

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 196

Representatives Williams, Seitz

Cosponsors: Representatives Hillyer, Humphrey, Rogers, Demetriou

A BILL

To amend sections 2929.15, 2929.20, 2929.25, 1
2951.02, and 2951.07 of the Revised Code to 2
change the maximum periods of community control 3
sanctions authorized for felonies and 4
misdemeanors and to modify the confinement 5
sanctions authorized for a technical violation 6
of community control sanction conditions. 7

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

Section 1. That sections 2929.15, 2929.20, 2929.25, 8
2951.02, and 2951.07 of the Revised Code be amended to read as 9
follows: 10

Sec. 2929.15. (A) (1) If in sentencing an offender for a 11
felony the court is not required to impose a prison term, a 12
mandatory prison term, or a term of life imprisonment upon the 13
offender, the court may directly impose a sentence that consists 14
of one or more community control sanctions authorized pursuant 15
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 16
the court is sentencing an offender for a fourth degree felony 17
OVI offense under division (G) (1) of section 2929.13 of the 18

Revised Code, in addition to the mandatory term of local 19
incarceration imposed under that division and the mandatory fine 20
required by division (B) (3) of section 2929.18 of the Revised 21
Code, the court may impose upon the offender a community control 22
sanction or combination of community control sanctions in 23
accordance with sections 2929.16 and 2929.17 of the Revised 24
Code. If the court is sentencing an offender for a third or 25
fourth degree felony OVI offense under division (G) (2) of 26
section 2929.13 of the Revised Code, in addition to the 27
mandatory prison term or mandatory prison term and additional 28
prison term imposed under that division, the court also may 29
impose upon the offender a community control sanction or 30
combination of community control sanctions under section 2929.16 31
or 2929.17 of the Revised Code, but the offender shall serve all 32
of the prison terms so imposed prior to serving the community 33
control sanction. 34

The duration of all community control sanctions imposed on 35
an offender under this division shall not exceed five years for 36
any felony of the first or second degree, three years for any 37
felony of the third degree, or two years for any felony of the 38
fourth or fifth degree. If the offender absconds or otherwise 39
leaves the jurisdiction of the court in which the offender 40
resides without obtaining permission from the court or the 41
offender's probation officer to leave the jurisdiction of the 42
court, or if the offender is confined in any institution for the 43
commission of any offense while under a community control 44
sanction, the period of the community control sanction ceases to 45
run until the offender is brought before the court for its 46
further action. If the court sentences the offender to one or 47
more nonresidential sanctions under section 2929.17 of the 48
Revised Code, the court shall impose as a condition of the 49

nonresidential sanctions that, during the period of the 50
sanctions, the offender must abide by the law and must not leave 51
the state without the permission of the court or the offender's 52
probation officer. The court may impose any other conditions of 53
release under a community control sanction that the court 54
considers appropriate, including, but not limited to, requiring 55
that the offender not ingest or be injected with a drug of abuse 56
and submit to random drug testing as provided in division (D) of 57
this section to determine whether the offender ingested or was 58
injected with a drug of abuse and requiring that the results of 59
the drug test indicate that the offender did not ingest or was 60
not injected with a drug of abuse. 61

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

release under a community control sanction imposed by the court, 81
a violation of law, or the departure of the offender from this 82
state without the permission of the court or the offender's 83
probation officer, subject to the jurisdiction of the trial 84
judge over and with respect to the person of the offender, and 85
to the rules governing that department of probation. 86

If there is no department of probation in the county that 87
serves the court, the court shall place the offender, regardless 88
of the offender's county of residence, under the general control 89
and supervision of the adult parole authority, unless the court 90
has entered into an agreement with the authority as described in 91
division (B) or (C) of section 2301.32 of the Revised Code, or 92
under an entity authorized under division (B) of section 2301.27 93
of the Revised Code to provide probation and supervisory 94
services to counties for purposes of reporting to the court a 95
violation of any of the sanctions, any condition of release 96
under a community control sanction imposed by the court, a 97
violation of law, or the departure of the offender from this 98
state without the permission of the court or the offender's 99
probation officer. 100

(b) If the court imposing sentence on an offender 101
sentences the offender to any community control sanction or 102
combination of community control sanctions authorized pursuant 103
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 104
if the offender violates any condition of the sanctions, 105
violates any condition of release under a community control 106
sanction imposed by the court, violates any law, or departs the 107
state without the permission of the court or the offender's 108
probation officer, the public or private person or entity that 109
operates or administers the sanction or the program or activity 110
that comprises the sanction shall report the violation or 111

departure directly to the sentencing court, or shall report the 112
violation or departure to the county or multicounty department 113
of probation with general control and supervision over the 114
offender under division (A) (2) (a) of this section or the officer 115
of that department who supervises the offender, or, if there is 116
no such department with general control and supervision over the 117
offender under that division, to the adult parole authority 118
unless the court has entered into an agreement with the 119
authority as described in division (B) or (C) of section 2301.32 120
of the Revised Code, or to an entity authorized under division 121
(B) of section 2301.27 of the Revised Code to provide probation 122
and supervisory services to the county. If the public or private 123
person or entity that operates or administers the sanction or 124
the program or activity that comprises the sanction reports the 125
violation or departure to the county or multicounty department 126
of probation, the adult parole authority, or any other entity 127
providing probation and supervisory services to the county, the 128
department's, authority's, or other entity's officers may treat 129
the offender as if the offender were on probation and in 130
violation of the probation, and shall report the violation of 131
the condition of the sanction, any condition of release under a 132
community control sanction imposed by the court, the violation 133
of law, or the departure from the state without the required 134
permission to the sentencing court. 135

(3) If an offender who is eligible for community control 136
sanctions under this section admits to having a drug addiction 137
or the court has reason to believe that the offender has a drug 138
addiction, and if the offense for which the offender is being 139
sentenced was related to the addiction, the court may require 140
that the offender be assessed by a properly credentialed 141
professional within a specified period of time and shall require 142

the professional to file a written assessment of the offender 143
with the court. If a court imposes treatment and recovery 144
support services as a community control sanction, the court 145
shall direct the level and type of treatment and recovery 146
support services after consideration of the written assessment, 147
if available at the time of sentencing, and recommendations of 148
the professional and other treatment and recovery support 149
services providers. 150

(4) If an assessment completed pursuant to division (A) (3) 151
of this section indicates that the offender has an addiction to 152
drugs or alcohol, the court may include in any community control 153
sanction imposed for a violation of section 2925.02, 2925.03, 154
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 155
2925.36, or 2925.37 of the Revised Code a requirement that the 156
offender participate in alcohol and drug addiction services and 157
recovery supports certified under section 5119.36 of the Revised 158
Code or offered by a properly credentialed community addiction 159
services provider. 160

(B) (1) Except as provided in division (B) (2) of this 161
section, if the conditions of a community control sanction 162
imposed for a felony are violated or if the offender violates a 163
law or leaves the state without the permission of the court or 164
the offender's probation officer, the sentencing court may 165
impose on the violator one or more of the following penalties: 166

(a) ~~A-Subject to division (B) (1) (d) of this section, a~~ 167
longer time under the same sanction if the total time under the 168
sanctions does not exceed the ~~five-year-applicable limit for the~~ 169
~~offense~~ specified in division (A) of this section; 170

(b) ~~A-Subject to division (B) (1) (d) of this section, a~~ 171
more restrictive sanction under section 2929.16, 2929.17, or 172

2929.18 of the Revised Code, including but not limited to, a new 173
term in a community-based correctional facility, halfway house, 174
or jail pursuant to division (A) (6) of section 2929.16 of the 175
Revised Code; 176

(c) A-Subject to division (B) (1) (d) of this section, a 177
prison term ~~on the offender~~ pursuant to section 2929.14 of the 178
Revised Code and division (B) (3) of this section, provided that 179
a prison term imposed under this division is subject to the 180
following limitations and rules, as applicable: 181

(i) If the prison term is imposed under authority of 182
division (B) (1) (d) (ii) (IV) of this section for any technical 183
violation of the conditions of a community control sanction 184
imposed for a felony of the fifth degree, the prison term shall 185
not exceed ninety days, provided that if the remaining period of 186
community control at the time of the violation or the remaining 187
period of the reserved prison sentence at that time is less than 188
ninety days, the prison term shall not exceed the length of the 189
remaining period of community control or the remaining period of 190
the reserved prison sentence. If the court imposes a prison term 191
as described in this division, division (B) (2) (b) of this 192
section applies. 193

