the offender's probation officer. The court may 174  
impose any other conditions of release under a community control 175  
sanction that the court considers appropriate, including, but 176  
not limited to, requiring that the offender not ingest or be 177  
injected with a drug of abuse and submit to random drug testing 178  
as provided in division (D) of this section to determine whether 179  
the offender ingested or was injected with a drug of abuse and 180  
requiring that the results of the drug test indicate that the 181  
offender did not ingest or was not injected with a drug of 182  
abuse. 183

(2) (a) If a court sentences an offender to any community 184  
control sanction or combination of community control sanctions 185  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 186  
the Revised Code, the court shall place the offender under the 187  
general control and supervision of a department of probation in 188  
the county that serves the court for purposes of reporting to 189  
the court a violation of any condition of the sanctions, any 190  
condition of release under a community control sanction imposed 191  
by the court, a violation of law, or the departure of the 192  
offender from this state without the permission of the court or 193  
the offender's probation officer. Alternatively, if the offender 194  
resides in another county and a county department of probation 195  
has been established in that county or that county is served by 196

a multicounty probation department established under section 197  
2301.27 of the Revised Code, the court may request the court of 198  
common pleas of that county to receive the offender into the 199  
general control and supervision of that county or multicounty 200  
department of probation for purposes of reporting to the court a 201  
violation of any condition of the sanctions, any condition of 202  
release under a community control sanction imposed by the court, 203  
a violation of law, or the departure of the offender from this 204  
state without the permission of the court or the offender's 205  
probation officer, subject to the jurisdiction of the trial 206  
judge over and with respect to the person of the offender, and 207  
to the rules governing that department of probation. 208

If there is no department of probation in the county that 209  
serves the court, the court shall place the offender, regardless 210  
of the offender's county of residence, under the general control 211  
and supervision of the adult parole authority, unless the court 212  
has entered into an agreement with the authority as described in 213  
division (B) or (C) of section 2301.32 of the Revised Code, or 214  
under an entity authorized under division (B) of section 2301.27 215  
of the Revised Code to provide probation and supervisory 216  
services to counties for purposes of reporting to the court a 217  
violation of any of the sanctions, any condition of release 218  
under a community control sanction imposed by the court, a 219  
violation of law, or the departure of the offender from this 220  
state without the permission of the court or the offender's 221  
probation officer. 222

(b) If the court imposing sentence on an offender 223  
sentences the offender to any community control sanction or 224  
combination of community control sanctions authorized pursuant 225  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 226  
if the offender violates any condition of the sanctions, 227



violates any condition of release under a community control 228  
sanction imposed by the court, violates any law, or departs the 229  
state without the permission of the court or the offender's 230  
probation officer, the public or private person or entity that 231  
operates or administers the sanction or the program or activity 232  
that comprises the sanction shall report the violation or 233  
departure directly to the sentencing court, or shall report the 234  
violation or departure to the county or multicounty department 235  
of probation with general control and supervision over the 236  
offender under division (A) (2) (a) of this section or the officer 237  
of that department who supervises the offender, or, if there is 238  
no such department with general control and supervision over the 239  
offender under that division, to the adult parole authority 240  
unless the court has entered into an agreement with the 241  
authority as described in division (B) or (C) of section 2301.32 242  
of the Revised Code, or to an entity authorized under division 243  
(B) of section 2301.27 of the Revised Code to provide probation 244  
and supervisory services to the county. If the public or private 245  
person or entity that operates or administers the sanction or 246  
the program or activity that comprises the sanction reports the 247  
violation or departure to the county or multicounty department 248  
of probation, the adult parole authority, or any other entity 249  
providing probation and supervisory services to the county, the 250  
department's, authority's, or other entity's officers may treat 251  
the offender as if the offender were on probation and in 252  
violation of the probation, and shall report the violation of 253  
the condition of the sanction, any condition of release under a 254  
community control sanction imposed by the court, the violation 255  
of law, or the departure from the state without the required 256  
permission to the sentencing court. 257

