

As Introduced

135th General Assembly

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H. B. No. 259

Representatives Schmidt, Miller, A.

**Cosponsors: Representatives Richardson, Callender, Johnson, Mathews, White,
Humphrey, Jarrells, Denson, Galonski, Upchurch, Thomas, C., Brent, Sweeney**

A BILL

To amend sections 9.07, 120.03, 120.041, 120.06,	1
120.14, 120.16, 120.18, 120.24, 120.26, 120.28,	2
120.33, 120.34, 149.43, 149.436, 1901.183,	3
2152.13, 2152.67, 2301.20, 2307.60, 2317.02,	4
2701.07, 2743.51, 2901.02, 2909.24, 2929.02,	5
2929.13, 2929.14, 2929.61, 2930.19, 2937.222,	6
2941.021, 2941.14, 2941.148, 2941.401, 2941.43,	7
2941.51, 2945.06, 2945.10, 2945.13, 2945.21,	8
2945.25, 2945.33, 2945.38, 2949.02, 2949.03,	9
2953.02, 2953.07, 2953.08, 2953.09, 2953.10,	10
2953.21, 2953.23, 2953.71, 2953.72, 2953.73,	11
2953.81, 2967.05, 2967.12, 2967.13, 2967.193,	12
2967.194, 2971.03, 2971.07, 5120.113, 5120.53,	13
5120.61, 5139.04, and 5919.16 and to repeal	14
sections 109.97, 120.35, 2725.19, 2929.021,	15
2929.022, 2929.023, 2929.024, 2929.025, 2929.03,	16
2929.04, 2929.05, 2929.06, 2945.20, 2947.08,	17
2949.21, 2949.22, 2949.221, 2949.222, 2949.24,	18
2949.25, 2949.26, 2949.27, 2949.28, 2949.29,	19
2949.31, and 2967.08 of the Revised Code to	20
abolish the death penalty and to modify the	21
number of jurors that may be challenged in cases	22

where a defendant may be sentenced to life 23
imprisonment, and to make an appropriation. 24

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

Section 1. That sections 9.07, 120.03, 120.041, 120.06, 25
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 26
149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 27
2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 28
2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 29
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 30
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 31
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 32
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 33
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 34
and 5919.16 of the Revised Code be amended to read as follows: 35

Sec. 9.07. (A) As used in this section: 36

(1) "Deadly weapon" has the same meaning as in section 37
2923.11 of the Revised Code. 38

(2) "Governing authority of a local public entity" means 39
whichever of the following is applicable: 40

(a) For a county, the board of county commissioners of the 41
county; 42

(b) For a municipal corporation, the legislative authority 43
of the municipal corporation; 44

(c) For a combination of counties, a combination of 45
municipal corporations, or a combination of one or more counties 46
and one or more municipal corporations, all boards of county 47

commissioners and legislative authorities of all of the counties 48
and municipal corporations that combined to form a local public 49
entity for purposes of this section. 50

(3) "Local public entity" means a county, a municipal 51
corporation, a combination of counties, a combination of 52
municipal corporations, or a combination of one or more counties 53
and one or more municipal corporations. 54

(4) "Non-contracting political subdivision" means any 55
political subdivision to which all of the following apply: 56

(a) A correctional facility for the housing of out-of- 57
state prisoners in this state is or will be located in the 58
political subdivision. 59

(b) The correctional facility described in division (A) (4) 60
(a) of this section is being operated and managed, or will be 61
operated and managed, by a local public entity or a private 62
contractor pursuant to a contract entered into prior to March 63
17, 1998, or a contract entered into on or after March 17, 1998, 64
under this section. 65

(c) The political subdivision is not a party to the 66
contract described in division (A) (4) (b) of this section for the 67
management and operation of the correctional facility. 68

(5) "Out-of-state jurisdiction" means the United States, 69
any state other than this state, and any political subdivision 70
or other jurisdiction located in a state other than this state. 71

(6) "Out-of-state prisoner" means a person who is 72
convicted of a crime in another state or under the laws of the 73
United States or who is found under the laws of another state or 74
of the United States to be a delinquent child or the 75
substantially equivalent designation. 76

(7) "Private contractor" means either of the following: 77

(a) A person who, on or after March 17, 1998, enters into 78
a contract under this section with a local public entity to 79
operate and manage a correctional facility in this state for 80
out-of-state prisoners. 81

(b) A person who, pursuant to a contract with a local 82
public entity entered into prior to March 17, 1998, operates and 83
manages on March 17, 1998, a correctional facility in this state 84
for housing out-of-state prisoners. 85

(B) Subject to division (I) of this section, the only 86
entities other than this state that are authorized to operate a 87
correctional facility to house out-of-state prisoners in this 88
state are a local public entity that operates a correctional 89
facility pursuant to this section or a private contractor that 90
operates a correctional facility pursuant to this section under 91
a contract with a local public entity. 92

Subject to division (I) of this section, a private entity 93
may operate a correctional facility in this state for the 94
housing of out-of-state prisoners only if the private entity is 95
a private contractor that enters into a contract that comports 96
with division (D) of this section with a local public entity for 97
the management and operation of the correctional facility. 98

(C) (1) Except as provided in this division, on and after 99
March 17, 1998, a local public entity shall not enter into a 100
contract with an out-of-state jurisdiction to house out-of-state 101
prisoners in a correctional facility in this state. On and after 102
March 17, 1998, a local public entity may enter into a contract 103
with an out-of-state jurisdiction to house out-of-state 104
prisoners in a correctional facility in this state only if the 105

local public entity and the out-of-state jurisdiction with which 106
the local public entity intends to contract jointly submit to 107
the department of rehabilitation and correction a statement that 108
certifies the correctional facility's intended use, intended 109
prisoner population, and custody level, and the department 110
reviews and comments upon the plans for the design or renovation 111
of the correctional facility regarding their suitability for the 112
intended prisoner population specified in the submitted 113
statement. 114

(2) If a local public entity and an out-of-state 115
jurisdiction enter into a contract to house out-of-state 116
prisoners in a correctional facility in this state as authorized 117
under division (C)(1) of this section, in addition to any other 118
provisions it contains, the contract shall include whichever of 119
the following provisions is applicable: 120

(a) If a private contractor will operate the facility in 121
question pursuant to a contract entered into in accordance with 122
division (D) of this section, a requirement that, if the 123
facility is closed or ceases to operate for any reason and if 124
the conversion plan described in division (D)(16) of this 125
section is not complied with, the out-of-state jurisdiction will 126
be responsible for housing and transporting the prisoners who 127
are in the facility at the time it is closed or ceases to 128
operate and for the cost of so housing and transporting those 129
prisoners; 130

(b) If a private contractor will not operate the facility 131
in question pursuant to a contract entered into in accordance 132
with division (D) of this section, a conversion plan that will 133
be followed if, for any reason, the facility is closed or ceases 134
to operate. The conversion plan shall include, but is not 135

limited to, provisions that specify whether the local public 136
entity or the out-of-state jurisdiction will be responsible for 137
housing and transporting the prisoners who are in the facility 138
at the time it is closed or ceases to operate and for the cost 139
of so housing and transporting those prisoners. 140

(3) If a local public entity and an out-of-state 141
jurisdiction intend to enter into a contract to house out-of- 142
state prisoners in a correctional facility in this state as 143
authorized under division (C)(1) of this section, or if a local 144
public entity and a private contractor intend to enter into a 145
contract pursuant to division (D) of this section for the 146
private contractor's management and operation of a correctional 147
facility in this state to house out-of-state prisoners, prior to 148
entering into the contract the local public entity and the out- 149
of-state jurisdiction, or the local public entity and the 150
private contractor, whichever is applicable, shall conduct a 151
public hearing in accordance with this division, and, prior to 152
entering into the contract, the governing authority of the local 153
public entity in which the facility is or will be located shall 154
authorize the location and operation of the facility. The 155
hearing shall be conducted at a location within the municipal 156
corporation or township in which the facility is or will be 157
located. At least one week prior to conducting the hearing, the 158
local public entity and the out-of-state jurisdiction or private 159
contractor with the duty to conduct the hearing shall cause 160
notice of the date, time, and place of the hearing to be made by 161
publication in the newspaper with the largest general 162
circulation in the county in which the municipal corporation or 163
township is located. The notice shall be of a sufficient size 164
that it covers at least one-quarter of a page of the newspaper 165
in which it is published. This division applies to a private 166

contractor that, pursuant to the requirement set forth in 167
division (I) of this section, is required to enter into a 168
contract under division (D) of this section. 169

(D) Subject to division (I) of this section, on and after 170
March 17, 1998, if a local public entity enters into a contract 171
with a private contractor for the management and operation of a 172
correctional facility in this state to house out-of-state 173
prisoners, the contract, at a minimum, shall include all of the 174
following provisions: 175

(1) A requirement that the private contractor seek and 176
obtain accreditation from the American correctional association 177
for the correctional facility within two years after accepting 178
the first out-of-state prisoner at the correctional facility 179
under the contract and that it maintain that accreditation for 180
the term of the contract; 181

