

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 603

Representative Pavliga

A BILL

To amend sections 2929.15 and 2929.25 of the
Revised Code to allow a sheriff or deputy
sheriff to report violations of community
control.

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

Section 1. That sections 2929.15 and 2929.25 of the
Revised Code be amended to read as follows:

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

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

The duration of all community control sanctions imposed on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing

as provided in division (D) of this section to determine whether 51
the offender ingested or was injected with a drug of abuse and 52
requiring that the results of the drug test indicate that the 53
offender did not ingest or was not injected with a drug of 54
abuse. 55

(2) (a) If a court sentences an offender to any community 56
control sanction or combination of community control sanctions 57
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 58
the Revised Code, the court shall place the offender under the 59
general control and supervision of a department of probation in 60
the county that serves the court for purposes of reporting to 61
the court a violation of any condition of the sanctions, any 62
condition of release under a community control sanction imposed 63
by the court, a violation of law, or the departure of the 64
offender from this state without the permission of the court or 65
the offender's probation officer. Alternatively, if the offender 66
resides in another county and a county department of probation 67
has been established in that county or that county is served by 68
a multicounty probation department established under section 69
2301.27 of the Revised Code, the court may request the court of 70
common pleas of that county to receive the offender into the 71
general control and supervision of that county or multicounty 72
department of probation for purposes of reporting to the court a 73
violation of any condition of the sanctions, any condition of 74
release under a community control sanction imposed by the court, 75
a violation of law, or the departure of the offender from this 76
state without the permission of the court or the offender's 77
probation officer, subject to the jurisdiction of the trial 78
judge over and with respect to the person of the offender, and 79
to the rules governing that department of probation. 80

If there is no department of probation in the county that 81

82 serves the court, the court shall place the offender, regardless
83 of the offender's county of residence, under the general control
84 and supervision of the adult parole authority, unless the court
85 has entered into an agreement with the authority as described in
86 division (B) or (C) of section 2301.32 of the Revised Code, or
87 under an entity authorized under division (B) of section 2301.27
88 of the Revised Code to provide probation and supervisory
89 services to counties for purposes of reporting to the court a
90 violation of any of the sanctions, any condition of release
91 under a community control sanction imposed by the court, a
92 violation of law, or the departure of the offender from this
93 state without the permission of the court or the offender's
94 probation officer.

95 (b) If the court imposing sentence on an offender
96 sentences the offender to any community control sanction or
97 combination of community control sanctions authorized pursuant
98 to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and
99 if the offender violates any condition of the sanctions,
100 violates any condition of release under a community control
101 sanction imposed by the court, violates any law, or departs the
102 state without the permission of the court or the offender's
103 probation officer, the sheriff or deputy sheriff with
104 jurisdiction over the offender or the public or private person
105 or entity that operates or administers the sanction or the
106 program or activity that comprises the sanction shall report the
107 violation or departure directly to the sentencing court, or
108 shall report the violation or departure to the county or
109 multicounty department of probation with general control and
110 supervision over the offender under division (A) (2) (a) of this
111 section or the officer of that department who supervises the
112 offender, or, if there is no such department with general

control and supervision over the offender under that division, 113
to the adult parole authority unless the court has entered into 114
an agreement with the authority as described in division (B) or 115
(C) of section 2301.32 of the Revised Code, or to an entity 116
authorized under division (B) of section 2301.27 of the Revised 117
Code to provide probation and supervisory services to the 118
county. If the sheriff or deputy sheriff with jurisdiction over 119
the offender or the public or private person or entity that 120
operates or administers the sanction or the program or activity 121
that comprises the sanction reports the violation or departure 122
to the county or multicounty department of probation, the adult 123
parole authority, or any other entity providing probation and 124
supervisory services to the county, the department's, 125
authority's, or other entity's officers may treat the offender 126
as if the offender were on probation and in violation of the 127
probation, and shall report the violation of the condition of 128
the sanction, any condition of release under a community control 129
sanction imposed by the court, the violation of law, or the 130
departure from the state without the required permission to the 131
sentencing court. 132