(3) If an offender who is eligible for community control 258

sanctions under this section admits to having a drug addiction 259  
or the court has reason to believe that the offender has a drug 260  
addiction, and if the offense for which the offender is being 261  
sentenced was related to the addiction, the court may require 262  
that the offender be assessed by a properly credentialed 263  
professional within a specified period of time and shall require 264  
the professional to file a written assessment of the offender 265  
with the court. If a court imposes treatment and recovery 266  
support services as a community control sanction, the court 267  
shall direct the level and type of treatment and recovery 268  
support services after consideration of the written assessment, 269  
if available at the time of sentencing, and recommendations of 270  
the professional and other treatment and recovery support 271  
services providers. 272

(4) If an assessment completed pursuant to division (A) (3) 273  
of this section indicates that the offender has an addiction to 274  
drugs or alcohol, the court may include in any community control 275  
sanction imposed for a violation of section 2925.02, 2925.03, 276  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 277  
2925.36, or 2925.37 of the Revised Code a requirement that the 278  
offender participate in alcohol and drug addiction services and 279  
recovery supports certified under section 5119.36 of the Revised 280  
Code or offered by a properly credentialed community addiction 281  
services provider. 282

(B) (1) Except as provided in division (B) (2) of this 283  
section, if the conditions of a community control sanction 284  
imposed for a felony are violated or if the offender violates a 285  
law or leaves the state without the permission of the court or 286  
the offender's probation officer, the sentencing court may 287  
impose on the violator one or more of the following penalties: 288

(a) A longer time under the same sanction if the total 289  
time under the sanctions does not exceed the five-year limit 290  
specified in division (A) of this section; 291

(b) A more restrictive sanction under section 2929.16, 292  
2929.17, or 2929.18 of the Revised Code, including but not 293  
limited to, a new term in a community-based correctional 294  
facility, halfway house, or jail pursuant to division (A)(6) of 295  
section 2929.16 of the Revised Code; 296

(c) A prison term on the offender pursuant to section 297  
2929.14 of the Revised Code and division (B)(3) of this section, 298  
provided that a prison term imposed under this division is 299  
subject to the following limitations and rules, as applicable: 300

(i) If the prison term is imposed for any technical 301  
violation of the conditions of a community control sanction 302  
imposed for a felony of the fifth degree, the prison term shall 303  
not exceed ninety days, provided that if the remaining period of 304  
community control at the time of the violation or the remaining 305  
period of the reserved prison sentence at that time is less than 306  
ninety days, the prison term shall not exceed the length of the 307  
remaining period of community control or the remaining period of 308  
the reserved prison sentence. If the court imposes a prison term 309  
as described in this division, division (B)(2)(b) of this 310  
section applies. 311

(ii) If the prison term is imposed for any technical 312  
violation of the conditions of a community control sanction 313  
imposed for a felony of the fourth degree that is not an offense 314  
of violence and is not a sexually oriented offense, the prison 315  
term shall not exceed one hundred eighty days, provided that if 316  
the remaining period of the community control at the time of the 317  
violation or the remaining period of the reserved prison 318

sentence at that time is less than one hundred eighty days, the 319  
prison term shall not exceed the length of the remaining period 320  
of community control or the remaining period of the reserved 321  
prison sentence. If the court imposes a prison term as described 322  
in this division, division (B) (2) (b) of this section applies. 323

(iii) A court is not limited in the number of times it may 324  
sentence an offender to a prison term under division (B) (1) (c) 325  
of this section for a violation of the conditions of a community 326  
control sanction or for a violation of a law or leaving the 327  
state without the permission of the court or the offender's 328  
probation officer. If an offender who is under a community 329  
control sanction violates the conditions of the sanction or 330  
violates a law or leaves the state without the permission of the 331  
court or the offender's probation officer, is sentenced to a 332  
prison term for the violation or conduct, is released from the 333  
term after serving it, and subsequently violates the conditions 334  
of the sanction or violates a law or leaves the state without 335  
the permission of the court or the offender's probation officer, 336  
the court may impose a new prison term sanction on the offender 337  
under division (B) (1) (c) of this section for the subsequent 338  
violation or conduct. 339

(2) (a) If an offender was acting pursuant to division (B) 340  
(2) (b) of section 2925.11 or a related provision of section 341  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 342  
doing violated the conditions of a community control sanction 343  
based on a minor drug possession offense, as defined in section 344  
2925.11 of the Revised Code, or violated section 2925.12, 345  
division (C) (1) of section 2925.14, or section 2925.141 of the 346  
Revised Code, the sentencing court shall not impose any of the 347  
penalties described in division (B) (1) of this section based on 348  
the violation. 349