(2) A requirement that the private contractor comply with 182
all applicable laws, rules, or regulations of the government of 183
this state, political subdivisions of this state, and the United 184
States, including, but not limited to, all sanitation, food 185
service, safety, and health regulations; 186

(3) A requirement that the private contractor send copies 187
of reports of inspections completed by appropriate authorities 188
regarding compliance with laws, rules, and regulations of the 189
type described in division (D) (2) of this section to the 190
director of rehabilitation and correction or the director's 191
designee and to the governing authority of the local public 192
entity in which the correctional facility is located; 193

(4) A requirement that the private contractor report to 194
the local law enforcement agencies with jurisdiction over the 195

place at which the correctional facility is located, for 196
investigation, all criminal offenses or delinquent acts that are 197
committed in or on the grounds of, or otherwise in connection 198
with, the correctional facility and report to the department of 199
rehabilitation and correction all disturbances at the facility; 200

(5) A requirement that the private contractor immediately 201
report all escapes from the facility, and the apprehension of 202
all escapees, by telephone and in writing to the department of 203
rehabilitation and correction, to all local law enforcement 204
agencies with jurisdiction over the place at which the facility 205
is located, to the state highway patrol, to the prosecuting 206
attorney of the county in which the facility is located, and to 207
a daily newspaper having general circulation in the county in 208
which the facility is located. The written notice may be by 209
either facsimile transmission or mail. A failure to comply with 210
this requirement is a violation of section 2921.22 of the 211
Revised Code. 212

(6) A requirement that the private contractor provide a 213
written report to the director of rehabilitation and correction 214
or the director's designee and to the governing authority of the 215
local public entity in which the correctional facility is 216
located of all unusual incidents occurring at the correctional 217
facility. The private contractor shall report the incidents in 218
accordance with the incident reporting rules that, at the time 219
of the incident, are applicable to state correctional facilities 220
for similar incidents occurring at state correctional 221
facilities. 222

(7) A requirement that the private contractor provide 223
internal and perimeter security to protect the public, staff 224
members of the correctional facility, and prisoners in the 225

correctional facility; 226

(8) A requirement that the correctional facility be 227
staffed at all times with a staffing pattern that is adequate to 228
ensure supervision of inmates and maintenance of security within 229
the correctional facility and to provide for appropriate 230
programs, transportation, security, and other operational needs. 231
In determining security needs for the correctional facility, the 232
private contractor and the contract requirements shall fully 233
take into account all relevant factors, including, but not 234
limited to, the proximity of the facility to neighborhoods and 235
schools. 236

(9) A requirement that the private contractor provide an 237
adequate policy of insurance that satisfies the requirements set 238
forth in division (D) of section 9.06 of the Revised Code 239
regarding contractors who operate and manage a facility under 240
that section, and that the private contractor indemnify and hold 241
harmless the state, its officers, agents, and employees, and any 242
local public entity in the state with jurisdiction over the 243
place at which the correctional facility is located or that owns 244
the correctional facility, reimburse the state for its costs in 245
defending the state or any of its officers, agents, or 246
employees, and reimburse any local government entity of that 247
nature for its costs in defending the local government entity, 248
in the manner described in division (D) of that section 249
regarding contractors who operate and manage a facility under 250
that section; 251

(10) A requirement that the private contractor adopt for 252
prisoners housed in the correctional facility the security 253
classification system and schedule adopted by the department of 254
rehabilitation and correction under section 5145.03 of the 255

Revised Code, classify in accordance with the system and 256
schedule each prisoner housed in the facility, and house all 257
prisoners in the facility in accordance with their 258
classification under this division; 259

(11) A requirement that the private contractor will not 260
accept for housing, and will not house, in the correctional 261
facility any out-of-state prisoner in relation to whom any of 262
the following applies: 263

(a) The private entity has not obtained from the out-of- 264
state jurisdiction that imposed the sentence or sanction under 265
which the prisoner will be confined in this state a copy of the 266
institutional record of the prisoner while previously confined 267
in that out-of-state jurisdiction or a statement that the 268
prisoner previously has not been confined in that out-of-state 269
jurisdiction and a copy of all medical records pertaining to 270
that prisoner that are in the possession of the out-of-state 271
jurisdiction. 272

(b) The prisoner, while confined in any out-of-state 273
jurisdiction, has a record of institutional violence involving 274
the use of a deadly weapon or a pattern of committing acts of an 275
assaultive nature against employees of, or visitors to, the 276
place of confinement or has a record of escape or attempted 277
escape from secure custody. 278

(c) Under the security classification system and schedule 279
adopted by the department of rehabilitation and correction under 280
section 5145.03 of the Revised Code and adopted by the private 281
contractor under division (B)(10) of this section, the out-of- 282
state prisoner would be classified as being at a security level 283
higher than medium security. 284

(12) A requirement that the private contractor, prior to 285
housing any out-of-state prisoner in the correctional facility 286
under the contract, enter into a written agreement with the 287
department of rehabilitation and correction that sets forth a 288
plan and procedure that will be used to coordinate law 289
enforcement activities of state law enforcement agencies and of 290
local law enforcement agencies with jurisdiction over the place 291
at which the facility is located in response to any riot, 292
rebellion, escape, insurrection, or other emergency occurring 293
inside or outside the facility; 294

(13) A requirement that the private contractor cooperate 295
with the correctional institution inspection committee in the 296
committee's performance of its duties under section 103.73 of 297
the Revised Code and provide the committee, its subcommittees, 298
and its staff members, in performing those duties, with access 299
to the correctional facility as described in that section; 300

(14) A requirement that the private contractor permit any 301
peace officer who serves a law enforcement agency with 302
jurisdiction over the place at which the correctional facility 303
is located to enter into the facility to investigate any 304
criminal offense or delinquent act that allegedly has been 305
committed in or on the grounds of, or otherwise in connection 306
with, the facility; 307

(15) A requirement that the private contractor will not 308
employ any person at the correctional facility until after the 309
private contractor has submitted to the bureau of criminal 310
identification and investigation, on a form prescribed by the 311
superintendent of the bureau, a request that the bureau conduct 312
a criminal records check of the person and a requirement that 313
the private contractor will not employ any person at the 314

facility if the records check or other information possessed by 315
the contractor indicates that the person previously has engaged 316
in malfeasance; 317

(16) A requirement that the private contractor will not 318
accept for housing, and will not house, in the correctional 319
facility any out-of-state prisoner unless the private contractor 320
and the out-of-state jurisdiction that imposed the sentence for 321
which the prisoner is to be confined agree that, if the out-of- 322
state prisoner is confined in the facility in this state, 323
commits a criminal offense while confined in the facility, is 324
convicted of or pleads guilty to that offense, and is sentenced 325
to a term of confinement for that offense ~~but is not sentenced~~ 326
~~to death for that offense~~, the private contractor and the out- 327
of-state jurisdiction will do all of the following: 328

(a) Unless section 5120.50 of the Revised Code does not 329
apply in relation to the offense the prisoner committed while 330
confined in this state and the term of confinement imposed for 331
that offense, the out-of-state jurisdiction will accept the 332
prisoner pursuant to that section for service of that term of 333
confinement and for any period of time remaining under the 334
sentence for which the prisoner was confined in the facility in 335
this state, the out-of-state jurisdiction will confine the 336
prisoner pursuant to that section for that term and that 337
remaining period of time, and the private contractor will 338
transport the prisoner to the out-of-state jurisdiction for 339
service of that term and that remaining period of time. 340

(b) If section 5120.50 of the Revised Code does not apply 341
in relation to the offense the prisoner committed while confined 342
in this state and the term of confinement imposed for that 343
offense, the prisoner shall be returned to the out-of-state 344

jurisdiction or its private contractor for completion of the 345
period of time remaining under the out-of-state sentence for 346
which the prisoner was confined in the facility in this state 347
before starting service of the term of confinement imposed for 348
the offense committed while confined in this state, the out-of- 349
state jurisdiction or its private contractor will confine the 350
prisoner for that remaining period of time and will transport 351
the prisoner outside of this state for service of that remaining 352
period of time, and, if the prisoner is confined in this state 353
in a facility operated by the department of rehabilitation and 354
correction, the private contractor will be financially 355
responsible for reimbursing the department at the per diem cost 356
of confinement for the duration of that incarceration, with the 357
amount of the reimbursement so paid to be deposited in the 358
department's prisoner programs fund. 359

(17) A requirement that the private contractor, prior to 360
housing any out-of-state prisoner in the correctional facility 361
under the contract, enter into an agreement with the local 362
public entity that sets forth a conversion plan that will be 363
followed if, for any reason, the facility is closed or ceases to 364
operate. The conversion plan shall include, but is not limited 365
to, provisions that specify whether the private contractor, the 366
local public entity, or the out-of-state jurisdictions that 367
imposed the sentences for which the out-of-state prisoners are 368
confined in the facility will be responsible for housing and 369
transporting the prisoners who are in the facility at the time 370
it is closed or ceases to operate and for the cost of so housing 371
and transporting those prisoners. 372