(ii) If the prison term is imposed under authority of 194
division (B) (1) (d) (ii) (IV) of this section for any technical 195
violation of the conditions of a community control sanction 196
imposed for a felony of the fourth degree that is not an offense 197
of violence and is not a sexually oriented offense, the prison 198
term shall not exceed one hundred eighty days, provided that if 199
the remaining period of the community control at the time of the 200
violation or the remaining period of the reserved prison 201
sentence at that time is less than one hundred eighty days, the 202

prison term shall not exceed the length of the remaining period 203
of community control or the remaining period of the reserved 204
prison sentence. If the court imposes a prison term as described 205
in this division, division (B) (2) (b) of this section applies. 206

(iii) A court is not limited in the number of times it may 207
sentence an offender to a prison term under division (B) (1) (c) 208
of this section for a violation of the conditions of a community 209
control sanction or for a violation of a law or leaving the 210
state without the permission of the court or the offender's 211
probation officer. If an offender who is under a community 212
control sanction violates the conditions of the sanction or 213
violates a law or leaves the state without the permission of the 214
court or the offender's probation officer, is sentenced to a 215
prison term for the violation or conduct, is released from the 216
term after serving it, and subsequently violates the conditions 217
of the sanction or violates a law or leaves the state without 218
the permission of the court or the offender's probation officer, 219
the court may impose a new prison term sanction on the offender 220
under division (B) (1) (c) of this section for the subsequent 221
violation or conduct. 222

(d) If the conditions of the community control sanction 223
imposed for a felony are violated by a technical violation, one 224
or more of the following penalties: 225

(i) A more restrictive sanction under section 2929.17 of 226
the Revised Code; 227

(ii) A temporary incarceration sanction consisting of 228
whichever of the following is applicable: 229

(I) For a first technical violation during the period of 230
community control that includes the violated sanction, a 231

sanction of jail incarceration of not more than fifteen days; 232

(II) For a second technical violation during the period of 233
community control that includes the violated sanction, a 234
sanction of jail incarceration of not more than thirty days; 235

(III) For a third technical violation during the period of 236
community control that includes the violated sanction, a 237
sanction of jail incarceration of not more than forty-five days; 238

(IV) For a fourth or subsequent technical violation during 239
the period of community control that includes the violated 240
sanction, any sanction of temporary incarceration described in 241
divisions (B) (1) (a) to (c) of this section. 242

(2) (a) If an offender was acting pursuant to division (B) 243
(2) (b) of section 2925.11 or a related provision of section 244
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 245
doing violated the conditions of a community control sanction 246
based on a minor drug possession offense, as defined in section 247
2925.11 of the Revised Code, or violated section 2925.12, 248
division (C) (1) of section 2925.14, or section 2925.141 of the 249
Revised Code, the sentencing court shall not impose any of the 250
penalties described in division (B) (1) of this section based on 251
the violation. 252

(b) If a court imposes a prison term on an offender under 253
division (B) (1) (c) (i) or (ii) of this section for a technical 254
violation of the conditions of a community control sanction, one 255
of the following is applicable with respect to the time that the 256
offender spends in prison under the term: 257

(i) Subject to division (B) (2) (b) (ii) of this section, it 258
shall be credited against the offender's community control 259
sanction that was being served at the time of the violation, and 260

the remaining time under that community control sanction shall 261
be reduced by the time that the offender spends in prison under 262
the prison term. By determination of the court, the offender 263
upon release from the prison term either shall continue serving 264
the remaining time under the community control sanction, as 265
reduced under this division, or shall have the community control 266
sanction terminated. 267

(ii) If, at the time a prison term is imposed for a 268
technical violation, the offender was serving a residential 269
community control sanction imposed under section 2929.16 of the 270
Revised Code, the time spent serving the residential community 271
control sanction shall be credited against the offender's 272
reserved prison sentence, and the remaining time under that 273
residential community control sanction and under the reserved 274
prison sentence shall be reduced by the time that the offender 275
spends in prison under the prison term. By determination of the 276
court, the offender upon release from the prison term either 277
shall continue serving the remaining time under the residential 278
community control sanction, as reduced under this division, or 279
shall have the residential community control sanction 280
terminated. 281

(3) The prison term, if any, imposed on a violator 282
pursuant to this division and division (B)(1) of this section 283
shall be within the range of prison terms described in this 284
division and shall not exceed a prison term from the range of 285
terms specified in the notice provided to the offender at the 286
sentencing hearing pursuant to division (B)(4) of section 287
2929.19 of the Revised Code. The court may reduce the longer 288
period of time that the offender is required to spend under the 289
longer sanction, ~~the more restrictive sanction, temporary~~ 290
incarceration, or a prison term imposed pursuant to division (B) 291

(1) of this section by the time the offender successfully spent 292
under the sanction that was initially imposed. Except as 293
otherwise specified in this division, the prison term imposed 294
under this division and division (B) (1) of this section shall be 295
within the range of prison terms available as a definite term 296
for the offense for which the sanction that was violated was 297
imposed. If the offense for which the sanction that was violated 298
was imposed is a felony of the first or second degree committed 299
on or after March 22, 2019, the prison term so imposed under 300
this division shall be within the range of prison terms 301
available as a minimum term for the offense under division (A) 302
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 303

(C) If an offender, for a significant period of time, 304
fulfills the conditions of a sanction imposed pursuant to 305
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 306
exemplary manner, the court may reduce the period of time under 307
the sanction or impose a less restrictive sanction, but the 308
court shall not permit the offender to violate any law or permit 309
the offender to leave the state without the permission of the 310
court or the offender's probation officer. 311

(D) (1) If a court under division (A) (1) of this section 312
imposes a condition of release under a community control 313
sanction that requires the offender to submit to random drug 314
testing, the department of probation, the adult parole 315
authority, or any other entity that has general control and 316
supervision of the offender under division (A) (2) (a) of this 317
section may cause the offender to submit to random drug testing 318
performed by a laboratory or entity that has entered into a 319
contract with any of the governmental entities or officers 320
authorized to enter into a contract with that laboratory or 321
entity under section 341.26, 753.33, or 5120.63 of the Revised 322

Code. 323

(2) If no laboratory or entity described in division (D) 324
(1) of this section has entered into a contract as specified in 325
that division, the department of probation, the adult parole 326
authority, or any other entity that has general control and 327
supervision of the offender under division (A)(2)(a) of this 328
section shall cause the offender to submit to random drug 329
testing performed by a reputable public laboratory to determine 330
whether the individual who is the subject of the drug test 331
ingested or was injected with a drug of abuse. 332

(3) A laboratory or entity that has entered into a 333
contract pursuant to section 341.26, 753.33, or 5120.63 of the 334
Revised Code shall perform the random drug tests under division 335
(D)(1) of this section in accordance with the applicable 336
standards that are included in the terms of that contract. A 337
public laboratory shall perform the random drug tests under 338
division (D)(2) of this section in accordance with the standards 339
set forth in the policies and procedures established by the 340
department of rehabilitation and correction pursuant to section 341
5120.63 of the Revised Code. An offender who is required under 342
division (A)(1) of this section to submit to random drug testing 343
as a condition of release under a community control sanction and 344
whose test results indicate that the offender ingested or was 345
injected with a drug of abuse shall pay the fee for the drug 346
test if the department of probation, the adult parole authority, 347
or any other entity that has general control and supervision of 348
the offender requires payment of a fee. A laboratory or entity 349
that performs the random drug testing on an offender under 350
division (D)(1) or (2) of this section shall transmit the 351
results of the drug test to the appropriate department of 352
probation, the adult parole authority, or any other entity that 353

has general control and supervision of the offender under 354
division (A) (2) (a) of this section. 355

(E) As used in this section, "technical violation" means a 356
violation of the conditions of a community control sanction 357
imposed for a felony ~~of the fifth degree, or for a felony of the~~ 358
~~fourth degree that is not an offense of violence and is not a~~ 359
~~sexually oriented offense,~~ and to which neither of the following 360
applies: 361

(1) The violation consists of a new criminal offense that 362
is a felony or that is a misdemeanor other than a minor 363
misdemeanor, and the violation is committed while under the 364
community control sanction. 365

(2) The violation consists of or includes the offender's 366
articulated or demonstrated refusal to participate in the 367
community control sanction imposed on the offender or any of its 368
conditions, and the refusal demonstrates to the court that the 369
offender has abandoned the objects of the community control 370
sanction or condition. 371

Sec. 2929.20. (A) As used in this section: 372

(1) (a) Except as provided in division (A) (1) (b) of this 373
section, "eligible offender" means any person who, on or after 374
April 7, 2009, is serving a stated prison term that includes one 375
or more nonmandatory prison terms. A person may be an eligible 376
offender and also may be an eighty per cent-qualifying offender 377
or, during a declared state of emergency, a state of emergency- 378
qualifying offender. 379

(b) "Eligible offender" does not include any person who, 380
on or after April 7, 2009, is serving a stated prison term for 381
any of the following criminal offenses that was a felony and was 382

committed while the person held a public office in this state: 383

(i) A violation of section 2921.02, 2921.03, 2921.05, 384
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 385
Code; 386