(b) If a court imposes a prison term on an offender under 350  
division (B) (1) (c) (i) or (ii) of this section for a technical 351  
violation of the conditions of a community control sanction, one 352  
of the following is applicable with respect to the time that the 353  
offender spends in prison under the term: 354

(i) Subject to division (B) (2) (b) (ii) of this section, it 355  
shall be credited against the offender's community control 356  
sanction that was being served at the time of the violation, and 357  
the remaining time under that community control sanction shall 358  
be reduced by the time that the offender spends in prison under 359  
the prison term. By determination of the court, the offender 360  
upon release from the prison term either shall continue serving 361  
the remaining time under the community control sanction, as 362  
reduced under this division, or shall have the community control 363  
sanction terminated. 364

(ii) If, at the time a prison term is imposed for a 365  
technical violation, the offender was serving a residential 366  
community control sanction imposed under section 2929.16 of the 367  
Revised Code, the time spent serving the residential community 368  
control sanction shall be credited against the offender's 369  
reserved prison sentence, and the remaining time under that 370  
residential community control sanction and under the reserved 371  
prison sentence shall be reduced by the time that the offender 372  
spends in prison under the prison term. By determination of the 373  
court, the offender upon release from the prison term either 374  
shall continue serving the remaining time under the residential 375  
community control sanction, as reduced under this division, or 376  
shall have the residential community control sanction 377  
terminated. 378

(3) The prison term, if any, imposed on a violator 379

pursuant to this division and division (B) (1) of this section 380  
shall be within the range of prison terms described in this 381  
division and shall not exceed a prison term from the range of 382  
terms specified in the notice provided to the offender at the 383  
sentencing hearing pursuant to division (B) (4) of section 384  
2929.19 of the Revised Code. The court may reduce the longer 385  
period of time that the offender is required to spend under the 386  
longer sanction, the more restrictive sanction, or a prison term 387  
imposed pursuant to division (B) (1) of this section by the time 388  
the offender successfully spent under the sanction that was 389  
initially imposed. Except as otherwise specified in this 390  
division, the prison term imposed under this division and 391  
division (B) (1) of this section shall be within the range of 392  
prison terms available as a definite term for the offense for 393  
which the sanction that was violated was imposed. If the offense 394  
for which the sanction that was violated was imposed is a felony 395  
of the first or second degree committed on or after March 22, 396  
2019, the prison term so imposed under this division shall be 397  
within the range of prison terms available as a minimum term for 398  
the offense under division (A) (1) (a) or (2) (a) of section 399  
2929.14 of the Revised Code. 400

(C) If an offender, for a significant period of time, 401  
fulfills the conditions of a sanction imposed pursuant to 402  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 403  
exemplary manner, the court may reduce the period of time under 404  
the sanction or impose a less restrictive sanction, but the 405  
court shall not permit the offender to violate any law or permit 406  
the offender to leave the state without the permission of the 407  
court or the offender's probation officer. 408

(D) (1) If a court under division (A) (1) of this section 409  
imposes a condition of release under a community control 410

sanction that requires the offender to submit to random drug 411  
testing, the department of probation, the adult parole 412  
authority, or any other entity that has general control and 413  
supervision of the offender under division (A) (2) (a) of this 414  
section may cause the offender to submit to random drug testing 415  
performed by a laboratory or entity that has entered into a 416  
contract with any of the governmental entities or officers 417  
authorized to enter into a contract with that laboratory or 418  
entity under section 341.26, 753.33, or 5120.63 of the Revised 419  
Code. 420

(2) If no laboratory or entity described in division (D) 421  
(1) of this section has entered into a contract as specified in 422  
that division, the department of probation, the adult parole 423  
authority, or any other entity that has general control and 424  
supervision of the offender under division (A) (2) (a) of this 425  
section shall cause the offender to submit to random drug 426  
testing performed by a reputable public laboratory to determine 427  
whether the individual who is the subject of the drug test 428  
ingested or was injected with a drug of abuse. 429