(18) A schedule of fines that the local public entity 373
shall impose upon the private contractor if the private 374
contractor fails to perform its contractual duties, and a 375

requirement that, if the private contractor fails to perform its 376
contractual duties, the local public entity shall impose a fine 377
on the private contractor from the schedule of fines and, in 378
addition to the fine, may exercise any other rights it has under 379
the contract. Division (F)(2) of this section applies regarding 380
a fine described in this division. 381

(19) A requirement that the private contractor adopt and 382
use in the correctional facility the drug testing and treatment 383
program that the department of rehabilitation and correction 384
uses for inmates in state correctional institutions; 385

(20) A requirement that the private contractor provide 386
clothing for all out-of-state prisoners housed in the 387
correctional facility that is conspicuous in its color, style, 388
or color and style, that conspicuously identifies its wearer as 389
a prisoner, and that is readily distinguishable from clothing of 390
a nature that normally is worn outside the facility by non- 391
prisoners, that the private contractor require all out-of-state 392
prisoners housed in the facility to wear the clothing so 393
provided, and that the private contractor not permit any out-of- 394
state prisoner, while inside or on the premises of the facility 395
or while being transported to or from the facility, to wear any 396
clothing of a nature that does not conspicuously identify its 397
wearer as a prisoner and that normally is worn outside the 398
facility by non-prisoners; 399

(21) A requirement that, at the time the contract is made, 400
the private contractor provide to all parties to the contract 401
adequate proof that it has complied with the requirement 402
described in division (D)(9) of this section, and a requirement 403
that, at any time during the term of the contract, the private 404
contractor upon request provide to any party to the contract 405

adequate proof that it continues to be in compliance with the 406
requirement described in division (D)(9) of this section. 407

(E) A private correctional officer or other designated 408
employee of a private contractor that operates a correctional 409
facility that houses out-of-state prisoners in this state under 410
a contract entered into prior to, on, or after March 17, 1998, 411
may carry and use firearms in the course of the officer's or 412
employee's employment only if the officer or employee is 413
certified as having satisfactorily completed an approved 414
training program designed to qualify persons for positions as 415
special police officers, security guards, or persons otherwise 416
privately employed in a police capacity, as described in 417
division (A) of section 109.78 of the Revised Code. 418

(F)(1) Upon notification by the private contractor of an 419
escape from, or of a disturbance at, a correctional facility 420
that is operated by a private contractor under a contract 421
entered into prior to, on, or after March 17, 1998, and that 422
houses out-of-state prisoners in this state, the department of 423
rehabilitation and correction and state and local law 424
enforcement agencies shall use all reasonable means to recapture 425
persons who escaped from the facility or quell any disturbance 426
at the facility, in accordance with the plan and procedure 427
included in the written agreement entered into under division 428
(D)(12) of this section in relation to contracts entered into on 429
or after March 17, 1998, and in accordance with their normal 430
procedures in relation to contracts entered into prior to March 431
17, 1998. Any cost incurred by this state or a political 432
subdivision of this state relating to the apprehension of a 433
person who escaped from the facility, to the quelling of a 434
disturbance at the facility, or to the investigation or 435
prosecution as described in division (G)(2) of this section of 436

any offense relating to the escape or disturbance shall be 437
chargeable to and borne by the private contractor. The 438
contractor also shall reimburse the state or its political 439
subdivisions for all reasonable costs incurred relating to the 440
temporary detention of a person who escaped from the facility, 441
following the person's recapture. 442

(2) If a private contractor that, on or after March 17, 443
1998, enters into a contract under this section with a local 444
public entity for the operation of a correctional facility that 445
houses out-of-state prisoners fails to perform its contractual 446
duties, the local public entity shall impose upon the private 447
contractor a fine from the schedule of fines included in the 448
contract and may exercise any other rights it has under the 449
contract. A fine imposed under this division shall be paid to 450
the local public entity that enters into the contract, and the 451
local public entity shall deposit the money so paid into its 452
treasury to the credit of the fund used to pay for community 453
policing. If a fine is imposed under this division, the local 454
public entity may reduce the payment owed to the private 455
contractor pursuant to any invoice in the amount of the fine. 456

(3) If a private contractor, on or after March 17, 1998, 457
enters into a contract under this section with a local public 458
entity for the operation of a correctional facility that houses 459
out-of-state prisoners in this state, the private contractor 460
shall comply with the insurance, indemnification, hold harmless, 461
and cost reimbursement provisions described in division (D) (9) 462
of this section. 463

(G) (1) Any act or omission that would be a criminal 464
offense or a delinquent act if committed at a state correctional 465
institution or at a jail, workhouse, prison, or other 466

correctional facility operated by this state or by any political 467
subdivision or group of political subdivisions of this state 468
shall be a criminal offense or delinquent act if committed by or 469
with regard to any out-of-state prisoner who is housed at any 470
correctional facility operated by a private contractor in this 471
state pursuant to a contract entered into prior to, on, or after 472
March 17, 1998. 473

(2) If any political subdivision of this state experiences 474
any cost in the investigation or prosecution of an offense 475
committed by an out-of-state prisoner housed in a correctional 476
facility operated by a private contractor in this state pursuant 477
to a contract entered into prior to, on, or after March 17, 478
1998, the private contractor shall reimburse the political 479
subdivision for the costs so experienced. 480

(3) (a) Except as otherwise provided in this division, the 481
state, and any officer or employee, as defined in section 109.36 482
of the Revised Code, of the state is not liable in damages in a 483
civil action for any injury, death, or loss to person or 484
property that allegedly arises from, or is related to, the 485
establishment, management, or operation of a correctional 486
facility to house out-of-state prisoners in this state pursuant 487
to a contract between a local public entity and an out-of-state 488
jurisdiction, a local public entity and a private contractor, or 489
a private contractor and an out-of-state jurisdiction that was 490
entered into prior to March 17, 1998, or that is entered into on 491
or after March 17, 1998, in accordance with its provisions. The 492
immunity provided in this division does not apply regarding an 493
act or omission of an officer or employee, as defined in section 494
109.36 of the Revised Code, of the state that is manifestly 495
outside the scope of the officer's or employee's official 496
responsibilities or regarding an act or omission of the state, 497

or of an officer or employee, as so defined, of the state that 498
is undertaken with malicious purpose, in bad faith, or in a 499
wanton or reckless manner. 500

(b) Except as otherwise provided in this division, a non- 501
contracting political subdivision, and any employee, as defined 502
in section 2744.01 of the Revised Code, of a non-contracting 503
political subdivision is not liable in damages in a civil action 504
for any injury, death, or loss to person or property that 505
allegedly arises from, or is related to, the establishment, 506
management, or operation of a correctional facility to house 507
out-of-state prisoners in this state pursuant to a contract 508
between a local public entity other than the non-contracting 509
political subdivision and an out-of-state jurisdiction, a local 510
public entity other than the non-contracting political 511
subdivision and a private contractor, or a private contractor 512
and an out-of-state jurisdiction that was entered into prior to 513
March 17, 1998, or that is entered into on or after March 17, 514
1998, in accordance with its provisions. The immunity provided 515
in this division does not apply regarding an act or omission of 516
an employee, as defined in section 2744.01 of the Revised Code, 517
of a non-contracting political subdivision that is manifestly 518
outside the scope of the employee's employment or official 519
responsibilities or regarding an act or omission of a non- 520
contracting political subdivision or an employee, as so defined, 521
of a non-contracting political subdivision that is undertaken 522
with malicious purpose, in bad faith, or in a wanton or reckless 523
manner. 524

(c) Divisions (G) (3) (a) and (b) of this section do not 525
affect any immunity or defense that the state and its officers 526
and employees or a non-contracting political subdivision and its 527
employees may be entitled to under another section of the 528

Revised Code or the common law of this state, including, but not 529
limited to, section 9.86 or Chapter 2744. of the Revised Code. 530

(H) (1) Upon the completion of an out-of-state prisoner's 531
term of detention at a correctional facility operated by a 532
private contractor in this state pursuant to a contract entered 533
into prior to, on, or after March 17, 1998, the operator of the 534
correctional facility shall transport the prisoner to the out- 535
of-state jurisdiction that imposed the sentence for which the 536
prisoner was confined before it releases the prisoner from its 537
custody. 538

(2) No private contractor that operates and manages a 539
correctional facility housing out-of-state prisoners in this 540
state pursuant to a contract entered into prior to, on, or after 541
March 17, 1998, shall fail to comply with division (H) (1) of 542
this section. 543

(3) Whoever violates division (H) (2) of this section is 544
guilty of a misdemeanor of the first degree. 545