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 387
2921.12 of the Revised Code, when the conduct constituting the 388
violation was related to the duties of the offender's public 389
office or to the offender's actions as a public official holding 390
that public office; 391

(iii) A violation of an existing or former municipal 392
ordinance or law of this or any other state or the United States 393
that is substantially equivalent to any violation listed in 394
division (A) (1) (b) (i) of this section; 395

(iv) A violation of an existing or former municipal 396
ordinance or law of this or any other state or the United States 397
that is substantially equivalent to any violation listed in 398
division (A) (1) (b) (ii) of this section, when the conduct 399
constituting the violation was related to the duties of the 400
offender's public office or to the offender's actions as a 401
public official holding that public office; 402

(v) A conspiracy to commit, attempt to commit, or 403
complicity in committing any offense listed in division (A) (1) 404
(b) (i) or described in division (A) (1) (b) (iii) of this section; 405

(vi) A conspiracy to commit, attempt to commit, or 406
complicity in committing any offense listed in division (A) (1) 407
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 408
if the conduct constituting the offense that was the subject of 409
the conspiracy, that would have constituted the offense 410
attempted, or constituting the offense in which the offender was 411

complicit was or would have been related to the duties of the 412
offender's public office or to the offender's actions as a 413
public official holding that public office. 414

(2) "State of emergency-qualifying offender" means any 415
inmate to whom all of the following apply: 416

(a) The inmate is serving a stated prison term during a 417
state of emergency that is declared by the governor as a direct 418
response to a pandemic or public health emergency. 419

(b) The geographical area covered by the declared state of 420
emergency includes the location at which the inmate is serving 421
the stated prison term described in division (A) (2) (a) of this 422
section. 423

(c) There is a direct nexus between the emergency that is 424
the basis of the governor's declaration of the state of 425
emergency and the circumstances of, and need for release of, the 426
inmate. 427

(3) (a) "Eighty per cent-qualifying offender" means an 428
offender who is serving a stated prison term of one year or 429
more, who has commenced service of that stated prison term, who 430
is not serving a stated prison term that includes a 431
disqualifying prison term or a stated prison term that consists 432
solely of one or more restricting prison terms, and to whom 433
either of the following applies: 434

(i) If the offender is serving a stated prison term of one 435
year or more that includes one or more restricting prison terms 436
and one or more eligible prison terms, the offender has fully 437
served all restricting prison terms and has served eighty per 438
cent of that stated prison term that remains to be served after 439
all restricting prison terms have been fully served. 440

(ii) If the offender is serving a stated prison term of 441
one year or more that consists solely of one or more eligible 442
prison terms, the offender has served eighty per cent of that 443
stated prison term. 444

(b) For purposes of determining whether an offender is an 445
eighty per cent-qualifying offender under division (A) (3) (a) of 446
this section: 447

(i) If the offender's stated prison term includes 448
consecutive prison terms, any restricting prison terms shall be 449
deemed served prior to any eligible prison terms that run 450
consecutively to the restricting prison terms, and the eligible 451
prison terms are deemed to commence after all of the restricting 452
prison terms have been fully served. 453

(ii) An offender serving a stated prison term of one year 454
or more that includes a mandatory prison term that is not a 455
disqualifying prison term and is not a restricting prison term 456
is not automatically disqualified from being an eighty per cent- 457
qualifying offender as a result of the offender's service of 458
that mandatory term for release from prison under this section, 459
and the offender may be eligible for release from prison in 460
accordance with this division and division (O) of this section. 461

(4) "Nonmandatory prison term" means a prison term that is 462
not a mandatory prison term. 463

(5) "Public office" means any elected federal, state, or 464
local government office in this state. 465

(6) "Victim's representative" has the same meaning as in 466
section 2930.01 of the Revised Code. 467

(7) "Imminent danger of death," "medically incapacitated," 468
and "terminal illness" have the same meanings as in section 469

2967.05 of the Revised Code. 470

(8) "Aggregated nonmandatory prison term or terms" means 471
the aggregate of the following: 472

(a) All nonmandatory definite prison terms; 473

(b) With respect to any non-life felony indefinite prison 474
term, all nonmandatory minimum prison terms imposed as part of 475
the non-life felony indefinite prison term or terms. 476

(9) "Deadly weapon" and "dangerous ordnance" have the same 477
meanings as in section 2923.11 of the Revised Code. 478

(10) "Disqualifying prison term" means any of the 479
following: 480

(a) A prison term imposed for aggravated murder, murder, 481
voluntary manslaughter, involuntary manslaughter, felonious 482
assault, kidnapping, rape, aggravated arson, aggravated 483
burglary, or aggravated robbery; 484

(b) A prison term imposed for complicity in, an attempt to 485
commit, or conspiracy to commit any offense listed in division 486
(A) (10) (a) of this section; 487

(c) A prison term of life imprisonment, including any term 488
of life imprisonment that has parole eligibility; 489

(d) A prison term imposed for any felony other than 490
carrying a concealed weapon an essential element of which is any 491
conduct or failure to act expressly involving any deadly weapon 492
or dangerous ordnance; 493

(e) A prison term imposed for any violation of section 494
2925.03 of the Revised Code that is a felony of the first or 495
second degree; 496

(f) A prison term imposed for engaging in a pattern of 497
corrupt activity in violation of section 2923.32 of the Revised 498
Code; 499

(g) A prison term imposed pursuant to section 2971.03 of 500
the Revised Code; 501

(h) A prison term imposed for any sexually oriented 502
offense. 503

(11) "Eligible prison term" means any prison term that is 504
not a disqualifying prison term and is not a restricting prison 505
term. 506

(12) "Restricting prison term" means any of the following: 507

(a) A mandatory prison term imposed under division (B) (1) 508
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 509
section 2929.14 of the Revised Code for a specification of the 510
type described in that division; 511

(b) In the case of an offender who has been sentenced to a 512
mandatory prison term for a specification of the type described 513
in division (A) (12) (a) of this section, the prison term imposed 514
for the felony offense for which the specification was stated at 515
the end of the body of the indictment, count in the indictment, 516
or information charging the offense; 517

(c) A prison term imposed for trafficking in persons; 518

(d) A prison term imposed for any offense that is 519
described in division (A) (12) (d) (i) of this section if division 520
(A) (12) (d) (ii) of this section applies to the offender: 521

(i) The offense is a felony of the first or second degree 522
that is an offense of violence and that is not described in 523
division (A) (10) (a) or (b) of this section, an attempt to commit 524

a felony of the first or second degree that is an offense of 525
violence and that is not described in division (A) (10) (a) or (b) 526
of this section if the attempt is a felony of the first or 527
second degree, or an offense under an existing or former law of 528
this state, another state, or the United States that is or was 529
substantially equivalent to any other offense described in this 530
division. 531

(ii) The offender previously was convicted of or pleaded 532
guilty to any offense listed in division (A) (10) or (A) (12) (d) 533
(i) of this section. 534

(13) "Sexually oriented offense" has the same meaning as 535
in section 2950.01 of the Revised Code. 536

(14) "Stated prison term of one year or more" means a 537
definite prison term of one year or more imposed as a stated 538
prison term, or a minimum prison term of one year or more 539
imposed as part of a stated prison term that is a non-life 540
felony indefinite prison term. 541

(B) On the motion of an eligible offender, on the motion 542
of a state of emergency-qualifying offender made during the 543
declared state of emergency, or on its own motion with respect 544
to an eligible offender or with respect to a state of emergency- 545
qualifying offender during the declared state of emergency, the 546
sentencing court may reduce the offender's aggregated 547
nonmandatory prison term or terms through a judicial release 548
under this section. 549

(C) (1) Subject to division (C) (2) of this section, an 550
eligible offender may file a motion for judicial release with 551
the sentencing court, or a state of emergency-qualifying 552
offender may file a motion for judicial release with the 553

sentencing court during the declared state of emergency, within 554
the following applicable periods: 555

(a) If the aggregated nonmandatory prison term or terms is 556
less than two years, the eligible offender or state of 557
emergency-qualifying offender may file the motion at any time 558
after the offender is delivered to a state correctional 559
institution or, if the prison term includes a mandatory prison 560
term or terms, at any time after the expiration of all mandatory 561
prison terms. 562

(b) If the aggregated nonmandatory prison term or terms is 563
at least two years but less than five years, the eligible 564
offender or state of emergency-qualifying offender may file the 565
motion not earlier than one hundred eighty days after the 566
offender is delivered to a state correctional institution or, if 567
the prison term includes a mandatory prison term or terms, not 568
earlier than one hundred eighty days after the expiration of all 569
mandatory prison terms. 570