(3) A laboratory or entity that has entered into a 430  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 431  
Revised Code shall perform the random drug tests under division 432  
(D) (1) of this section in accordance with the applicable 433  
standards that are included in the terms of that contract. A 434  
public laboratory shall perform the random drug tests under 435  
division (D) (2) of this section in accordance with the standards 436  
set forth in the policies and procedures established by the 437  
department of rehabilitation and correction pursuant to section 438  
5120.63 of the Revised Code. An offender who is required under 439  
division (A) (1) of this section to submit to random drug testing 440  
as a condition of release under a community control sanction and 441

whose test results indicate that the offender ingested or was 442  
injected with a drug of abuse shall pay the fee for the drug 443  
test if the department of probation, the adult parole authority, 444  
or any other entity that has general control and supervision of 445  
the offender requires payment of a fee. A laboratory or entity 446  
that performs the random drug testing on an offender under 447  
division (D)(1) or (2) of this section shall transmit the 448  
results of the drug test to the appropriate department of 449  
probation, the adult parole authority, or any other entity that 450  
has general control and supervision of the offender under 451  
division (A)(2)(a) of this section. 452

(E) A court imposing a sentence that consists of one or 453  
more community control sanctions authorized pursuant to section 454  
2929.16, 2929.17, or 2929.18 of the Revised Code shall consider 455  
the offender's immigration status, including whether the 456  
offender is unlawfully present in the United States or has a 457  
current or previous federal immigration detainer, when 458  
determining the length of the community control sanction or 459  
combination of community control sanctions to impose. 460

(F) As used in this section, "technical violation" means a 461  
violation of the conditions of a community control sanction 462  
imposed for a felony of the fifth degree, or for a felony of the 463  
fourth degree that is not an offense of violence and is not a 464  
sexually oriented offense, and to which neither of the following 465  
applies: 466

(1) The violation consists of a new criminal offense that 467  
is a felony or that is a misdemeanor other than a minor 468  
misdemeanor, and the violation is committed while under the 469  
community control sanction. 470

(2) The violation consists of or includes the offender's 471



articulated or demonstrated refusal to participate in the 472  
community control sanction imposed on the offender or any of its 473  
conditions, and the refusal demonstrates to the court that the 474  
offender has abandoned the objects of the community control 475  
sanction or condition. 476

**Sec. 2929.22.** (A) Unless a mandatory jail term is required 477  
to be imposed by division (G) of section 1547.99, division (B) 478  
of section 4510.14, division (G) of section 4511.19 of the 479  
Revised Code, or any other provision of the Revised Code a court 480  
that imposes a sentence under this chapter upon an offender for 481  
a misdemeanor or minor misdemeanor has discretion to determine 482  
the most effective way to achieve the purposes and principles of 483  
sentencing set forth in section 2929.21 of the Revised Code. 484

Unless a specific sanction is required to be imposed or is 485  
precluded from being imposed by the section setting forth an 486  
offense or the penalty for an offense or by any provision of 487  
sections 2929.23 to 2929.28 of the Revised Code, a court that 488  
imposes a sentence upon an offender for a misdemeanor may impose 489  
on the offender any sanction or combination of sanctions under 490  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 491  
not impose a sentence that imposes an unnecessary burden on 492  
local government resources. 493

(B) (1) In determining the appropriate sentence for a 494  
misdemeanor, the court shall consider all of the following 495  
factors: 496

(a) The nature and circumstances of the offense or 497  
offenses; 498

(b) Whether the circumstances regarding the offender and 499  
the offense or offenses indicate that the offender has a history 500

of persistent criminal activity and that the offender's 501  
character and condition reveal a substantial risk that the 502  
offender will commit another offense; 503

(c) Whether the circumstances regarding the offender and 504  
the offense or offenses indicate that the offender's history, 505  
character, and condition reveal a substantial risk that the 506  
offender will be a danger to others and that the offender's 507  
conduct has been characterized by a pattern of repetitive, 508  
compulsive, or aggressive behavior with heedless indifference to 509  
the consequences; 510

(d) Whether the victim's youth, age, disability, or other 511  
factor made the victim particularly vulnerable to the offense or 512  
made the impact of the offense more serious; 513

(e) Whether the offender is likely to commit future crimes 514  
in general, in addition to the circumstances described in 515  
divisions (B) (1) (b) and (c) of this section; 516

(f) Whether the offender has an emotional, mental, or 517  
physical condition that is traceable to the offender's service 518  
in the armed forces of the United States and that was a 519  
contributing factor in the offender's commission of the offense 520  
or offenses; 521