(I) Except as otherwise provided in this division, the 546
provisions of divisions (A) to (H) of this section apply in 547
relation to any correctional facility operated by a private 548
contractor in this state to house out-of-state prisoners, 549
regardless of whether the facility is operated pursuant to a 550
contract entered into prior to, on, or after March 17, 1998. 551
Division (C) (1) of this section shall not apply in relation to 552
any correctional facility for housing out-of-state prisoners in 553
this state that is operated by a private contractor under a 554
contract entered into with a local public entity prior to March 555
17, 1998. If a private contractor operates a correctional 556
facility in this state for the housing of out-of-state prisoners 557
under a contract entered into with a local public entity prior 558

to March 17, 1998, no later than thirty days after the effective 559
date of this amendment, the private contractor shall enter into 560
a contract with the local public entity that comports to the 561
requirements and criteria of division (D) of this section. 562

Sec. 120.03. (A) The Ohio public defender commission shall 563
appoint the state public defender, who shall serve at the 564
pleasure of the commission. 565

(B) The Ohio public defender commission shall establish 566
rules for the conduct of the offices of the county and joint 567
county public defenders and for the conduct of county appointed 568
counsel systems in the state. These rules shall include, but are 569
not limited to, the following: 570

(1) Standards of indigency and minimum qualifications for 571
legal representation by a public defender or appointed counsel. 572
In establishing standards of indigency and determining who is 573
eligible for legal representation by a public defender or 574
appointed counsel, the commission shall consider an indigent 575
person to be an individual who at the time ~~his~~ the person's need 576
is determined is unable to provide for the payment of an 577
attorney and all other necessary expenses of representation. 578
Release on bail shall not prevent a person from being determined 579
to be indigent. 580

(2) Standards for the hiring of outside counsel; 581

(3) Standards for contracts by a public defender with law 582
schools, legal aid societies, and nonprofit organizations for 583
providing counsel; 584

(4) Standards for the qualifications, training, and size 585
of the legal and supporting staff for a public defender, 586
facilities, and other requirements needed to maintain and 587

operate an office of a public defender; 588

(5) Minimum caseload standards; 589

(6) Procedures for the assessment and collection of the 590
costs of legal representation that is provided by public 591
defenders or appointed counsel; 592

(7) Standards and guidelines for determining whether a 593
client is able to make an up-front contribution toward the cost 594
of ~~his~~ the client's legal representation; 595

(8) Procedures for the collection of up-front 596
contributions from clients who are able to contribute toward the 597
cost of their legal representation, as determined pursuant to 598
the standards and guidelines developed under division (B) (7) of 599
this section. All of such up-front contributions shall be paid 600
into the appropriate county fund. 601

(9) Standards for contracts between a board of county 602
commissioners, a county public defender commission, or a joint 603
county public defender commission and a municipal corporation 604
for the legal representation of indigent persons charged with 605
violations of the ordinances of the municipal corporation. 606

(C) The Ohio public defender commission shall adopt rules 607
prescribing minimum qualifications of counsel appointed pursuant 608
to this chapter or appointed by the courts. Without limiting its 609
general authority to prescribe different qualifications for 610
different categories of appointed counsel, the commission shall 611
prescribe, by rule, special qualifications for counsel and co- 612
counsel appointed in capital cases in which the defendant was 613
sentenced to death before the effective date of this amendment. 614

(D) In administering the office of the Ohio public 615
defender commission: 616

- (1) The commission shall do the following: 617
- (a) Approve an annual operating budget; 618
- (b) Make an annual report to the governor, the general 619
assembly, and the supreme court of Ohio on the operation of the 620
state public defender's office, the county appointed counsel 621
systems, and the county and joint county public defenders' 622
offices. 623
- (2) The commission may do the following: 624
- (a) Accept the services of volunteer workers and 625
consultants at no compensation other than reimbursement of 626
actual and necessary expenses; 627
- (b) Prepare and publish statistical and case studies and 628
other data pertinent to the legal representation of indigent 629
persons; 630
- (c) Conduct programs having a general objective of 631
training and educating attorneys and others in the legal 632
representation of indigent persons. 633
- (E) There is hereby established in the state treasury the 634
public defender training fund for the deposit of fees received 635
by the Ohio public defender commission from educational 636
seminars, and the sale of publications, on topics concerning 637
criminal law and procedure. Expenditures from this fund shall be 638
made only for the operation of activities authorized by division 639
(D) (2) (c) of this section. 640
- (F) (1) In accordance with sections 109.02, 109.07, and 641
109.361 to 109.366 of the Revised Code, but subject to division 642
(E) of section 120.06 of the Revised Code, the attorney general 643
shall represent or provide for the representation of the Ohio 644

public defender commission, the state public defender, assistant 645
state public defenders, and other employees of the commission or 646
the state public defender. 647

(2) Subject to division (E) of section 120.06 of the 648
Revised Code, the attorney general shall represent or provide 649
for the representation of attorneys described in division (C) of 650
section 120.41 of the Revised Code in malpractice or other civil 651
actions or proceedings that arise from alleged actions or 652
omissions related to responsibilities derived pursuant to this 653
chapter, or in civil actions that are based upon alleged 654
violations of the constitution or statutes of the United States, 655
including section 1983 of Title 42 of the United States Code, 93 656
Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arise 657
from alleged actions or omissions related to responsibilities 658
derived pursuant to this chapter. For purposes of the 659
representation, sections 109.361 to 109.366 of the Revised Code 660
shall apply to an attorney described in division (C) of section 661
120.41 of the Revised Code as if ~~he~~ the attorney were an officer 662
or employee, as defined in section 109.36 of the Revised Code, 663
and the Ohio public defender commission or the state public 664
defender, whichever contracted with the attorney, shall be 665
considered ~~his~~ the attorney's employer. 666

Sec. 120.041. (A) In addition to the state public 667
defender's other duties under this chapter and other Revised 668
Code provisions, the state public defender shall do all of the 669
following for each state fiscal year: 670

(1) Determine the total dollar amount of all requests for 671
reimbursements that were submitted for that fiscal year by 672
counties under sections 120.18, 120.28, 120.33, ~~120.35~~, and 673
2941.51 of the Revised Code; 674

(2) Determine the total dollar amount paid to all counties 675
as reimbursements under the requests described in division (A) 676
(1) of this section that were submitted for that fiscal year; 677

(3) Determine the percentage of total costs submitted by 678
counties under the requests described in division (A) (1) of this 679
section that was paid to all counties as reimbursements for that 680
fiscal year; 681

(4) Commencing in state fiscal year 2021, determine the 682
increase or decrease in the total dollar amount found under 683
division (A) (2) of this section for that fiscal year from the 684
total dollar amount found under that division for the previous 685
fiscal year; 686

(5) Determine, out of the total dollar amount found under 687
division (A) (2) of this section that was paid to all counties as 688
a reimbursement, the total amount of that money used by all of 689
the counties for each of the following categories of costs in 690
that fiscal year: 691

(a) Costs for appointed counsel; 692

(b) Costs for personnel; 693

(c) Costs for expert witnesses; 694

(d) Costs for investigations; 695

(e) Costs for transcripts; 696

(f) Costs for rent or lease, utilities, furnishings, 697
maintenance, and equipment; 698

(g) Costs for travel; 699

(h) Any other category of costs set by the state public 700
defender. 701

(6) Commencing in state fiscal year 2021, determine the 702
increase or decrease in the amount of money found under division 703
(A) (5) of this section to have been used for each category of 704
costs described in divisions (A) (5) (a) to (h) of this section 705
for that fiscal year from the amount of money found under that 706
division to have been used for each such category of costs for 707
the previous fiscal year; 708

(7) Analyze the cost per each felony, misdemeanor, 709
traffic, or juvenile delinquency case assigned to a public 710
defender or counsel pursuant to section 120.06, 120.16, 120.26, 711
or 120.33 of the Revised Code. 712

(B) For each state fiscal year, the state public defender 713
shall prepare a report that includes all of its findings and 714
determinations for that fiscal year and, not later than the 715
first day of October in the state fiscal year following the 716
fiscal year covered by the report, shall submit copies of the 717
report to the president of the senate, the speaker of the house 718
of representatives, the minority leader of the senate, the 719
minority leader of the house of representatives, and the 720
governor. 721

Sec. 120.06. (A) (1) The state public defender, when 722
designated by the court or requested by a county public defender 723
or joint county public defender, may provide legal 724
representation in all courts throughout the state to indigent 725
adults and juveniles who are charged with the commission of an 726
offense or act for which the penalty or any possible 727
adjudication includes the potential loss of liberty. 728

(2) The state public defender may provide legal 729
representation to any indigent person who, while incarcerated in 730
any state correctional institution, is charged with a felony 731

offense, for which the penalty or any possible adjudication that 732
may be imposed by a court upon conviction includes the potential 733
loss of liberty. 734

(3) The state public defender may provide legal 735
representation to any person incarcerated in any correctional 736
institution of the state, in any matter in which the person 737
asserts the person is unlawfully imprisoned or detained. 738

(4) The state public defender, in any case in which the 739
state public defender has provided legal representation or is 740
requested to do so by a county public defender or joint county 741
public defender, may provide legal representation on appeal. 742