(3) If an offender who is eligible for community control 133
sanctions under this section admits to having a drug addiction 134
or the court has reason to believe that the offender has a drug 135
addiction, and if the offense for which the offender is being 136
sentenced was related to the addiction, the court may require 137
that the offender be assessed by a properly credentialed 138
professional within a specified period of time and shall require 139
the professional to file a written assessment of the offender 140
with the court. If a court imposes treatment and recovery 141
support services as a community control sanction, the court 142
shall direct the level and type of treatment and recovery 143

support services after consideration of the written assessment, 144
if available at the time of sentencing, and recommendations of 145
the professional and other treatment and recovery support 146
services providers. 147

(4) If an assessment completed pursuant to division (A) (3) 148
of this section indicates that the offender has an addiction to 149
drugs or alcohol, the court may include in any community control 150
sanction imposed for a violation of section 2925.02, 2925.03, 151
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 152
2925.36, or 2925.37 of the Revised Code a requirement that the 153
offender participate in alcohol and drug addiction services and 154
recovery supports certified under section 5119.36 of the Revised 155
Code or offered by a properly credentialed community addiction 156
services provider. 157

(B) (1) Except as provided in division (B) (2) of this 158
section, if the conditions of a community control sanction 159
imposed for a felony are violated or if the offender violates a 160
law or leaves the state without the permission of the court or 161
the offender's probation officer, the sentencing court may 162
impose on the violator one or more of the following penalties: 163

(a) A longer time under the same sanction if the total 164
time under the sanctions does not exceed the five-year limit 165
specified in division (A) of this section; 166

(b) A more restrictive sanction under section 2929.16, 167
2929.17, or 2929.18 of the Revised Code, including but not 168
limited to, a new term in a community-based correctional 169
facility, halfway house, or jail pursuant to division (A) (6) of 170
section 2929.16 of the Revised Code; 171

(c) A prison term on the offender pursuant to section 172

2929.14 of the Revised Code and division (B) (3) of this section, 173
provided that a prison term imposed under this division is 174
subject to the following limitations and rules, as applicable: 175

(i) If the prison term is imposed for any technical 176
violation of the conditions of a community control sanction 177
imposed for a felony of the fifth degree, the prison term shall 178
not exceed ninety days, provided that if the remaining period of 179
community control at the time of the violation or the remaining 180
period of the reserved prison sentence at that time is less than 181
ninety days, the prison term shall not exceed the length of the 182
remaining period of community control or the remaining period of 183
the reserved prison sentence. If the court imposes a prison term 184
as described in this division, division (B) (2) (b) of this 185
section applies. 186

(ii) If the prison term is imposed for any technical 187
violation of the conditions of a community control sanction 188
imposed for a felony of the fourth degree that is not an offense 189
of violence and is not a sexually oriented offense, the prison 190
term shall not exceed one hundred eighty days, provided that if 191
the remaining period of the community control at the time of the 192
violation or the remaining period of the reserved prison 193
sentence at that time is less than one hundred eighty days, the 194
prison term shall not exceed the length of the remaining period 195
of community control or the remaining period of the reserved 196
prison sentence. If the court imposes a prison term as described 197
in this division, division (B) (2) (b) of this section applies. 198

(iii) A court is not limited in the number of times it may 199
sentence an offender to a prison term under division (B) (1) (c) 200
of this section for a violation of the conditions of a community 201
control sanction or for a violation of a law or leaving the 202

state without the permission of the court or the offender's 203
probation officer. If an offender who is under a community 204
control sanction violates the conditions of the sanction or 205
violates a law or leaves the state without the permission of the 206
court or the offender's probation officer, is sentenced to a 207
prison term for the violation or conduct, is released from the 208
term after serving it, and subsequently violates the conditions 209
of the sanction or violates a law or leaves the state without 210
the permission of the court or the offender's probation officer, 211
the court may impose a new prison term sanction on the offender 212
under division (B) (1) (c) of this section for the subsequent 213
violation or conduct. 214

(2) (a) If an offender was acting pursuant to division (B) 215
(2) (b) of section 2925.11 or a related provision of section 216
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 217
doing violated the conditions of a community control sanction 218
based on a minor drug possession offense, as defined in section 219
2925.11 of the Revised Code, or violated section 2925.12, 220
division (C) (1) of section 2925.14, or section 2925.141 of the 221
Revised Code, the sentencing court shall not impose any of the 222
penalties described in division (B) (1) of this section based on 223
the violation. 224