(g) The offender's military service record; 522

(h) The offender's immigration status, and whether the 523  
offender is unlawfully present in the United States or has a 524  
current or previous federal immigration detainer. 525

(2) In determining the appropriate sentence for a 526  
misdemeanor, if the offender enters an Alford plea, the 527  
sentencing court shall not consider whether the offender showed 528  
genuine remorse for the offense. 529

(3) In determining the appropriate sentence for a 530  
misdemeanor, in addition to complying with division (B)(1) of 531  
this section, the court may consider any other factors that are 532  
relevant to achieving the purposes and principles of sentencing 533  
set forth in section 2929.21 of the Revised Code. 534

(C) Before imposing a jail term as a sentence for a 535  
misdemeanor, a court shall consider the appropriateness of 536  
imposing a community control sanction or a combination of 537  
community control sanctions under sections 2929.25, 2929.26, 538  
2929.27, and 2929.28 of the Revised Code. A court may impose the 539  
longest jail term authorized under section 2929.24 of the 540  
Revised Code only upon offenders who commit the worst forms of 541  
the offense or upon offenders whose conduct and response to 542  
prior sanctions for prior offenses demonstrate that the 543  
imposition of the longest jail term is necessary to deter the 544  
offender from committing a future criminal offense. 545

(D)(1) A sentencing court shall consider any relevant oral 546  
and written statement made by the victim, the victim's 547  
representative, the victim's attorney, if applicable, the 548  
defendant, the defense attorney, and the prosecuting authority 549  
regarding sentencing for a misdemeanor. This division does not 550  
create any rights to notice other than those rights authorized 551  
by Chapter 2930. of the Revised Code. 552

(2) At the time of sentencing for a misdemeanor or as soon 553  
as possible after sentencing, the court shall notify the victim 554  
of the offense of the victim's right to file an application for 555  
an award of reparations pursuant to sections 2743.51 to 2743.72 556  
of the Revised Code. 557

**Sec. 2929.25.** (A)(1) Except as provided in sections 558  
2929.22 and 2929.23 of the Revised Code or when a jail term is 559

required by law, in sentencing an offender for a misdemeanor, 560  
other than a minor misdemeanor, the sentencing court may do 561  
either of the following: 562

(a) Directly impose a sentence that consists of one or 563  
more community control sanctions authorized by section 2929.26, 564  
2929.27, or 2929.28 of the Revised Code. The court may impose 565  
any other conditions of release under a community control 566  
sanction that the court considers appropriate. If the court 567  
imposes a jail term upon the offender, the court may impose any 568  
community control sanction or combination of community control 569  
sanctions in addition to the jail term. 570

(b) Impose a jail term under section 2929.24 of the 571  
Revised Code from the range of jail terms authorized under that 572  
section for the offense, suspend all or a portion of the jail 573  
term imposed, and place the offender under a community control 574  
sanction or combination of community control sanctions 575  
authorized under section 2929.26, 2929.27, or 2929.28 of the 576  
Revised Code. 577

(2) The duration of all community control sanctions 578  
imposed upon an offender and in effect for an offender at any 579  
time shall not exceed five years. 580

(3) At sentencing, if a court directly imposes a community 581  
control sanction or combination of community control sanctions 582  
pursuant to division (A)(1)(a) or (B) of this section, the court 583  
shall state the duration of the community control sanctions 584  
imposed and shall notify the offender that if any of the 585  
conditions of the community control sanctions are violated the 586  
court may do any of the following: 587

(a) Impose a longer time under the same community control 588

sanction if the total time under all of the offender's community 589  
control sanctions does not exceed the five-year limit specified 590  
in division (A) (2) of this section; 591

(b) Impose a more restrictive community control sanction 592  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 593  
but the court is not required to impose any particular sanction 594  
or sanctions; 595

(c) Impose a definite jail term from the range of jail 596  
terms authorized for the offense under section 2929.24 of the 597  
Revised Code. 598

(B) If a court sentences an offender to any community 599  
control sanction or combination of community control sanctions 600  
pursuant to division (A) (1) (a) of this section, the sentencing 601  
court retains jurisdiction over the offender and the period of 602  
community control for the duration of the period of community 603  
control. Upon the motion of either party or on the court's own 604  
motion, the court, in the court's sole discretion and as the 605  
circumstances warrant, may modify the community control 606  
sanctions or conditions of release previously imposed, 607  
substitute a community control sanction or condition of release 608  
for another community control sanction or condition of release 609  
previously imposed, or impose an additional community control 610  
sanction or condition of release. 611