(c) If the aggregated nonmandatory prison term or terms is 571
five years, the eligible offender or state of emergency- 572
qualifying offender may file the motion not earlier than the 573
date on which the offender has served four years of the 574
offender's stated prison term or, if the prison term includes a 575
mandatory prison term or terms, not earlier than four years 576
after the expiration of all mandatory prison terms. 577

(d) If the aggregated nonmandatory prison term or terms is 578
more than five years but not more than ten years, the eligible 579
offender or state of emergency-qualifying offender may file the 580
motion not earlier than the date on which the offender has 581
served five years of the offender's stated prison term or, if 582
the prison term includes a mandatory prison term or terms, not 583

earlier than five years after the expiration of all mandatory 584
prison terms. 585

(e) If the aggregated nonmandatory prison term or terms is 586
more than ten years, the eligible offender or state of 587
emergency-qualifying offender may file the motion not earlier 588
than the later of the date on which the offender has served one- 589
half of the offender's stated prison term or the date specified 590
in division (C) (1) (d) of this section. 591

(f) With respect to a state of emergency-qualifying 592
offender, if the offender's prison term does not include a 593
mandatory prison term or terms, or if the offender's prison term 594
includes one or more mandatory prison terms and the offender has 595
completed the mandatory prison term or terms, the state of 596
emergency-qualifying offender may file the motion at any time 597
during the offender's aggregated nonmandatory prison term or 598
terms, provided that time also is during the declared state of 599
emergency. 600

(2) A state of emergency-qualifying offender may only file 601
a motion for judicial release with the sentencing court during 602
the declared state of emergency once every six months. 603

(D) (1) (a) Upon receipt of a timely motion for judicial 604
release filed by an eligible offender or a state of emergency- 605
qualifying offender under division (C) of this section, or upon 606
the sentencing court's own motion made within the appropriate 607
time specified in that division, the court may deny the motion 608
without a hearing or schedule a hearing on the motion. The court 609
may grant the motion without a hearing for an offender under 610
consideration for judicial release as a state of emergency- 611
qualifying offender, but the court shall not grant the motion 612
without a hearing for an offender under consideration as an 613

eligible offender. If a court denies a motion without a hearing, 614
the court later may consider judicial release for that eligible 615
offender or that state of emergency-qualifying offender on a 616
subsequent motion. For an offender under consideration for 617
judicial release as an eligible offender, but not for one under 618
consideration as a state of emergency-qualifying offender, the 619
court may deny the motion with prejudice. If a court denies a 620
motion with prejudice, the court may later consider judicial 621
release on its own motion. For an offender under consideration 622
for judicial release as a state of emergency-qualifying 623
offender, the court shall not deny a motion with prejudice. For 624
an offender under consideration for judicial release as an 625
eligible offender, but not for one under consideration as a 626
state of emergency-qualifying offender, if a court denies a 627
motion after a hearing, the court shall not consider a 628
subsequent motion for that offender based on the offender's 629
classification as an eligible offender. The court may hold 630
multiple hearings for any offender under consideration for 631
judicial release as a state of emergency-qualifying offender, 632
but shall hold only one hearing for any offender under 633
consideration as an eligible offender. 634

(b) If an offender is under consideration for judicial 635
release as an eligible offender and the motion is denied, and if 636
the offender at that time also is or subsequently becomes a 637
state of emergency-qualifying offender, the denial does not 638
limit or affect any right of the offender to file a motion under 639
this section for consideration for judicial release as a state 640
of emergency-qualifying offender or for the court on its own 641
motion to consider the offender for judicial release as a state 642
of emergency-qualifying offender. 643

If an offender is under consideration for judicial release 644

as a state of emergency-qualifying offender and the motion is 645
denied, and if the offender at that time also is or subsequently 646
becomes an eligible offender, the denial does not limit or 647
affect any right of the offender to file a motion under this 648
section for consideration for judicial release as an eligible 649
offender or for the court on its own motion to consider the 650
offender for judicial release as an eligible offender. 651

(2) (a) With respect to a motion for judicial release filed 652
by an offender as an eligible offender or made by the court on 653
its own motion for an offender as an eligible offender, a 654
hearing under this section shall be conducted in open court not 655
less than thirty or more than sixty days after the motion is 656
filed, provided that the court may delay the hearing for one 657
hundred eighty additional days. If the court holds a hearing, 658
the court shall enter a ruling on the motion within ten days 659
after the hearing. If the court denies the motion without a 660
hearing, the court shall enter its ruling on the motion within 661
sixty days after the motion is filed. 662

(b) With respect to a motion for judicial release filed by 663
an offender as a state of emergency-qualifying offender or made 664
by the court on its own motion for an offender as a state of 665
emergency-qualifying offender, the court shall notify the 666
prosecuting attorney of the county in which the offender was 667
indicted and may order the prosecuting attorney to respond to 668
the motion in writing within ten days. The prosecuting attorney 669
shall notify the victim pursuant to the Ohio Constitution. The 670
prosecuting attorney shall include in the response any statement 671
that the victim wants to be represented to the court. The court 672
shall consider any response from the prosecuting attorney and 673
any statement from the victim in its ruling on the motion. After 674
receiving the response from the prosecuting attorney, the court 675

either shall order a hearing consistent with divisions (E) to 676
(I) of this section as soon as possible, or shall enter its 677
ruling on the motion for judicial release as soon as possible. 678
If the court conducts a hearing, the hearing shall be conducted 679
in open court or by a virtual, telephonic, or other form of 680
remote hearing. If the court holds a hearing, the court shall 681
enter a ruling on the motion within ten days after the hearing. 682
If the court denies the motion without a hearing, the court 683
shall enter its ruling on the motion within ten days after the 684
motion is filed or after it receives the response from the 685
prosecuting attorney. 686

(E) If a court schedules a hearing under divisions (D) (1) 687
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 688
of this section, the court shall notify the subject eligible 689
offender or state of emergency-qualifying offender and the head 690
of the state correctional institution in which that subject 691
offender is confined prior to the hearing. The head of the state 692
correctional institution immediately shall notify the 693
appropriate person at the department of rehabilitation and 694
correction of the hearing, and the department within twenty-four 695
hours after receipt of the notice, shall post on the database it 696
maintains pursuant to section 5120.66 of the Revised Code the 697
subject offender's name and all of the information specified in 698
division (A) (1) (c) (i) of that section. If the court schedules a 699
hearing for judicial release, the court promptly shall give 700
notice of the hearing to the prosecuting attorney of the county 701
in which the subject eligible offender or state of emergency- 702
qualifying offender was indicted. Upon receipt of the notice 703
from the court, the prosecuting attorney shall do whichever of 704
the following is applicable: 705

(1) Subject to division (E) (2) of this section, notify the 706

victim of the offense and the victim's representative, if 707
applicable, pursuant to the Ohio Constitution and division (B) 708
of section 2930.16 of the Revised Code; 709

(2) If the offense was an offense of violence that is a 710
felony of the first, second, or third degree, except as 711
otherwise provided in this division, pursuant to the Ohio 712
Constitution, notify the victim and the victim's representative, 713
if applicable, of the hearing regardless of whether the victim 714
or victim's representative has requested the notification. 715
Except when notice to the victim is required under the Ohio 716
Constitution, the notice of the hearing shall not be given under 717
this division to a victim or victim's representative if the 718
victim or victim's representative has requested pursuant to 719
division (B) (2) of section 2930.03 of the Revised Code that the 720
victim or the victim's representative not be provided the 721
notice. If notice is to be provided to a victim or victim's 722
representative under this division, the prosecuting attorney may 723
give the notice by any reasonable means, including regular mail, 724
telephone, and electronic mail, in accordance with division (D) 725
(1) of section 2930.16 of the Revised Code. If the notice is 726
based on an offense committed prior to March 22, 2013, the 727
notice also shall include the opt-out information described in 728
division (D) (1) of section 2930.16 of the Revised Code. The 729
prosecuting attorney, in accordance with division (D) (2) of 730
section 2930.16 of the Revised Code, shall keep a record of all 731
attempts to provide the notice, and of all notices provided, 732
under this division. Division (E) (2) of this section, and the 733
notice-related provisions of division (K) of this section, 734
division (D) (1) of section 2930.16, division (H) of section 735
2967.12, division (E) (1) (b) of section 2967.19 as it existed 736
prior to ~~the effective date of this amendment~~ April 4, 2023, 737

division (A) (3) (b) of section 2967.26, division (D) (1) of 738
section 2967.28, and division (A) (2) of section 5149.101 of the 739
Revised Code enacted in the act in which division (E) (2) of this 740
section was enacted, shall be known as "Roberta's Law." 741

(F) Upon an offender's successful completion of 742
rehabilitative activities, the head of the state correctional 743
institution may notify the sentencing court of the successful 744
completion of the activities. 745