(b) If a court imposes a prison term on an offender under 225
division (B) (1) (c) (i) or (ii) of this section for a technical 226
violation of the conditions of a community control sanction, one 227
of the following is applicable with respect to the time that the 228
offender spends in prison under the term: 229

(i) Subject to division (B) (2) (b) (ii) of this section, it 230
shall be credited against the offender's community control 231
sanction that was being served at the time of the violation, and 232

the remaining time under that community control sanction shall 233
be reduced by the time that the offender spends in prison under 234
the prison term. By determination of the court, the offender 235
upon release from the prison term either shall continue serving 236
the remaining time under the community control sanction, as 237
reduced under this division, or shall have the community control 238
sanction terminated. 239

(ii) If, at the time a prison term is imposed for a 240
technical violation, the offender was serving a residential 241
community control sanction imposed under section 2929.16 of the 242
Revised Code, the time spent serving the residential community 243
control sanction shall be credited against the offender's 244
reserved prison sentence, and the remaining time under that 245
residential community control sanction and under the reserved 246
prison sentence shall be reduced by the time that the offender 247
spends in prison under the prison term. By determination of the 248
court, the offender upon release from the prison term either 249
shall continue serving the remaining time under the residential 250
community control sanction, as reduced under this division, or 251
shall have the residential community control sanction 252
terminated. 253

(3) The prison term, if any, imposed on a violator 254
pursuant to this division and division (B)(1) of this section 255
shall be within the range of prison terms described in this 256
division and shall not exceed a prison term from the range of 257
terms specified in the notice provided to the offender at the 258
sentencing hearing pursuant to division (B)(4) of section 259
2929.19 of the Revised Code. The court may reduce the longer 260
period of time that the offender is required to spend under the 261
longer sanction, the more restrictive sanction, or a prison term 262
imposed pursuant to division (B)(1) of this section by the time 263

the offender successfully spent under the sanction that was 264
initially imposed. Except as otherwise specified in this 265
division, the prison term imposed under this division and 266
division (B) (1) of this section shall be within the range of 267
prison terms available as a definite term for the offense for 268
which the sanction that was violated was imposed. If the offense 269
for which the sanction that was violated was imposed is a felony 270
of the first or second degree committed on or after March 22, 271
2019, the prison term so imposed under this division shall be 272
within the range of prison terms available as a minimum term for 273
the offense under division (A) (1) (a) or (2) (a) of section 274
2929.14 of the Revised Code. 275

(C) If an offender, for a significant period of time, 276
fulfills the conditions of a sanction imposed pursuant to 277
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 278
exemplary manner, the court may reduce the period of time under 279
the sanction or impose a less restrictive sanction, but the 280
court shall not permit the offender to violate any law or permit 281
the offender to leave the state without the permission of the 282
court or the offender's probation officer. 283

(D) (1) If a court under division (A) (1) of this section 284
imposes a condition of release under a community control 285
sanction that requires the offender to submit to random drug 286
testing, the department of probation, the adult parole 287
authority, or any other entity that has general control and 288
supervision of the offender under division (A) (2) (a) of this 289
section may cause the offender to submit to random drug testing 290
performed by a laboratory or entity that has entered into a 291
contract with any of the governmental entities or officers 292
authorized to enter into a contract with that laboratory or 293
entity under section 341.26, 753.33, or 5120.63 of the Revised 294

Code. 295

(2) If no laboratory or entity described in division (D) 296
(1) of this section has entered into a contract as specified in 297
that division, the department of probation, the adult parole 298
authority, or any other entity that has general control and 299
supervision of the offender under division (A)(2)(a) of this 300
section shall cause the offender to submit to random drug 301
testing performed by a reputable public laboratory to determine 302
whether the individual who is the subject of the drug test 303
ingested or was injected with a drug of abuse. 304