(C) (1) If a court sentences an offender to any community 612  
control sanction or combination of community control sanctions 613  
authorized under section 2929.26, 2929.27, or 2929.28 of the 614  
Revised Code, the court shall place the offender under the 615  
general control and supervision of the court or of a department 616  
of probation in the jurisdiction that serves the court for 617  
purposes of reporting to the court a violation of any of the 618

conditions of the sanctions imposed. If the offender resides in 619  
another jurisdiction and a department of probation has been 620  
established to serve the municipal court or county court in that 621  
jurisdiction, the sentencing court may request the municipal 622  
court or the county court to receive the offender into the 623  
general control and supervision of that department of probation 624  
for purposes of reporting to the sentencing court a violation of 625  
any of the conditions of the sanctions imposed. The sentencing 626  
court retains jurisdiction over any offender whom it sentences 627  
for the duration of the sanction or sanctions imposed. 628

(2) The sentencing court shall require as a condition of 629  
any community control sanction that the offender abide by the 630  
law and not leave the state without the permission of the court 631  
or the offender's probation officer. In the interests of doing 632  
justice, rehabilitating the offender, and ensuring the 633  
offender's good behavior, the court may impose additional 634  
requirements on the offender. The offender's compliance with the 635  
additional requirements also shall be a condition of the 636  
community control sanction imposed upon the offender. 637

(D) (1) If the court imposing sentence upon an offender 638  
sentences the offender to any community control sanction or 639  
combination of community control sanctions authorized under 640  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 641  
the offender violates any of the conditions of the sanctions, 642  
the public or private person or entity that supervises or 643  
administers the program or activity that comprises the sanction 644  
shall report the violation directly to the sentencing court or 645  
to the department of probation or probation officer with general 646  
control and supervision over the offender. If the public or 647  
private person or entity reports the violation to the department 648  
of probation or probation officer, the department or officer 649

shall report the violation to the sentencing court. 650

(2) Except as provided in division (D) (3) of this section, 651  
if an offender violates any condition of a community control 652  
sanction, the sentencing court may impose upon the violator one 653  
or more of the following penalties: 654

(a) A longer time under the same community control 655  
sanction if the total time under all of the community control 656  
sanctions imposed on the violator does not exceed the five-year 657  
limit specified in division (A) (2) of this section; 658

(b) A more restrictive community control sanction; 659

(c) A combination of community control sanctions, 660  
including a jail term. 661

(3) If an offender was acting pursuant to division (B) (2) 662  
(b) of section 2925.11 or a related provision under section 663  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 664  
doing violated the conditions of a community control sanction 665  
based on a minor drug possession offense, as defined in section 666  
2925.11 of the Revised Code, or violated section 2925.12, 667  
division (C) (1) of section 2925.14, or section 2925.141 of the 668  
Revised Code, the sentencing court shall not impose any of the 669  
penalties described in division (D) (2) of this section based on 670  
the violation. 671

(4) If the court imposes a jail term upon a violator 672  
pursuant to division (D) (2) of this section, the total time 673  
spent in jail for the misdemeanor offense and the violation of a 674  
condition of the community control sanction shall not exceed the 675  
maximum jail term available for the offense for which the 676  
sanction that was violated was imposed. The court may reduce the 677  
longer period of time that the violator is required to spend 678

under the longer sanction or the more restrictive sanction 679  
imposed under division (D) (2) of this section by all or part of 680  
the time the violator successfully spent under the sanction that 681  
was initially imposed. 682

(E) Except as otherwise provided in this division, if an 683  
offender, for a significant period of time, fulfills the 684  
conditions of a community control sanction imposed pursuant to 685  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 686  
exemplary manner, the court may reduce the period of time under 687  
the community control sanction or impose a less restrictive 688  
community control sanction. Fulfilling the conditions of a 689  
community control sanction does not relieve the offender of a 690  
duty to make restitution under section 2929.28 of the Revised 691  
Code. 692