(G) Prior to the date of the hearing on a motion for 746
judicial release made by an eligible offender, by a state of 747
emergency-qualifying offender, or by a court on its own under 748
this section, the head of the state correctional institution in 749
which the subject offender is confined shall send to the court 750
an institutional summary report on the offender's conduct in the 751
institution and in any institution from which the offender may 752
have been transferred. Upon the request of the prosecuting 753
attorney of the county in which the subject offender was 754
indicted or of any law enforcement agency, the head of the state 755
correctional institution, at the same time the person sends the 756
institutional summary report to the court, also shall send a 757
copy of the report to the requesting prosecuting attorney and 758
law enforcement agencies. The institutional summary report shall 759
cover the subject offender's participation in school, vocational 760
training, work, treatment, and other rehabilitative activities 761
and any disciplinary action taken against the subject offender. 762
The report shall be made part of the record of the hearing. A 763
presentence investigation report is not required for judicial 764
release. 765

(H) If the court grants a hearing on a motion for judicial 766
release made by an eligible offender, by a state of emergency- 767

qualifying offender, or by a court on its own under this 768
section, the subject offender shall attend the hearing if 769
ordered to do so by the court. Upon receipt of a copy of the 770
journal entry containing the order, the head of the state 771
correctional institution in which the subject offender is 772
incarcerated shall deliver the subject offender to the sheriff 773
of the county in which the hearing is to be held. The sheriff 774
shall convey the subject offender to and from the hearing. 775

(I) At the hearing on a motion for judicial release under 776
this section made by an eligible offender, by a state of 777
emergency-qualifying offender, or by a court on its own, the 778
court shall afford the subject offender and the offender's 779
attorney an opportunity to present written and, if present, oral 780
information relevant to the motion. The court shall afford a 781
similar opportunity to the prosecuting attorney, the victim, the 782
victim's representative, the victim's attorney, if applicable, 783
and any other person the court determines is likely to present 784
additional relevant information. The court shall consider any 785
oral or written statement of a victim, victim's representative, 786
and victim's attorney, if applicable, made pursuant to section 787
2930.14 or 2930.17 of the Revised Code, any victim impact 788
statement prepared pursuant to section 2947.051 of the Revised 789
Code, and any report made under division (G) of this section. 790
The court may consider any written statement of any person 791
submitted to the court pursuant to division (L) of this section. 792

If the motion alleges that the offender who is the subject 793
of the motion is an eligible offender and the court makes an 794
initial determination that the offender satisfies the criteria 795
for being an eligible offender, or if the motion alleges that 796
the offender who is the subject of the motion is a state of 797
emergency-qualifying offender and the court makes an initial 798

determination that the offender satisfies the criteria for being 799
a state of emergency-qualifying offender, the court shall 800
determine whether to grant the motion. After ruling on the 801
motion, the prosecuting attorney shall notify the victim and the 802
victim's representative of the ruling in accordance with 803
sections 2930.03 and 2930.16 of the Revised Code. 804

(J) (1) A court shall not grant a judicial release under 805
this section to an offender who is imprisoned for a felony of 806
the first or second degree and who is under consideration as an 807
eligible offender, or to an offender who committed an offense 808
under Chapter 2925. or 3719. of the Revised Code, who is under 809
consideration as an eligible offender, and for whom there was a 810
presumption under section 2929.13 of the Revised Code in favor 811
of a prison term, unless the court, with reference to factors 812
under section 2929.12 of the Revised Code, finds both of the 813
following: 814

(a) That a sanction other than a prison term would 815
adequately punish the offender and protect the public from 816
future criminal violations by the offender because the 817
applicable factors indicating a lesser likelihood of recidivism 818
outweigh the applicable factors indicating a greater likelihood 819
of recidivism; 820

(b) That a sanction other than a prison term would not 821
demean the seriousness of the offense because factors indicating 822
that the offender's conduct in committing the offense was less 823
serious than conduct normally constituting the offense outweigh 824
factors indicating that the eligible offender's conduct was more 825
serious than conduct normally constituting the offense. 826

(2) A court that grants a judicial release under division 827
(J) (1) of this section to an offender who is under consideration 828

as an eligible offender shall specify on the record both 829
findings required in that division and also shall list all the 830
factors described in that division that were presented at the 831
hearing. 832

(3) (a) Subject to division (J) (3) (b) of this section, a 833
court shall grant a judicial release under this section to an 834
offender who is under consideration as a state of emergency- 835
qualifying offender if the court determines that the risks posed 836
by incarceration to the health and safety of the offender, 837
because of the nature of the declared state of emergency, 838
outweigh the risk to public safety if the offender were to be 839
released from incarceration. 840

(b) A court shall not grant a judicial release under this 841
section to an offender who is imprisoned for a felony of the 842
first or second degree and is under consideration for judicial 843
release as a state of emergency-qualifying offender unless the 844
court, with reference to the factors specified under section 845
2929.12 of the Revised Code, finds both of the criteria set 846
forth in divisions (J) (1) (a) and (b) of this section. 847

(K) If the court grants a motion for judicial release 848
under this section, the court shall order the release of the 849
eligible offender or state of emergency-qualifying offender, 850
shall place the offender under an appropriate community control 851
sanction, under appropriate conditions, and under the 852
supervision of the department of probation serving the court and 853
shall reserve the right to reimpose the sentence that it reduced 854
if the offender violates the sanction. If the court reimposes 855
the reduced sentence, it may do so either concurrently with, or 856
consecutive to, any new sentence imposed on the eligible 857
offender or state of emergency-qualifying offender as a result 858

of the violation that is a new offense. Except as provided in 859
division (N) (5) (b) of this section, the period of community 860
control shall be no longer than five years if the most serious 861
offense from which the judicial release is granted is a felony 862
of the first or second degree, no longer than three years if the 863
most serious offense from which judicial release is granted is a 864
felony of the third degree, and no longer than two years if the 865
most serious offense from which the judicial release is granted 866
is a felony of the fourth or fifth degree. The court, in its 867
discretion, may reduce the period of community control by the 868
amount of time the offender spent in jail or prison for the 869
offense and in prison. If the court made any findings pursuant 870
to division (J) (1) of this section, the court shall serve a copy 871
of the findings upon counsel for the parties within fifteen days 872
after the date on which the court grants the motion for judicial 873
release. 874

If the court grants a motion for judicial release, the 875
court shall notify the appropriate person at the department of 876
rehabilitation and correction, and the department shall post 877
notice of the release on the database it maintains pursuant to 878
section 5120.66 of the Revised Code. The court also shall notify 879
the prosecuting attorney of the county in which the eligible 880
offender or state of emergency-qualifying offender was indicted 881
that the motion has been granted. When notice to the victim is 882
required under the Ohio Constitution, the prosecuting attorney 883
shall notify the victim of the judicial release. In all other 884
cases, unless the victim or the victim's representative has 885
requested pursuant to division (B) (2) of section 2930.03 of the 886
Revised Code that the victim or victim's representative not be 887
provided the notice, the prosecuting attorney shall notify the 888
victim and the victim's representative, if applicable, of the 889

judicial release in any manner, and in accordance with the same 890
procedures, pursuant to which the prosecuting attorney is 891
authorized to provide notice of the hearing pursuant to division 892
(E) (2) of this section. If the notice is based on an offense 893
committed prior to March 22, 2013, the notice to the victim or 894
victim's representative also shall include the opt-out 895
information described in division (D) (1) of section 2930.16 of 896
the Revised Code. 897

(L) In addition to and independent of the right of a 898
victim to make a statement pursuant to section 2930.14, 2930.17, 899
or 2946.051 of the Revised Code and any right of a person to 900
present written information or make a statement pursuant to 901
division (I) of this section, any person may submit to the 902
court, at any time prior to the hearing on the motion for 903
judicial release of the eligible offender or state of emergency- 904
qualifying offender, a written statement concerning the effects 905
of the offender's criminal offense, the circumstances 906
surrounding the criminal offense, the manner in which the 907
criminal offense was perpetrated, and the person's opinion as to 908
whether the offender should be released. 909

(M) (1) The changes to this section that are made on 910
September 30, 2011, apply to any judicial release decision made 911
on or after September 30, 2011, for any eligible offender, 912
subject to division (M) (2) of this section. 913

(2) The changes to this section that are made on ~~the~~ 914
~~effective date of this amendment~~ April 4, 2023, apply to any 915
judicial release application, and any judicial release decision, 916
made on or after ~~the effective date of this amendment~~ April 4, 917
2023, for any eligible offender or state of emergency-qualifying 918
offender. 919