(5) The state public defender, when designated by the 743
court or requested by a county public defender, joint county 744
public defender, or the director of rehabilitation and 745
correction, shall provide legal representation in parole and 746
probation revocation matters or matters relating to the 747
revocation of community control or post-release control under a 748
community control sanction or post-release control sanction, 749
unless the state public defender finds that the alleged parole 750
or probation violator or alleged violator of a community control 751
sanction or post-release control sanction has the financial 752
capacity to retain the alleged violator's own counsel. 753

(6) If the state public defender contracts with a county 754
public defender commission, a joint county public defender 755
commission, or a board of county commissioners for the provision 756
of services, under authority of division (C)(7) of section 757
120.04 of the Revised Code, the state public defender shall 758
provide legal representation in accordance with the contract. 759

(B) The state public defender shall not be required to 760

prosecute any appeal, postconviction remedy, or other proceeding 761
pursuant to division (A) (3), (4), or (5) of this section, unless 762
the state public defender first is satisfied that there is 763
arguable merit to the proceeding. 764

(C) A court may appoint counsel or allow an indigent 765
person to select the indigent's own personal counsel to assist 766
the state public defender as co-counsel when the interests of 767
justice so require. When co-counsel is appointed to assist the 768
state public defender, the co-counsel shall receive any 769
compensation that the court may approve, not to exceed the 770
amounts provided for in section 2941.51 of the Revised Code. 771

(D) (1) When the state public defender is designated by the 772
court or requested by a county public defender or joint county 773
public defender to provide legal representation for an indigent 774
person in any case, other than pursuant to a contract entered 775
into under authority of division (C) (7) of section 120.04 of the 776
Revised Code, the state public defender shall send to the county 777
in which the case is filed a bill detailing the actual cost of 778
the representation that separately itemizes legal fees and 779
expenses. The county, upon receipt of an itemized bill from the 780
state public defender pursuant to this division, shall pay the 781
state public defender one hundred per cent of the amount 782
identified as legal fees and expenses in the itemized bill. 783

(2) Upon payment of the itemized bill under division (D) 784
(1) of this section, the county may submit the cost of the legal 785
fees and expenses to the state public defender for reimbursement 786
pursuant to section 120.33 of the Revised Code. 787

(3) When the state public defender provides investigation 788
or mitigation services to private appointed counsel or to a 789
county or joint county public defender as approved by the 790

appointing court, other than pursuant to a contract entered into 791
under authority of division (C) (7) of section 120.04 of the 792
Revised Code, the state public defender shall send to the county 793
in which the case is filed a bill itemizing the actual cost of 794
the services provided. The county, upon receipt of an itemized 795
bill from the state public defender pursuant to this division, 796
shall pay one hundred per cent of the amount as set forth in the 797
itemized bill. Upon payment of the itemized bill received 798
pursuant to this division, the county may submit the cost of the 799
investigation and mitigation services to the state public 800
defender for reimbursement pursuant to section 120.33 of the 801
Revised Code. 802

(4) There is hereby created in the state treasury the 803
county representation fund for the deposit of moneys received 804
from counties under this division. All moneys credited to the 805
fund shall be used by the state public defender to provide legal 806
representation for indigent persons when designated by the court 807
or requested by a county or joint county public defender or to 808
provide investigation or mitigation services, including 809
investigation or mitigation services to private appointed 810
counsel or a county or joint county public defender, as approved 811
by the court. 812

(E) (1) Notwithstanding any contrary provision of sections 813
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 814
Code that pertains to representation by the attorney general, an 815
assistant attorney general, or special counsel of an officer or 816
employee, as defined in section 109.36 of the Revised Code, or 817
of an entity of state government, the state public defender may 818
elect to contract with, and to have the state pay pursuant to 819
division (E) (2) of this section for the services of, private 820
legal counsel to represent the Ohio public defender commission, 821

the state public defender, assistant state public defenders, 822
other employees of the commission or the state public defender, 823
and attorneys described in division (C) of section 120.41 of the 824
Revised Code in a malpractice or other civil action or 825
proceeding that arises from alleged actions or omissions related 826
to responsibilities derived pursuant to this chapter, or in a 827
civil action that is based upon alleged violations of the 828
constitution or statutes of the United States, including section 829
1983 of Title 42 of the United States Code, 93 Stat. 1284 830
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 831
alleged actions or omissions related to responsibilities derived 832
pursuant to this chapter, if the state public defender 833
determines, in good faith, that the defendant in the civil 834
action or proceeding did not act manifestly outside the scope of 835
the defendant's employment or official responsibilities, with 836
malicious purpose, in bad faith, or in a wanton or reckless 837
manner. If the state public defender elects not to contract 838
pursuant to this division for private legal counsel in a civil 839
action or proceeding, then, in accordance with sections 109.02, 840
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 841
attorney general shall represent or provide for the 842
representation of the Ohio public defender commission, the state 843
public defender, assistant state public defenders, other 844
employees of the commission or the state public defender, or 845
attorneys described in division (C) of section 120.41 of the 846
Revised Code in the civil action or proceeding. 847

(2) (a) Subject to division (E) (2) (b) of this section, 848
payment from the state treasury for the services of private 849
legal counsel with whom the state public defender has contracted 850
pursuant to division (E) (1) of this section shall be 851
accomplished only through the following procedure: 852

(i) The private legal counsel shall file with the attorney 853
general a copy of the contract; a request for an award of legal 854
fees, court costs, and expenses earned or incurred in connection 855
with the defense of the Ohio public defender commission, the 856
state public defender, an assistant state public defender, an 857
employee, or an attorney in a specified civil action or 858
proceeding; a written itemization of those fees, costs, and 859
expenses, including the signature of the state public defender 860
and the state public defender's attestation that the fees, 861
costs, and expenses were earned or incurred pursuant to division 862
(E) (1) of this section to the best of the state public 863
defender's knowledge and information; a written statement 864
whether the fees, costs, and expenses are for all legal services 865
to be rendered in connection with that defense, are only for 866
legal services rendered to the date of the request and 867
additional legal services likely will have to be provided in 868
connection with that defense, or are for the final legal 869
services rendered in connection with that defense; a written 870
statement indicating whether the private legal counsel 871
previously submitted a request for an award under division (E) 872
(2) of this section in connection with that defense and, if so, 873
the date and the amount of each award granted; and, if the fees, 874
costs, and expenses are for all legal services to be rendered in 875
connection with that defense or are for the final legal services 876
rendered in connection with that defense, a certified copy of 877
any judgment entry in the civil action or proceeding or a signed 878
copy of any settlement agreement entered into between the 879
parties to the civil action or proceeding. 880

(ii) Upon receipt of a request for an award of legal fees, 881
court costs, and expenses and the requisite supportive 882
documentation described in division (E) (2) (a) (i) of this 883

section, the attorney general shall review the request and 884
documentation; determine whether any of the limitations 885
specified in division (E) (2) (b) of this section apply to the 886
request; and, if an award of legal fees, court costs, or 887
expenses is permissible after applying the limitations, prepare 888
a document awarding legal fees, court costs, or expenses to the 889
private legal counsel. The document shall name the private legal 890
counsel as the recipient of the award; specify the total amount 891
of the award as determined by the attorney general; itemize the 892
portions of the award that represent legal fees, court costs, 893
and expenses; specify any limitation applied pursuant to 894
division (E) (2) (b) of this section to reduce the amount of the 895
award sought by the private legal counsel; state that the award 896
is payable from the state treasury pursuant to division (E) (2) 897
(a) (iii) of this section; and be approved by the inclusion of 898
the signatures of the attorney general, the state public 899
defender, and the private legal counsel. 900

(iii) The attorney general shall forward a copy of the 901
document prepared pursuant to division (E) (2) (a) (ii) of this 902
section to the director of budget and management. The award of 903
legal fees, court costs, or expenses shall be paid out of the 904
state public defender's appropriations, to the extent there is a 905
sufficient available balance in those appropriations. If the 906
state public defender does not have a sufficient available 907
balance in the state public defender's appropriations to pay the 908
entire award of legal fees, court costs, or expenses, the 909
director shall make application for a transfer of appropriations 910
out of the emergency purposes account or any other appropriation 911
for emergencies or contingencies in an amount equal to the 912
portion of the award that exceeds the sufficient available 913
balance in the state public defender's appropriations. A 914

transfer of appropriations out of the emergency purposes account 915
or any other appropriation for emergencies or contingencies 916
shall be authorized if there are sufficient moneys greater than 917
the sum total of then pending emergency purposes account 918
requests, or requests for releases from the other appropriation. 919
If a transfer of appropriations out of the emergency purposes 920
account or other appropriation for emergencies or contingencies 921
is made to pay an amount equal to the portion of the award that 922
exceeds the sufficient available balance in the state public 923
defender's appropriations, the director shall cause the payment 924
to be made to the private legal counsel. If sufficient moneys do 925
not exist in the emergency purposes account or other 926
appropriation for emergencies or contingencies to pay an amount 927
equal to the portion of the award that exceeds the sufficient 928
available balance in the state public defender's appropriations, 929
the private legal counsel shall request the general assembly to 930
make an appropriation sufficient to pay an amount equal to the 931
portion of the award that exceeds the sufficient available 932
balance in the state public defender's appropriations, and no 933
payment in that amount shall be made until the appropriation has 934
been made. The private legal counsel shall make the request 935
during the current biennium and during each succeeding biennium 936
until a sufficient appropriation is made. 937