(F) A court imposing a sentence that consists of one or 693  
more community control sanctions authorized pursuant to section 694  
2929.26, 2929.27, or 2929.28 of the Revised Code shall consider 695  
the offender's immigration status, including whether the 696  
offender is unlawfully present in the United States or has a 697  
current or previous federal immigration detainer, when 698  
determining the length of the community control sanction or 699  
combination of community control sanctions to impose. 700

**Sec. 2937.011.** (A) Unless the court orders the defendant 701  
detained pursuant to section 2937.222 of the Revised Code or 702  
other applicable law, the court shall release the defendant on 703  
the least restrictive conditions that, in the discretion of the 704  
court, will reasonably assure the defendant's appearance in 705  
court, the protection or safety of any person or the community, 706  
and that the defendant will not obstruct the criminal justice 707  
process. If the court orders financial conditions of release, 708



those financial conditions shall be related to public safety, 709  
the defendant's risk of nonappearance in court, the seriousness 710  
of the offense, and the previous criminal record of the 711  
defendant. 712

(B) Any financial conditions shall be in an amount and 713  
type that are least costly to the defendant while also 714  
sufficient to reasonably assure the defendant's future 715  
appearance in court. 716

(C) Any defendant who is entitled to release may be 717  
released upon one or more of the following types of bail in the 718  
amount set by the court: 719

(1) An unsecured bail bond; 720

(2) A bail bond secured by the deposit of ten per cent of 721  
the amount of the bond in cash. The court shall return ninety 722  
per cent of the deposit upon compliance with all conditions of 723  
the bond. 724

(3) A surety bond, a bond secured by real estate or 725  
securities as allowed by law, or the deposit of cash, at the 726  
option of the defendant. 727

(D) The court may impose any of the following conditions 728  
of release: 729

(1) The personal recognizance of the defendant; 730

(2) Placing the defendant in the custody of a designated 731  
person or organization that agrees to supervise the defendant; 732

(3) Placing restrictions on the travel, association, or 733  
place of abode of the defendant during the period of release; 734

(4) Placing the defendant under a house arrest, electronic 735

monitoring, or work release program; 736

(5) Regulating or prohibiting the defendant's contact with 737  
the victim; 738

(6) Regulating the defendant's contact with witnesses or 739  
others associated with the case upon proof of the likelihood 740  
that the defendant will threaten, harass, cause injury, or seek 741  
to intimidate those persons; 742

(7) For any defendant charged with an offense that is 743  
alcohol or drug related, or where alcohol or drug influence or 744  
addiction appears to be a contributing factor in the offense, 745  
and who appears based upon an evaluation, prior treatment 746  
history, or recent alcohol or drug use, to be in need of 747  
treatment, requiring completion of a drug or alcohol assessment 748  
and compliance with treatment recommendations; 749

(8) Requiring compliance with alternatives to pretrial 750  
detention, including diversion programs, day reporting, or 751  
comparable alternatives, to ensure the defendant's appearance at 752  
future court proceedings; 753

(9) Any other constitutional condition considered 754  
reasonably necessary to reasonably assure the defendant's 755  
appearance or public safety. 756

(E) Subject to division (I) (2) of this section, in 757  
determining the types, amounts, and conditions of bail, the 758  
court shall consider all relevant information, including the 759  
following: 760

(1) The nature and circumstances of the crime charged, and 761  
specifically whether the defendant used or had access to a 762  
weapon; 763

(2) The weight of the evidence against the defendant; 764

(3) The confirmation of the defendant's identity; 765

(4) The defendant's family ties, employment, financial 766  
resources, character, mental condition, length of residence in 767  
the community, jurisdiction of residence, record of convictions, 768  
record of appearance at court proceedings or of flight to avoid 769  
prosecution; 770

(5) Whether the defendant is on probation, a community 771  
control sanction, parole, post-release control, bail, or under a 772  
court protection order; 773

(6) The offender's immigration status, and whether the 774  
offender is unlawfully present in the United States or has a 775  
current or previous federal immigration detainer; 776

(7) The considerations required under Ohio Constitution, 777  
Article I, Section 9. 778

(F) Absent good cause, there is a presumption of release 779  
on personal recognizance when the defendant appears pursuant to 780  
a summons issued by the court. 781