(N) (1) Notwithstanding the eligibility requirements 920
specified in divisions (A) (1) and (2) of this section and the 921
filing time frames specified in division (C) of this section and 922
notwithstanding the findings required under division (J) (1) and 923
the eligibility criteria specified in division (J) (3) of this 924
section, the sentencing court, upon the court's own motion and 925
after considering whether the release of the offender into 926
society would create undue risk to public safety, may grant a 927
judicial release to an offender who is not serving a life 928
sentence at any time during the offender's imposed sentence when 929
the director of rehabilitation and correction certifies to the 930
sentencing court through the chief medical officer for the 931
department of rehabilitation and correction that the offender is 932
in imminent danger of death, is medically incapacitated, or has 933
a terminal illness. 934

(2) The director of rehabilitation and correction shall 935
not certify any offender under division (N) (1) of this section 936
who is serving a death sentence. 937

(3) A motion made by the court under division (N) (1) of 938
this section is subject to the notice, hearing, and other 939
procedural requirements specified in divisions (D), (E), (G), 940
(H), (I), (K), and (L) of this section, including notice to the 941
victim, except for the following: 942

(a) The court may waive the offender's appearance at any 943
hearing scheduled by the court if the offender's condition makes 944
it impossible for the offender to participate meaningfully in 945
the proceeding. 946

(b) The court may grant the motion without a hearing, 947
provided that the prosecuting attorney, victim, and victim's 948
representative, if applicable, to whom notice of the hearing was 949

provided under division (E) of this section indicate that they 950
do not wish to participate in the hearing or present information 951
relevant to the motion. 952

(4) The court may request health care records from the 953
department of rehabilitation and correction to verify the 954
certification made under division (N)(1) of this section. 955

(5) (a) If the court grants judicial release under division 956
(N)(1) of this section, the court shall do all of the following: 957

(i) Order the release of the offender; 958

(ii) Place the offender under an appropriate community 959
control sanction, under appropriate conditions; 960

(iii) Place the offender under the supervision of the 961
department of probation serving the court or under the 962
supervision of the adult parole authority. 963

(b) The court, in its discretion, may revoke the judicial 964
release if the offender violates the community control sanction 965
described in division (N)(5)(a) of this section. The period of 966
that community control is not subject to the ~~five-year-~~ 967
~~limitation~~ limitations on duration described in division (K) of 968
this section and shall not expire earlier than the date on which 969
all of the offender's mandatory prison terms expire. 970

(6) If the health of an offender who is released under 971
division (N)(1) of this section improves so that the offender is 972
no longer terminally ill, medically incapacitated, or in 973
imminent danger of death, the court shall, upon the court's own 974
motion, revoke the judicial release. The court shall not grant 975
the motion without a hearing unless the offender waives a 976
hearing. If a hearing is held, the court shall afford the 977
offender and the offender's attorney an opportunity to present 978

written and, if the offender or the offender's attorney is 979
present, oral information relevant to the motion. The court 980
shall afford a similar opportunity to the prosecuting attorney, 981
the victim, the victim's representative, the victim's attorney, 982
if applicable, and any other person the court determines is 983
likely to present additional relevant information. If a hearing 984
is held, the prosecuting attorney shall notify the victim 985
pursuant to the Ohio Constitution. A court that grants a motion 986
under this division shall specify its findings on the record. 987

(O) (1) Separate from and independent of the provisions of 988
divisions (A) to (N) of this section, the director of the 989
department of rehabilitation and correction may recommend in 990
writing to the sentencing court that the court consider 991
releasing from prison, through a judicial release, any offender 992
who is confined in a state correctional institution and who is 993
an eighty per cent-qualifying offender. The director may file 994
such a recommendation for judicial release by submitting to the 995
sentencing court a notice, in writing, of the recommendation 996
within the applicable period specified in division (A) (3) of 997
this section for qualifying as an eighty per cent-qualifying 998
offender. 999

The director shall include with any notice submitted to 1000
the sentencing court under this division an institutional 1001
summary report that covers the offender's participation while 1002
confined in a state correctional institution in school, 1003
training, work, treatment, and other rehabilitative activities 1004
and any disciplinary action taken against the offender while so 1005
confined. The director shall include with the notice any other 1006
documentation requested by the court, if available. 1007

If the director submits a notice under this division 1008

recommending judicial release, the department promptly shall 1009
provide to the prosecuting attorney of the county in which the 1010
offender was indicted a copy of the written notice and 1011
recommendation, a copy of the institutional summary report, and 1012
any other information provided to the court, and shall provide a 1013
copy of the institutional summary report to any law enforcement 1014
agency that requests the report. The department also shall 1015
provide written notice of the submission of the director's 1016
notice to any victim of the offender or victim's representative, 1017
in the same manner as is specified in divisions (E) (1) and (2) 1018
of this section with respect to notices of hearings. 1019

(2) A recommendation for judicial release in a notice 1020
submitted by the director under division (O) (1) of this section 1021
is subject to the notice, hearing, and other procedural 1022
requirements specified in divisions (E), (H), (I), and (L) of 1023
this section, including notice to the victim pursuant to the 1024
Ohio Constitution, except as otherwise specified in divisions 1025
(O) (3) to (5) of this section, provided that references in 1026
divisions (E), (H), (I), (K), and (L) of this section to "the 1027
motion" shall be construed for purposes of division (O) of this 1028
section as being references to the notice and recommendation 1029
specified in division (O) (1) of this section. 1030

(3) The director's submission of a notice under division 1031
(O) (1) of this section constitutes a recommendation by the 1032
director that the court strongly consider a judicial release of 1033
the offender consistent with the purposes and principles of 1034
sentencing set forth in sections 2929.11 and 2929.13 of the 1035
Revised Code and establishes a rebuttable presumption that the 1036
offender shall be released through a judicial release in 1037
accordance with the recommendation. The presumption of release 1038
may be rebutted only as described in division (O) (6) of this 1039

section. Only an offender recommended by the director under 1040
division (O) (1) of this section may be considered for a judicial 1041
release under division (O) of this section. 1042

(4) Upon receipt of a notice recommending judicial release 1043
submitted by the director under division (O) (1) of this section, 1044
the court shall schedule a hearing to consider the 1045
recommendation for the judicial release of the offender who is 1046
the subject of the notice. The hearing shall be conducted in 1047
open court not less than thirty or more than sixty days after 1048
the notice is submitted. The court shall inform the department 1049
and the prosecuting attorney of the county in which the offender 1050
who is the subject of the notice was indicted of the date, time, 1051
and location of the hearing. Upon receipt of the notice from the 1052
court, the prosecuting attorney shall comply with division (E) 1053
of this section, including providing notice to the victim 1054
pursuant to the Ohio Constitution, and the department shall post 1055
the information specified in that division. 1056

(5) When a court schedules a hearing under division (O) (4) 1057
of this section, at the hearing, the court shall consider all of 1058
the following in determining whether to grant the offender 1059
judicial release under division (O) of this section: 1060

(a) The institutional summary report submitted under 1061
division (O) (1) of this section; 1062

(b) The inmate's academic, vocational education programs, 1063
or alcohol or drug treatment programs; or involvement in 1064
meaningful activity; 1065

(c) The inmate's assignments and whether the inmate 1066
consistently performed each work assignment to the satisfaction 1067
of the department staff responsible for supervising the inmate's 1068

work; 1069

(d) The inmate transferred to and actively participated in 1070
core curriculum programming at a reintegration center prison; 1071

(e) The inmate's disciplinary history; 1072

(f) The inmate's security level; 1073

(g) All other information, statements, reports, and 1074
documentation described in division (I) of this section. 1075

(6) If the court that receives a notice recommending 1076
judicial release submitted by the director under division (O) (1) 1077
of this section makes an initial determination that the offender 1078
satisfies the criteria for being an eighty per cent-qualifying 1079
offender, the court then shall determine whether to grant the 1080
offender judicial release. In making the second determination, 1081
the court shall grant the offender judicial release unless the 1082
prosecuting attorney proves to the court, by a preponderance of 1083
the evidence, that the legitimate interests of the government in 1084
maintaining the offender's confinement outweigh the interests of 1085
the offender in being released from that confinement. If the 1086
court grants a judicial release under this division, division 1087
(K) of this section applies regarding the judicial release, 1088
including the maximums specified in that division for the 1089
duration of the period of all community control sanctions 1090
imposed on the offender under that division and the notice to 1091
the victim pursuant to the Ohio Constitution, provided that 1092
references in division (K) of this section to "the motion" shall 1093
be construed for purposes of the judicial release granted under 1094
this division as being references to the notice and 1095
recommendation specified in division (O) (1) of this section. 1096

The court shall enter its ruling on the notice 1097

recommending judicial release submitted by the director under 1098
division (O) (1) of this section within ten days after the 1099
hearing is conducted. After ruling on whether to grant the 1100
offender judicial release under division (O) of this section, 1101
the court shall notify the offender, the prosecuting attorney, 1102
and the department of rehabilitation and correction of its 1103
decision, and shall notify the victim of its decision in 1104
accordance with the Ohio Constitution and sections 2930.03 and 1105
2930.16 of the Revised Code. If the court does not enter a 1106
ruling on the notice within ten days after the hearing is 1107
conducted as required under this division, the division of 1108
parole and community services of the department of 1109
rehabilitation and correction may release the offender. 1110