(b) An award of legal fees, court costs, and expenses 938
pursuant to division (E) of this section is subject to the 939
following limitations: 940

(i) The maximum award or maximum aggregate of a series of 941
awards of legal fees, court costs, and expenses to the private 942
legal counsel in connection with the defense of the Ohio public 943
defender commission, the state public defender, an assistant 944
state public defender, an employee, or an attorney in a 945

specified civil action or proceeding shall not exceed fifty 946
thousand dollars. 947

(ii) The private legal counsel shall not be awarded legal 948
fees, court costs, or expenses to the extent the fees, costs, or 949
expenses are covered by a policy of malpractice or other 950
insurance. 951

(iii) The private legal counsel shall be awarded legal 952
fees and expenses only to the extent that the fees and expenses 953
are reasonable in light of the legal services rendered by the 954
private legal counsel in connection with the defense of the Ohio 955
public defender commission, the state public defender, an 956
assistant state public defender, an employee, or an attorney in 957
a specified civil action or proceeding. 958

(c) If, pursuant to division (E) (2) (a) of this section, 959
the attorney general denies a request for an award of legal 960
fees, court costs, or expenses to private legal counsel because 961
of the application of a limitation specified in division (E) (2) 962
(b) of this section, the attorney general shall notify the 963
private legal counsel in writing of the denial and of the 964
limitation applied. 965

(d) If, pursuant to division (E) (2) (c) of this section, a 966
private legal counsel receives a denial of an award notification 967
or if a private legal counsel refuses to approve a document 968
under division (E) (2) (a) (ii) of this section because of the 969
proposed application of a limitation specified in division (E) 970
(2) (b) of this section, the private legal counsel may commence a 971
civil action against the attorney general in the court of claims 972
to prove the private legal counsel's entitlement to the award 973
sought, to prove that division (E) (2) (b) of this section does 974
not prohibit or otherwise limit the award sought, and to recover 975

a judgment for the amount of the award sought. A civil action 976
under division (E) (2) (d) of this section shall be commenced no 977
later than two years after receipt of a denial of award 978
notification or, if the private legal counsel refused to approve 979
a document under division (E) (2) (a) (ii) of this section because 980
of the proposed application of a limitation specified in 981
division (E) (2) (b) of this section, no later than two years 982
after the refusal. Any judgment of the court of claims in favor 983
of the private legal counsel shall be paid from the state 984
treasury in accordance with division (E) (2) (a) of this section. 985

~~(F) If a court appoints the office of the state public 986
defender to represent a petitioner in a postconviction relief 987
proceeding under section 2953.21 of the Revised Code, the 988
petitioner has received a sentence of death, and the proceeding 989
relates to that sentence, all of the attorneys who represent the 990
petitioner in the proceeding pursuant to the appointment, 991
whether an assistant state public defender, the state public 992
defender, or another attorney, shall be certified under Rule 20- 993
of the Rules of Superintendence for the Courts of Ohio to 994
represent indigent defendants charged with or convicted of an 995
offense for which the death penalty can be or has been imposed. 996~~

~~(G)~~ (1) The state public defender may conduct a legal 997
assistance referral service for children committed to the 998
department of youth services relative to conditions of 999
confinement claims. If the legal assistance referral service 1000
receives a request for assistance from a child confined in a 1001
facility operated, or contracted for, by the department of youth 1002
services and the state public defender determines that the child 1003
has a conditions of confinement claim that has merit, the state 1004
public defender may refer the child to a private attorney. If no 1005
private attorney who the child has been referred to by the state 1006

public defender accepts the case within a reasonable time, the 1007
state public defender may prepare, as appropriate, pro se 1008
pleadings in the form of a complaint regarding the conditions of 1009
confinement at the facility where the child is confined with a 1010
motion for appointment of counsel and other applicable pleadings 1011
necessary for sufficient pro se representation. 1012

(2) Division ~~(G)(1)~~ (F)(1) of this section does not 1013
authorize the state public defender to represent a child 1014
committed to the department of youth services in general civil 1015
matters arising solely out of state law. 1016

(3) The state public defender shall not undertake the 1017
representation of a child in court based on a conditions of 1018
confinement claim arising under this division. 1019

~~(H)~~ (G) A child's right to representation or services 1020
under this section is not affected by the child, or another 1021
person on behalf of the child, previously having paid for 1022
similar representation or services or having waived legal 1023
representation. 1024

~~(I)~~ (H) The state public defender shall have reasonable 1025
access to any child committed to the department of youth 1026
services, department of youth services institution, and 1027
department of youth services record as needed to implement this 1028
section. 1029

~~(J)~~ (I) As used in this section: 1030

(1) "Community control sanction" has the same meaning as 1031
in section 2929.01 of the Revised Code. 1032

(2) "Conditions of confinement" means any issue involving 1033
a constitutional right or other civil right related to a child's 1034
incarceration, including, but not limited to, actions cognizable 1035

under 42 U.S.C. 1983. 1036

(3) "Post-release control sanction" has the same meaning 1037
as in section 2967.01 of the Revised Code. 1038

Sec. 120.14. (A) (1) Except as provided in division (A) (2) 1039
of this section, the county public defender commission shall 1040
appoint the county public defender and may remove ~~him~~ the county 1041
public defender from office only for good cause. 1042

(2) If a county public defender commission contracts with 1043
the state public defender or with one or more nonprofit 1044
organizations for the state public defender or the organizations 1045
to provide all of the services that the county public defender 1046
is required or permitted to provide by this chapter, the 1047
commission shall not appoint a county public defender. 1048

(B) The commission shall determine the qualifications and 1049
size of the supporting staff and facilities and other 1050
requirements needed to maintain and operate the office of the 1051
county public defender. 1052

(C) In administering the office of county public defender, 1053
the commission shall: 1054

(1) Recommend to the county commissioners an annual 1055
operating budget which is subject to the review, amendment, and 1056
approval of the board of county commissioners; 1057

(2) (a) Make an annual report to the county commissioners 1058
and the Ohio public defender commission on the operation of the 1059
county public defender's office, ~~including complete and detailed~~ 1060
~~information on finances and costs that separately states costs~~ 1061
~~and expenses that are reimbursable under section 120.35 of the~~ 1062
~~Revised Code,~~ and any other data and information requested by 1063
the state public defender; 1064

(b) Make monthly reports relating to reimbursement and 1065
associated case data pursuant to the rules of the Ohio public 1066
defender commission to the board of county commissioners and the 1067
Ohio public defender commission on the total costs of the public 1068
defender's office. 1069

(3) Cooperate with the Ohio public defender commission in 1070
maintaining the standards established by rules of the Ohio 1071
public defender commission pursuant to divisions (B) and (C) of 1072
section 120.03 of the Revised Code, and cooperate with the state 1073
public defender in ~~his~~ the state public defender's programs 1074
providing technical aid and assistance to county systems. 1075

(D) The commission may accept the services of volunteer 1076
workers and consultants at no compensation except reimbursement 1077
for actual and necessary expenses. 1078

(E) The commission may contract with any municipal 1079
corporation, within the county served by the county public 1080
defender, for the county public defender to provide legal 1081
representation for indigent persons who are charged with a 1082
violation of the ordinances of the municipal corporation. 1083

(F) A county public defender commission, with the approval 1084
of the board of county commissioners regarding all provisions 1085
that pertain to the financing of defense counsel for indigent 1086
persons, may contract with the state public defender or with any 1087
nonprofit organization, the primary purpose of which is to 1088
provide legal representation to indigent persons, for the state 1089
public defender or the organization to provide all or any part 1090
of the services that a county public defender is required or 1091
permitted to provide by this chapter. A contract entered into 1092
pursuant to this division may provide for payment for the 1093
services provided on a per case, hourly, or fixed contract 1094

basis. The state public defender and any nonprofit organization 1095
that contracts with a county public defender commission pursuant 1096
to this division shall do all of the following: 1097

(1) Comply with all standards established by the rules of 1098
the Ohio public defender commission; 1099

(2) Comply with all standards established by the state 1100
public defender; 1101

(3) Comply with all statutory duties and other laws 1102
applicable to county public defenders. 1103

Sec. 120.16. (A) (1) The county public defender shall 1104
provide legal representation to indigent adults and juveniles 1105
who are charged with the commission of an offense or act that is 1106
a violation of a state statute and for which the penalty or any 1107
possible adjudication includes the potential loss of liberty and 1108
in postconviction proceedings as defined in this section. 1109

(2) The county public defender may provide legal 1110
representation to indigent adults and juveniles charged with the 1111
violation of an ordinance of a municipal corporation for which 1112
the penalty or any possible adjudication includes the potential 1113
loss of liberty, if the county public defender commission has 1114
contracted with the municipal corporation to provide legal 1115
representation for indigent persons charged with a violation of 1116
an ordinance of the municipal corporation. 1117