(G) When a judicial officer, either on motion of a party 782  
or on the court's own motion, determines that the considerations 783  
set forth in divisions (D) and (E) of this section require a 784  
modification of the conditions of release, the judicial officer 785  
may order additional or different types, amounts, or conditions 786  
of bail, or may eliminate or lessen conditions of bail the court 787  
determines to be no longer necessary. Unless the parties agree 788  
to a modification, the court shall hold a hearing on the 789  
modification of bond as promptly as possible. Unless modified by 790  
the judicial officer, or if application is made by a surety for 791  
discharge from a bond pursuant to section 2937.40 of the Revised 792

Code, conditions of release shall continue until the return of a 793  
verdict or the entry of a guilty plea or a no-contest plea and 794  
may continue thereafter pending sentence or disposition of the 795  
case on review. 796

(H) Information stated in or offered in connection with 797  
any order entered pursuant to this section does not need to 798  
conform to the rules pertaining to the admissibility of evidence 799  
in a court of law. The court shall not receive as substantive 800  
evidence in the trial of the case statements or admissions of 801  
the defendant made at a bail proceeding or in the course of 802  
compliance with a condition of bail. 803

(I) (1) In order to expedite the prompt release of a 804  
defendant prior to an initial appearance, each court shall 805  
establish a bail bond schedule covering all misdemeanors 806  
including traffic offenses, either specifically, by type, by 807  
potential penalty, or by some other reasonable method of 808  
classification. The court also may include requirements for 809  
release in consideration of divisions (D) and (E) (5) of this 810  
section. The sole purpose of a bail schedule is to allow for the 811  
consideration of release prior to the defendant's initial 812  
appearance. 813

(2) A bond schedule is not relevant information under 814  
division (E) of this section. 815

(3) Each municipal or county court shall, by rule, 816  
establish a method whereby a defendant may make bail by use of a 817  
credit card. 818

(4) Each court shall review its bail bond schedule 819  
biennially by the thirty-first day of January of each even- 820  
numbered year beginning in 2024, to ensure an appropriate bail 821

bond schedule that does not result in the unnecessary detention 822  
of a defendant due to the defendant's inability to pay. 823

(J) (1) A person who has been arrested, either pursuant to 824  
a warrant or without a warrant, and who has not been released on 825  
bail, shall be brought before a judicial officer for an initial 826  
bail hearing not later than the second court day following the 827  
person's arrest. That bail hearing may be combined with the 828  
initial appearance provided for in the Rules of Criminal 829  
Procedure. 830

(2) If, at the initial bail hearing before a judicial 831  
officer, the defendant was not represented by counsel, and if 832  
the defendant has not yet been released on bail, the court shall 833  
hold a second bail hearing on the second court day following the 834  
initial bail hearing. An indigent defendant shall be afforded 835  
representation by appointed counsel at the state's expense at 836  
this second bail hearing. 837

(K) Any person who fails to appear before any court as 838  
required is subject to the punishment provided by the law, and 839  
any bail given for the defendant's release may be forfeited. If 840  
there is a breach of a condition of release, the court may amend 841  
the bail. 842

(L) Every surety, except a corporate surety licensed as 843  
provided by law, shall justify by affidavit, and may be required 844  
to describe in the affidavit, the property that the surety 845  
proposes as security and the encumbrances on it, the number and 846  
amount of other bonds and undertakings for bail entered into by 847  
the surety and remaining undischarged, and all of the surety's 848  
other liabilities. The surety shall provide other evidence of 849  
financial responsibility as the court or clerk may require. The 850  
court shall not approve a bail bond unless the surety or 851

sureties appear, in the opinion of the court or clerk, to be 852  
financially responsible in at least the amount of the bond. A 853  
licensed attorney at law may not be a surety. 854

**Section 2.** That existing sections 2929.12, 2929.15, 855  
2929.22, 2929.25, and 2937.011 of the Revised Code are hereby 856  
repealed. 857

**Section 3.** The General Assembly, applying the principle 858  
stated in division (B) of section 1.52 of the Revised Code that 859  
amendments are to be harmonized if reasonably capable of 860  
simultaneous operation, finds that the following sections, 861  
presented in this act as composites of the sections as amended 862  
by the acts indicated, are the resulting versions of the 863  
sections in effect prior to the effective date of the sections 864  
as presented in this act: 865

Section 2929.12 of the Revised Code as amended by both 866  
H.B. 234 and H.B. 531 of the 135th General Assembly. 867

Section 2929.15 of the Revised Code as amended by H.B. 868  
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 869