(3) A laboratory or entity that has entered into a 305
contract pursuant to section 341.26, 753.33, or 5120.63 of the 306
Revised Code shall perform the random drug tests under division 307
(D)(1) of this section in accordance with the applicable 308
standards that are included in the terms of that contract. A 309
public laboratory shall perform the random drug tests under 310
division (D)(2) of this section in accordance with the standards 311
set forth in the policies and procedures established by the 312
department of rehabilitation and correction pursuant to section 313
5120.63 of the Revised Code. An offender who is required under 314
division (A)(1) of this section to submit to random drug testing 315
as a condition of release under a community control sanction and 316
whose test results indicate that the offender ingested or was 317
injected with a drug of abuse shall pay the fee for the drug 318
test if the department of probation, the adult parole authority, 319
or any other entity that has general control and supervision of 320
the offender requires payment of a fee. A laboratory or entity 321
that performs the random drug testing on an offender under 322
division (D)(1) or (2) of this section shall transmit the 323
results of the drug test to the appropriate department of 324
probation, the adult parole authority, or any other entity that 325

has general control and supervision of the offender under 326
division (A) (2) (a) of this section. 327

(E) As used in this section, "technical violation" means a 328
violation of the conditions of a community control sanction 329
imposed for a felony of the fifth degree, or for a felony of the 330
fourth degree that is not an offense of violence and is not a 331
sexually oriented offense, and to which neither of the following 332
applies: 333

(1) The violation consists of a new criminal offense that 334
is a felony or that is a misdemeanor other than a minor 335
misdemeanor, and the violation is committed while under the 336
community control sanction. 337

(2) The violation consists of or includes the offender's 338
articulated or demonstrated refusal to participate in the 339
community control sanction imposed on the offender or any of its 340
conditions, and the refusal demonstrates to the court that the 341
offender has abandoned the objects of the community control 342
sanction or condition. 343

Sec. 2929.25. (A) (1) Except as provided in sections 344
2929.22 and 2929.23 of the Revised Code or when a jail term is 345
required by law, in sentencing an offender for a misdemeanor, 346
other than a minor misdemeanor, the sentencing court may do 347
either of the following: 348

(a) Directly impose a sentence that consists of one or 349
more community control sanctions authorized by section 2929.26, 350
2929.27, or 2929.28 of the Revised Code. The court may impose 351
any other conditions of release under a community control 352
sanction that the court considers appropriate. If the court 353
imposes a jail term upon the offender, the court may impose any 354

community control sanction or combination of community control 355
sanctions in addition to the jail term. 356

(b) Impose a jail term under section 2929.24 of the 357
Revised Code from the range of jail terms authorized under that 358
section for the offense, suspend all or a portion of the jail 359
term imposed, and place the offender under a community control 360
sanction or combination of community control sanctions 361
authorized under section 2929.26, 2929.27, or 2929.28 of the 362
Revised Code. 363

(2) The duration of all community control sanctions 364
imposed upon an offender and in effect for an offender at any 365
time shall not exceed five years. 366

(3) At sentencing, if a court directly imposes a community 367
control sanction or combination of community control sanctions 368
pursuant to division (A)(1)(a) or (B) of this section, the court 369
shall state the duration of the community control sanctions 370
imposed and shall notify the offender that if any of the 371
conditions of the community control sanctions are violated the 372
court may do any of the following: 373

(a) Impose a longer time under the same community control 374
sanction if the total time under all of the offender's community 375
control sanctions does not exceed the five-year limit specified 376
in division (A)(2) of this section; 377

(b) Impose a more restrictive community control sanction 378
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 379
but the court is not required to impose any particular sanction 380
or sanctions; 381

(c) Impose a definite jail term from the range of jail 382
terms authorized for the offense under section 2929.24 of the 383

Revised Code. 384

(B) If a court sentences an offender to any community 385
control sanction or combination of community control sanctions 386
pursuant to division (A)(1)(a) of this section, the sentencing 387
court retains jurisdiction over the offender and the period of 388
community control for the duration of the period of community 389
control. Upon the motion of either party or on the court's own 390
motion, the court, in the court's sole discretion and as the 391
circumstances warrant, may modify the community control 392
sanctions or conditions of release previously imposed, 393
substitute a community control sanction or condition of release 394
for another community control sanction or condition of release 395
previously imposed, or impose an additional community control 396
sanction or condition of release. 397