(B) The county public defender shall provide the legal 1118
representation authorized by division (A) of this section at 1119
every stage of the proceedings following arrest, detention, 1120
service of summons, or indictment. 1121

(C) The county public defender may request the state 1122
public defender to prosecute any appeal or other remedy before 1123

or after conviction that the county public defender decides is 1124
in the interests of justice, and may provide legal 1125
representation in parole and probation revocation matters and 1126
matters relating to the revocation of community control or post- 1127
release control under a community control sanction or post- 1128
release control sanction. 1129

(D) The county public defender shall not be required to 1130
prosecute any appeal, postconviction remedy, or other 1131
proceeding, unless the county public defender is first satisfied 1132
there is arguable merit to the proceeding. 1133

(E) Nothing in this section shall prevent a court from 1134
appointing counsel other than the county public defender or from 1135
allowing an indigent person to select the indigent person's own 1136
personal counsel to represent the indigent person. A court may 1137
also appoint counsel or allow an indigent person to select the 1138
indigent person's own personal counsel to assist the county 1139
public defender as co-counsel when the interests of justice so 1140
require. 1141

(F) Information as to the right to legal representation by 1142
the county public defender or assigned counsel shall be afforded 1143
to an accused person immediately upon arrest, when brought 1144
before a magistrate, or when formally charged, whichever occurs 1145
first. 1146

~~(G) If a court appoints the office of the county public~~ 1147
~~defender to represent a petitioner in a postconviction relief~~ 1148
~~proceeding under section 2953.21 of the Revised Code, the~~ 1149
~~petitioner has received a sentence of death, and the proceeding~~ 1150
~~relates to that sentence, all of the attorneys who represent the~~ 1151
~~petitioner in the proceeding pursuant to the appointment,~~ 1152
~~whether an assistant county public defender or the county public~~ 1153

~~defender, shall be certified under Rule 20 of the Rules of~~ 1154
~~Superintendence for the Courts of Ohio to represent indigent~~ 1155
~~defendants charged with or convicted of an offense for which the~~ 1156
~~death penalty can be or has been imposed.~~ 1157

~~(H)~~ As used in this section: 1158

(1) "Community control sanction" has the same meaning as 1159
in section 2929.01 of the Revised Code. 1160

(2) "Post-release control sanction" has the same meaning 1161
as in section 2967.01 of the Revised Code. 1162

Sec. 120.18. (A) The county public defender commission's 1163
report to the board of county commissioners shall be audited by 1164
the county auditor. The board of county commissioners, after 1165
review and approval of the audited report, may then certify it 1166
to the state public defender for reimbursement. If a request for 1167
the reimbursement of any operating expenditure incurred by a 1168
county public defender office is not received by the state 1169
public defender within sixty days after the end of the calendar 1170
month in which the expenditure is incurred, the state public 1171
defender shall not pay the requested reimbursement, unless the 1172
county has requested, and the state public defender has granted, 1173
an extension of the sixty-day time limit. Each request for 1174
reimbursement shall include a certification by the county public 1175
defender that the persons provided representation by the county 1176
public defender's office during the period covered by the report 1177
were indigent and, for each person provided representation 1178
during that period, a financial disclosure form completed by the 1179
person on a form prescribed by the state public defender. The 1180
state public defender shall also review the report and, in 1181
accordance with the standards, guidelines, and maximums 1182
established pursuant to divisions (B) (7) and (8) of section 1183

120.04 of the Revised Code and the payment determination 1184
provisions of section 120.34 of the Revised Code, prepare a 1185
voucher for the cost of each county public defender's office for 1186
the period of time covered by the certified report ~~and a voucher~~ 1187
~~for the costs and expenses that are reimbursable under section~~ 1188
~~120.35 of the Revised Code, if any.~~ The amount of payments to be 1189
included in and made under the voucher shall be determined as 1190
specified in section 120.34 of the Revised Code. For the 1191
purposes of this section, "cost" means total expenses minus 1192
~~costs and expenses reimbursable under section 120.35 of the~~ 1193
~~Revised Code and any~~ funds received by the county public 1194
defender commission pursuant to a contract, except a contract 1195
entered into with a municipal corporation pursuant to division 1196
(E) of section 120.14 of the Revised Code, gift, or grant. 1197

(B) If the county public defender fails to maintain the 1198
standards for the conduct of the office established by rules of 1199
the Ohio public defender commission pursuant to divisions (B) 1200
and (C) of section 120.03 or the standards established by the 1201
state public defender pursuant to division (B) (7) of section 1202
120.04 of the Revised Code, the Ohio public defender commission 1203
shall notify the county public defender commission and the board 1204
of county commissioners of the county that the county public 1205
defender has failed to comply with its rules or the standards of 1206
the state public defender. Unless the county public defender 1207
commission or the county public defender corrects the conduct of 1208
the county public defender's office to comply with the rules and 1209
standards within ninety days after the date of the notice, the 1210
state public defender may deny payment of all or part of the 1211
county's reimbursement from the state provided for in division 1212
(A) of this section. 1213

Sec. 120.24. (A) (1) Except as provided in division (A) (2) 1214

of this section, the joint county public defender commission 1215
shall appoint the joint county public defender and may remove 1216
~~him the joint county public defender~~ from office only for good 1217
cause. 1218

(2) If a joint county public defender commission contracts 1219
with the state public defender or with one or more nonprofit 1220
organizations for the state public defender or the organizations 1221
to provide all of the services that the joint county public 1222
defender is required or permitted to provide by this chapter, 1223
the commission shall not appoint a joint county public defender. 1224

(B) The commission shall determine the qualifications and 1225
size of the supporting staff and facilities and other 1226
requirements needed to maintain and operate the office. 1227

(C) In administering the office of joint county public 1228
defender, the commission shall: 1229

(1) Recommend to the boards of county commissioners in the 1230
district an annual operating budget which is subject to the 1231
review, amendment, and approval of the boards of county 1232
commissioners in the district; 1233

(2) (a) Make an annual report to the boards of county 1234
commissioners in the district and the Ohio public defender 1235
commission on the operation of the public defender's office, ~~—~~ 1236
~~including complete and detailed information on finances and~~ 1237
~~costs that separately states costs and expenses that are~~ 1238
~~reimbursable under section 120.35 of the Revised Code,~~ and such 1239
other data and information requested by the state public 1240
defender; 1241

(b) Make monthly reports relating to reimbursement and 1242
associated case data pursuant to the rules of the Ohio public 1243

defender commission to the boards of county commissioners in the 1244
district and the Ohio public defender commission on the total 1245
costs of the public defender's office. 1246

(3) Cooperate with the Ohio public defender commission in 1247
maintaining the standards established by rules of the Ohio 1248
public defender commission pursuant to divisions (B) and (C) of 1249
section 120.03 of the Revised Code, and cooperate with the state 1250
public defender in ~~his~~ the state public defender's programs 1251
providing technical aid and assistance to county systems. 1252

(D) The commission may accept the services of volunteer 1253
workers and consultants at no compensation except reimbursement 1254
for actual and necessary expenses. 1255

(E) The commission may contract with any municipal 1256
corporation, within the counties served by the joint county 1257
public defender, for the joint county public defender to provide 1258
legal representation for indigent persons who are charged with a 1259
violation of the ordinances of the municipal corporation. 1260

(F) A joint county public defender commission, with the 1261
approval of each participating board of county commissioners 1262
regarding all provisions that pertain to the financing of 1263
defense counsel for indigent persons, may contract with the 1264
state public defender or with any nonprofit organization, the 1265
primary purpose of which is to provide legal representation to 1266
indigent persons, for the state public defender or the 1267
organization to provide all or any part of the services that a 1268
joint county public defender is required or permitted to provide 1269
by this chapter. A contract entered into pursuant to this 1270
division may provide for payment for the services provided on a 1271
per case, hourly, or fixed contract basis. The state public 1272
defender and any nonprofit organization that contracts with a 1273

joint county public defender commission pursuant to this 1274
division shall do all of the following: 1275

(1) Comply with all standards established by the rules of 1276
the Ohio public defender commission; 1277

(2) Comply with all standards established by the Ohio 1278
public defender; 1279

(3) Comply with all statutory duties and other laws 1280
applicable to joint county public defenders. 1281

Sec. 120.26. (A) (1) The joint county public defender shall 1282
provide legal representation to indigent adults and juveniles 1283
who are charged with the commission of an offense or act that is 1284
a violation of a state statute and for which the penalty or any 1285
possible adjudication includes the potential loss of liberty and 1286
in postconviction proceedings as defined in this section. 1287

(2) The joint county public defender may provide legal 1288
representation to indigent adults and juveniles charged with the 1289
violation of an ordinance of a municipal corporation for which 1290
the penalty or any possible adjudication includes the potential 1291
loss of liberty, if the joint county public defender commission 1292
has contracted with the municipal corporation to provide legal 1293
representation for indigent persons charged with a violation of 1294
an ordinance of the municipal corporation. 1295