(P) All notices to a victim of an offense provided under 1111
division (D), (E), (K), (N), or (O) of this section shall be 1112
provided in accordance with the Ohio Constitution. 1113

Sec. 2929.25. (A) (1) Except as provided in sections 1114
2929.22 and 2929.23 of the Revised Code or when a jail term is 1115
required by law, in sentencing an offender for a misdemeanor, 1116
other than a minor misdemeanor, the sentencing court may do 1117
either of the following: 1118

(a) Directly impose a sentence that consists of one or 1119
more community control sanctions authorized by section 2929.26, 1120
2929.27, or 2929.28 of the Revised Code. The court may impose 1121
any other conditions of release under a community control 1122
sanction that the court considers appropriate. If the court 1123
imposes a jail term upon the offender, the court may impose any 1124
community control sanction or combination of community control 1125
sanctions in addition to the jail term. 1126

(b) Impose a jail term under section 2929.24 of the 1127

Revised Code from the range of jail terms authorized under that 1128
section for the offense, suspend all or a portion of the jail 1129
term imposed, and place the offender under a community control 1130
sanction or combination of community control sanctions 1131
authorized under section 2929.26, 2929.27, or 2929.28 of the 1132
Revised Code. 1133

(2) The duration of all community control sanctions 1134
imposed upon an offender and in effect for an offender at any 1135
time shall not exceed ~~five~~two years. 1136

(3) At sentencing, if a court directly imposes a community 1137
control sanction or combination of community control sanctions 1138
pursuant to division (A) (1) (a) or (B) of this section, the court 1139
shall state the duration of the community control sanctions 1140
imposed and shall notify the offender that if any of the 1141
conditions of the community control sanctions are violated the 1142
court may do any of the following: 1143

(a) Impose a longer time under the same community control 1144
sanction if the total time under all of the offender's community 1145
control sanctions does not exceed the ~~five-year~~two-year limit 1146
specified in division (A) (2) of this section; 1147

(b) Impose a more restrictive community control sanction 1148
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1149
but the court is not required to impose any particular sanction 1150
or sanctions; 1151

(c) Impose a definite jail term from the range of jail 1152
terms authorized for the offense under section 2929.24 of the 1153
Revised Code. 1154

(B) If a court sentences an offender to any community 1155
control sanction or combination of community control sanctions 1156

pursuant to division (A)(1)(a) of this section, the sentencing 1157
court retains jurisdiction over the offender and the period of 1158
community control for the duration of the period of community 1159
control. Upon the motion of either party or on the court's own 1160
motion, the court, in the court's sole discretion and as the 1161
circumstances warrant, may modify the community control 1162
sanctions or conditions of release previously imposed, 1163
substitute a community control sanction or condition of release 1164
for another community control sanction or condition of release 1165
previously imposed, or impose an additional community control 1166
sanction or condition of release. 1167

(C)(1) If a court sentences an offender to any community 1168
control sanction or combination of community control sanctions 1169
authorized under section 2929.26, 2929.27, or 2929.28 of the 1170
Revised Code, the court shall place the offender under the 1171
general control and supervision of the court or of a department 1172
of probation in the jurisdiction that serves the court for 1173
purposes of reporting to the court a violation of any of the 1174
conditions of the sanctions imposed. If the offender resides in 1175
another jurisdiction and a department of probation has been 1176
established to serve the municipal court or county court in that 1177
jurisdiction, the sentencing court may request the municipal 1178
court or the county court to receive the offender into the 1179
general control and supervision of that department of probation 1180
for purposes of reporting to the sentencing court a violation of 1181
any of the conditions of the sanctions imposed. The sentencing 1182
court retains jurisdiction over any offender whom it sentences 1183
for the duration of the sanction or sanctions imposed. 1184

(2) The sentencing court shall require as a condition of 1185
any community control sanction that the offender abide by the 1186
law and not leave the state without the permission of the court 1187

or the offender's probation officer. In the interests of doing 1188
justice, rehabilitating the offender, and ensuring the 1189
offender's good behavior, the court may impose additional 1190
requirements on the offender. The offender's compliance with the 1191
additional requirements also shall be a condition of the 1192
community control sanction imposed upon the offender. 1193

(D) (1) If the court imposing sentence upon an offender 1194
sentences the offender to any community control sanction or 1195
combination of community control sanctions authorized under 1196
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1197
the offender violates any of the conditions of the sanctions, 1198
the public or private person or entity that supervises or 1199
administers the program or activity that comprises the sanction 1200
shall report the violation directly to the sentencing court or 1201
to the department of probation or probation officer with general 1202
control and supervision over the offender. If the public or 1203
private person or entity reports the violation to the department 1204
of probation or probation officer, the department or officer 1205
shall report the violation to the sentencing court. 1206

(2) Except as provided in division (D) (3) of this section, 1207
if an offender violates any condition of a community control 1208
sanction, the sentencing court may impose upon the violator one 1209
or more of the following penalties: 1210

(a) A longer time under the same community control 1211
sanction if the total time under all of the community control 1212
sanctions imposed on the violator does not exceed the ~~five-year~~ 1213
two-year limit specified in division (A) (2) of this section; 1214

(b) A more restrictive community control sanction; 1215

(c) A combination of community control sanctions, 1216

including a jail term. 1217

(3) If an offender was acting pursuant to division (B) (2) 1218
(b) of section 2925.11 or a related provision under section 1219
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 1220
doing violated the conditions of a community control sanction 1221
based on a minor drug possession offense, as defined in section 1222
2925.11 of the Revised Code, or violated section 2925.12, 1223
division (C) (1) of section 2925.14, or section 2925.141 of the 1224
Revised Code, the sentencing court shall not impose any of the 1225
penalties described in division (D) (2) of this section based on 1226
the violation. 1227

(4) If the court imposes a jail term upon a violator 1228
pursuant to division (D) (2) of this section, the total time 1229
spent in jail for the misdemeanor offense and the violation of a 1230
condition of the community control sanction shall not exceed the 1231
maximum jail term available for the offense for which the 1232
sanction that was violated was imposed. The court may reduce the 1233
longer period of time that the violator is required to spend 1234
under the longer sanction or the more restrictive sanction 1235
imposed under division (D) (2) of this section by all or part of 1236
the time the violator successfully spent under the sanction that 1237
was initially imposed. 1238

(E) Except as otherwise provided in this division, if an 1239
offender, for a significant period of time, fulfills the 1240
conditions of a community control sanction imposed pursuant to 1241
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1242
exemplary manner, the court may reduce the period of time under 1243
the community control sanction or impose a less restrictive 1244
community control sanction. Fulfilling the conditions of a 1245
community control sanction does not relieve the offender of a 1246

duty to make restitution under section 2929.28 of the Revised Code. 1247
1248

Sec. 2951.02. (A) (1) During the period of a misdemeanor 1249
offender's community control sanction or during the period of a 1250
felony offender's nonresidential sanction, authorized probation 1251
officers who are engaged within the scope of their supervisory 1252
duties or responsibilities may search, with or without a 1253
warrant, the person of the offender, the place of residence of 1254
the offender, and a motor vehicle, another item of tangible or 1255
intangible personal property, or other real property in which 1256
the offender has a right, title, or interest or for which the 1257
offender has the express or implied permission of a person with 1258
a right, title, or interest to use, occupy, or possess if any of 1259
the following apply: 1260

(a) The probation officers have reasonable grounds to 1261
believe that the offender is not abiding by the law or otherwise 1262
is not complying with the conditions of the misdemeanor 1263
offender's community control sanction or the conditions of the 1264
felony offender's nonresidential sanction. 1265

(b) If the offender is a felony offender, the court 1266
requires the offender's consent to searches as part of the terms 1267
and conditions of community control, and the offender agreed to 1268
those terms and conditions. 1269

(c) If the offender is a felony offender, the offender 1270
otherwise provides consent for the search. 1271

(2) If a felony offender who is sentenced to a 1272
nonresidential sanction is under the general control and 1273
supervision of the adult parole authority, as described in 1274
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 1275

parole authority field officers with supervisory 1276
responsibilities over the felony offender shall have the same 1277
search authority relative to the felony offender during the 1278
period of the sanction that is described under division (A) (1) 1279
of this section for probation officers. 1280