(C)(1) If a court sentences an offender to any community 398
control sanction or combination of community control sanctions 399
authorized under section 2929.26, 2929.27, or 2929.28 of the 400
Revised Code, the court shall place the offender under the 401
general control and supervision of the court or of a department 402
of probation in the jurisdiction that serves the court for 403
purposes of reporting to the court a violation of any of the 404
conditions of the sanctions imposed. If the offender resides in 405
another jurisdiction and a department of probation has been 406
established to serve the municipal court or county court in that 407
jurisdiction, the sentencing court may request the municipal 408
court or the county court to receive the offender into the 409
general control and supervision of that department of probation 410
for purposes of reporting to the sentencing court a violation of 411
any of the conditions of the sanctions imposed. The sentencing 412
court retains jurisdiction over any offender whom it sentences 413
for the duration of the sanction or sanctions imposed. 414

(2) The sentencing court shall require as a condition of 415
any community control sanction that the offender abide by the 416
law and not leave the state without the permission of the court 417
or the offender's probation officer. In the interests of doing 418
justice, rehabilitating the offender, and ensuring the 419
offender's good behavior, the court may impose additional 420
requirements on the offender. The offender's compliance with the 421
additional requirements also shall be a condition of the 422
community control sanction imposed upon the offender. 423

(D) (1) If the court imposing sentence upon an offender 424
sentences the offender to any community control sanction or 425
combination of community control sanctions authorized under 426
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 427
the offender violates any of the conditions of the sanctions, 428
the sheriff or deputy sheriff with jurisdiction over the 429
offender or the public or private person or entity that 430
supervises or administers the program or activity that comprises 431
the sanction shall report the violation directly to the 432
sentencing court or to the department of probation or probation 433
officer with general control and supervision over the offender. 434
If the sheriff or deputy sheriff with jurisdiction over the 435
offender or the public or private person or entity reports the 436
violation to the department of probation or probation officer, 437
the department or officer shall report the violation to the 438
sentencing court. 439

(2) Except as provided in division (D) (3) of this section, 440
if an offender violates any condition of a community control 441
sanction, the sentencing court may impose upon the violator one 442
or more of the following penalties: 443

(a) A longer time under the same community control 444

sanction if the total time under all of the community control 445
sanctions imposed on the violator does not exceed the five-year 446
limit specified in division (A) (2) of this section; 447

(b) A more restrictive community control sanction; 448

(c) A combination of community control sanctions, 449
including a jail term. 450

(3) If an offender was acting pursuant to division (B) (2) 451
(b) of section 2925.11 or a related provision under section 452
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 453
doing violated the conditions of a community control sanction 454
based on a minor drug possession offense, as defined in section 455
2925.11 of the Revised Code, or violated section 2925.12, 456
division (C) (1) of section 2925.14, or section 2925.141 of the 457
Revised Code, the sentencing court shall not impose any of the 458
penalties described in division (D) (2) of this section based on 459
the violation. 460

(4) If the court imposes a jail term upon a violator 461
pursuant to division (D) (2) of this section, the total time 462
spent in jail for the misdemeanor offense and the violation of a 463
condition of the community control sanction shall not exceed the 464
maximum jail term available for the offense for which the 465
sanction that was violated was imposed. The court may reduce the 466
longer period of time that the violator is required to spend 467
under the longer sanction or the more restrictive sanction 468
imposed under division (D) (2) of this section by all or part of 469
the time the violator successfully spent under the sanction that 470
was initially imposed. 471

(E) Except as otherwise provided in this division, if an 472
offender, for a significant period of time, fulfills the 473

conditions of a community control sanction imposed pursuant to 474
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 475
exemplary manner, the court may reduce the period of time under 476
the community control sanction or impose a less restrictive 477
community control sanction. Fulfilling the conditions of a 478
community control sanction does not relieve the offender of a 479
duty to make restitution under section 2929.28 of the Revised 480
Code. 481

Section 2. That existing sections 2929.15 and 2929.25 of 482
the Revised Code are hereby repealed. 483

Section 3. Section 2929.15 of the Revised Code is 484
presented in this act as a composite of the section as amended 485
by H.B. 110, H.B. 281, and S.B. 288 all of the 134th General 486
Assembly. The General Assembly, applying the principle stated in 487
division (B) of section 1.52 of the Revised Code that amendments 488
are to be harmonized if reasonably capable of simultaneous 489
operation, finds that the composite is the resulting version of 490
the section in effect prior to the effective date of the section 491
as presented in this act. 492