(3) If a misdemeanor offender is placed under a community 1281
control sanction pursuant to section 2929.25 of the Revised Code 1282
or if a felony offender is sentenced to a nonresidential 1283
sanction pursuant to section 2929.17 of the Revised Code, the 1284
court that places the misdemeanor offender under the sanction or 1285
sentences the felony offender to the sanction shall provide the 1286
offender with a written notice that informs the offender that 1287
authorized probation officers or adult parole authority field 1288
officers with supervisory responsibilities over the offender who 1289
are engaged within the scope of their supervisory duties or 1290
responsibilities may conduct the types of searches described in 1291
divisions (A) (1) and (2) of this section during the period of 1292
community control sanction or the nonresidential sanction if any 1293
of the following apply: 1294

(a) The officers have reasonable grounds to believe that 1295
the offender is not abiding by the law or otherwise is not 1296
complying with the conditions of the offender's community 1297
control sanction or nonresidential sanction. 1298

(b) If the offender is a felony offender, the court 1299
requires the offender's consent to searches as part of the terms 1300
and conditions of community control, and the offender agreed to 1301
those terms and conditions. 1302

(c) If the offender is a felony offender, the offender 1303
otherwise provides consent for the search. 1304

(B) If an offender is convicted of or pleads guilty to a misdemeanor, the court may require the offender, as a condition of the offender's sentence of a community control sanction, to perform supervised community service work in accordance with this division. If an offender is convicted of or pleads guilty to a felony, the court, pursuant to sections 2929.15 and 2929.17 of the Revised Code, may impose a sanction that requires the offender to perform supervised community service work in accordance with this division. The supervised community service work shall be under the authority of health districts, park districts, counties, municipal corporations, townships, other political subdivisions of the state, or agencies of the state or any of its political subdivisions, or under the authority of charitable organizations that render services to the community or its citizens, in accordance with this division. The court may require an offender who is ordered to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

A court may permit any offender convicted of a felony or a misdemeanor to satisfy the payment of a fine imposed for the offense pursuant to section 2929.18 or 2929.28 of the Revised Code by performing supervised community service work as described in this division if the offender requests an opportunity to satisfy the payment by this means and if the court determines that the offender is financially unable to pay the fine.

After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution to

the appropriate general fund as provided in division (B) of 1336
section 2929.27 of the Revised Code. 1337

The supervised community service work that may be imposed 1338
under this division shall be subject to the following 1339
limitations: 1340

(1) The court shall fix the period of the work and, if 1341
necessary, shall distribute it over weekends or over other 1342
appropriate times that will allow the offender to continue at 1343
the offender's occupation or to care for the offender's family. 1344
The period of the work as fixed by the court shall not exceed in 1345
the aggregate the number of hours of community service imposed 1346
by the court pursuant to section 2929.17 or 2929.27 of the 1347
Revised Code. 1348

(2) An agency, political subdivision, or charitable 1349
organization must agree to accept the offender for the work 1350
before the court requires the offender to perform the work for 1351
the entity. A court shall not require an offender to perform 1352
supervised community service work for an agency, political 1353
subdivision, or charitable organization at a location that is an 1354
unreasonable distance from the offender's residence or domicile, 1355
unless the offender is provided with transportation to the 1356
location where the work is to be performed. 1357

(3) A court may enter into an agreement with a county 1358
department of job and family services for the management, 1359
placement, and supervision of offenders eligible for community 1360
service work in work activities, developmental activities, and 1361
alternative work activities under sections 5107.40 to 5107.69 of 1362
the Revised Code. If a court and a county department of job and 1363
family services have entered into an agreement of that nature, 1364
the clerk of that court is authorized to pay directly to the 1365

county department all or a portion of the fees collected by the 1366
court pursuant to this division in accordance with the terms of 1367
its agreement. 1368

(4) Community service work that a court requires under 1369
this division shall be supervised by an official of the agency, 1370
political subdivision, or charitable organization for which the 1371
work is performed or by a person designated by the agency, 1372
political subdivision, or charitable organization. The official 1373
or designated person shall be qualified for the supervision by 1374
education, training, or experience, and periodically shall 1375
report, in writing, to the court and to the offender's probation 1376
officer concerning the conduct of the offender in performing the 1377
work. 1378

(5) The total of any period of supervised community 1379
service work imposed on an offender under division (B) of this 1380
section plus the period of all other sanctions imposed pursuant 1381
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1382
Revised Code for a felony, or pursuant to sections 2929.25, 1383
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1384
misdemeanor, shall not exceed five years, the five-year, three- 1385
year, or two-year community control maximum specified in section 1386
2929.15 of the Revised Code that is applicable to the offense if 1387
it is a felony or the two-year community control maximum 1388
specified in section 2929.25 of the Revised Code if the offense 1389
is a misdemeanor. 1390

(C) (1) If an offender is convicted of a violation of 1391
section 4511.19 of the Revised Code or a substantially similar 1392
municipal ordinance, the court may require, as a condition of a 1393
community control sanction, that the offender operate only a 1394
motor vehicle equipped with an ignition interlock device that is 1395

certified pursuant to section 4510.43 of the Revised Code. 1396

(2) If a court requires an offender, as a condition of a 1397
community control sanction pursuant to division (C)(1) of this 1398
section, to operate only a motor vehicle equipped with an 1399
ignition interlock device that is certified pursuant to section 1400
4510.43 of the Revised Code, the offender immediately shall 1401
surrender the offender's driver's or commercial driver's license 1402
or permit to the court. Upon the receipt of the offender's 1403
license or permit, the court shall issue an order authorizing 1404
the offender to operate a motor vehicle equipped with a 1405
certified ignition interlock device and deliver the offender's 1406
license or permit to the registrar of motor vehicles. The court 1407
also shall give the offender a copy of its order for purposes of 1408
obtaining a restricted license. 1409

(3) An offender shall present to the registrar or to a 1410
deputy registrar the copy of the order issued under division (C) 1411
of this section and a certificate affirming the installation of 1412
an ignition interlock device that is in a form established by 1413
the director of public safety and that is signed by the person 1414
who installed the device. Upon presentation of the order and 1415
certificate, the registrar or deputy registrar shall issue a 1416
restricted license to the offender, unless the offender's 1417
driver's license or commercial driver's license or permit is 1418
suspended under any other provision of law and limited driving 1419
privileges have not been granted with regard to that suspension. 1420
The restricted license shall be identical to the surrendered 1421
license, except that it shall have printed on its face a 1422
statement that the offender is prohibited from operating a motor 1423
vehicle that is not equipped with an ignition interlock device 1424
that is certified pursuant to section 4510.43 of the Revised 1425
Code. The registrar shall deliver the offender's surrendered 1426

license or permit to the court upon receipt of a court order 1427
requiring it to do so, or reissue the offender's license or 1428
permit under section 4510.52 of the Revised Code if the 1429
registrar destroyed the offender's license or permit under that 1430
section. The offender shall surrender the restricted license to 1431
the court upon receipt of the offender's surrendered license or 1432
permit. 1433

(4) If an offender violates a requirement of the court 1434
imposed under division (C) (1) of this section, the court may 1435
impose a class seven suspension of the offender's driver's or 1436
commercial driver's license or permit or nonresident operating 1437
privilege from the range specified in division (A) (7) of section 1438
4510.02 of the Revised Code. On a second or subsequent 1439
violation, the court may impose a class four suspension of the 1440
offender's driver's or commercial driver's license or permit or 1441
nonresident operating privilege from the range specified in 1442
division (A) (4) of section 4510.02 of the Revised Code. 1443

Sec. 2951.07. A community control sanction imposed for an 1444
offense continues for the period that the judge or magistrate 1445
determines and, subject to the five-year-~~limit~~, three-year, or 1446
two-year community control maximum specified in section 2929.15 1447
of the Revised Code that is applicable to the offense if it is a 1448
felony or the two-year community control maximum specified in 1449
section 2929.25 of the Revised Code if the offense is a 1450
misdemeanor, may be extended. If the offender under community 1451
control absconds or otherwise leaves the jurisdiction of the 1452
court without permission from the probation officer, the 1453
probation agency, or the court to do so, or if the offender is 1454
confined in any institution for the commission of any offense, 1455
the period of community control ceases to run until the time 1456
that the offender is brought before the court for its further 1457

action. 1458

Section 2. That existing sections 2929.15, 2929.20, 1459
2929.25, 2951.02, and 2951.07 of the Revised Code are hereby 1460
repealed. 1461

Section 3. The General Assembly, applying the principle 1462
stated in division (B) of section 1.52 of the Revised Code that 1463
amendments are to be harmonized if reasonably capable of 1464
simultaneous operation, finds that the following sections, 1465
presented in this act as composites of the sections as amended 1466
by the acts indicated, are the resulting versions of the 1467
sections in effect prior to the effective date of the sections 1468
as presented in this act: 1469

Section 2929.15 of the Revised Code as amended by H.B. 1470
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 1471

Section 2929.20 of the Revised Code as amended by H.B. 1472
281, H.B. 343, and S.B. 288, all of the 134th General Assembly. 1473