(B) The joint county public defender shall provide the 1296
legal representation authorized by division (A) of this section 1297
at every stage of the proceedings following arrest, detention, 1298
service of summons, or indictment. 1299

(C) The joint county public defender may request the Ohio 1300
public defender to prosecute any appeal or other remedy before 1301
or after conviction that the joint county public defender 1302

decides is in the interests of justice and may provide legal 1303
representation in parole and probation revocation matters and 1304
matters relating to the revocation of community control or post- 1305
release control under a community control sanction or post- 1306
release control sanction. 1307

(D) The joint county public defender shall not be required 1308
to prosecute any appeal, postconviction remedy, or other 1309
proceeding, unless the joint county public defender is first 1310
satisfied that there is arguable merit to the proceeding. 1311

(E) Nothing in this section shall prevent a court from 1312
appointing counsel other than the joint county public defender 1313
or from allowing an indigent person to select the indigent 1314
person's own personal counsel to represent the indigent person. 1315
A court may also appoint counsel or allow an indigent person to 1316
select the indigent person's own personal counsel to assist the 1317
joint county public defender as co-counsel when the interests of 1318
justice so require. 1319

(F) Information as to the right to legal representation by 1320
the joint county public defender or assigned counsel shall be 1321
afforded to an accused person immediately upon arrest, when 1322
brought before a magistrate, or when formally charged, whichever 1323
occurs first. 1324

~~(G) If a court appoints the office of the joint county~~ 1325
~~public defender to represent a petitioner in a postconviction~~ 1326
~~relief proceeding under section 2953.21 of the Revised Code, the~~ 1327
~~petitioner has received a sentence of death, and the proceeding~~ 1328
~~relates to that sentence, all of the attorneys who represent the~~ 1329
~~petitioner in the proceeding pursuant to the appointment,~~ 1330
~~whether an assistant joint county defender or the joint county~~ 1331
~~public defender, shall be certified under Rule 20 of the Rules~~ 1332

~~of Superintendence for the Courts of Ohio to represent indigent~~ 1333
~~defendants charged with or convicted of an offense for which the~~ 1334
~~death penalty can be or has been imposed.~~ 1335

~~(H)~~ As used in this section: 1336

(1) "Community control sanction" has the same meaning as 1337
in section 2929.01 of the Revised Code. 1338

(2) "Post-release control sanction" has the same meaning 1339
as in section 2967.01 of the Revised Code. 1340

Sec. 120.28. (A) The joint county public defender 1341
commission's report to the joint board of county commissioners 1342
shall be audited by the fiscal officer of the district. The 1343
joint board of county commissioners, after review and approval 1344
of the audited report, may then certify it to the state public 1345
defender for reimbursement. If a request for the reimbursement 1346
of any operating expenditure incurred by a joint county public 1347
defender office is not received by the state public defender 1348
within sixty days after the end of the calendar month in which 1349
the expenditure is incurred, the state public defender shall not 1350
pay the requested reimbursement, unless the joint board of 1351
county commissioners has requested, and the state public 1352
defender has granted, an extension of the sixty-day time limit. 1353
Each request for reimbursement shall include a certification by 1354
the joint county public defender that all persons provided 1355
representation by the joint county public defender's office 1356
during the period covered by the request were indigent and, for 1357
each person provided representation during that period, a 1358
financial disclosure form completed by the person on a form 1359
prescribed by the state public defender. The state public 1360
defender shall also review the report and, in accordance with 1361
the standards, guidelines, and maximums established pursuant to 1362

divisions (B) (7) and (8) of section 120.04 of the Revised Code 1363
and the payment determination provisions of section 120.34 of 1364
the Revised Code, prepare a voucher for the cost of each joint 1365
county public defender's office for the period of time covered 1366
by the certified report ~~and a voucher for the costs and expenses~~ 1367
~~that are reimbursable under section 120.35 of the Revised Code,~~ 1368
~~if any.~~ The amount of payments to be included in and made under 1369
the voucher shall be determined as specified in section 120.34 1370
of the Revised Code. For purposes of this section, "cost" means 1371
total expenses minus ~~costs and expenses reimbursable under~~ 1372
~~section 120.35 of the Revised Code and~~ any funds received by the 1373
joint county public defender commission pursuant to a contract, 1374
except a contract entered into with a municipal corporation 1375
pursuant to division (E) of section 120.24 of the Revised Code, 1376
gift, or grant. Each county in the district shall be entitled to 1377
a share of such state reimbursement in proportion to the 1378
percentage of the cost it has agreed to pay. 1379

(B) If the joint county public defender fails to maintain 1380
the standards for the conduct of the office established by the 1381
rules of the Ohio public defender commission pursuant to 1382
divisions (B) and (C) of section 120.03 or the standards 1383
established by the state public defender pursuant to division 1384
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1385
defender commission shall notify the joint county public 1386
defender commission and the board of county commissioners of 1387
each county in the district that the joint county public 1388
defender has failed to comply with its rules or the standards of 1389
the state public defender. Unless the joint public defender 1390
commission or the joint county public defender corrects the 1391
conduct of the joint county public defender's office to comply 1392
with the rules and standards within ninety days after the date 1393

of the notice, the state public defender may deny all or part of 1394
the counties' reimbursement from the state provided for in 1395
division (A) of this section. 1396

Sec. 120.33. (A) In lieu of using a county public defender 1397
or joint county public defender to represent indigent persons in 1398
the proceedings set forth in division (A) of section 120.16 of 1399
the Revised Code, the board of county commissioners of any 1400
county may adopt a resolution to pay counsel who are either 1401
personally selected by the indigent person or appointed by the 1402
court. The resolution shall include those provisions the board 1403
of county commissioners considers necessary to provide effective 1404
representation of indigent persons in any proceeding for which 1405
counsel is provided under this section. The resolution shall 1406
include provisions for contracts with any municipal corporation 1407
under which the municipal corporation shall reimburse the county 1408
for counsel appointed to represent indigent persons charged with 1409
violations of the ordinances of the municipal corporation. 1410

(1) In a county that adopts a resolution to pay counsel, 1411
an indigent person shall have the right to do either of the 1412
following: 1413

(a) To select the person's own personal counsel to 1414
represent the person in any proceeding included within the 1415
provisions of the resolution; 1416

(b) To request the court to appoint counsel to represent 1417
the person in such a proceeding. 1418

(2) The court having jurisdiction over the proceeding in a 1419
county that adopts a resolution to pay counsel shall, after 1420
determining that the person is indigent and entitled to legal 1421
representation under this section, do either of the following: 1422

(a) By signed journal entry recorded on its docket, enter 1423
the name of the lawyer selected by the indigent person as 1424
counsel of record; 1425

(b) Appoint counsel for the indigent person if the person 1426
has requested the court to appoint counsel and, by signed 1427
journal entry recorded on its dockets, enter the name of the 1428
lawyer appointed for the indigent person as counsel of record. 1429

(3) The board of county commissioners shall establish a 1430
schedule of fees by case or on an hourly basis to be paid to 1431
counsel for legal services provided pursuant to a resolution 1432
adopted under this section. Prior to establishing the schedule, 1433
the board of county commissioners shall request the bar 1434
association or associations of the county to submit a proposed 1435
~~schedule for cases other than capital cases.~~ The schedule 1436
submitted shall be subject to the review, amendment, and 1437
approval of the board of county commissioners, ~~except with~~ 1438
~~respect to capital cases. With respect to capital cases, the~~ 1439
~~schedule shall provide for fees by case or on an hourly basis to~~ 1440
~~be paid to counsel in the amount or at the rate set by the~~ 1441
~~capital case attorney fee council pursuant to division (D) of~~ 1442
~~this section, and the board of county commissioners shall~~ 1443
~~approve that amount or rate.~~ 1444

(4) Counsel selected by the indigent person or appointed 1445
by the court at the request of an indigent person in a county 1446
that adopts a resolution to pay counsel, except for counsel 1447
appointed to represent a person charged with any violation of an 1448
ordinance of a municipal corporation that has not contracted 1449
with the county commissioners for the payment of appointed 1450
counsel, shall be paid by the county and shall receive the 1451
compensation and expenses the court approves. ~~With respect to~~ 1452

~~capital cases, the court shall approve compensation and expenses~~ 1453
~~in accordance with the amount or at the rate set by the capital~~ 1454
~~case attorney fee council pursuant to division (D) of this~~ 1455
~~section.~~ Each request for payment shall include a financial 1456
disclosure form completed by the indigent person on a form 1457
prescribed by the state public defender. Compensation and 1458
expenses shall not exceed the amounts fixed by the board of 1459
county commissioners in the schedule adopted pursuant to 1460
division (A) (3) of this section. No court shall approve 1461
compensation and expenses that exceed the amount fixed pursuant 1462
to division (A) (3) of this section. 1463

The fees and expenses approved by the court shall not be 1464
taxed as part of the costs and shall be paid by the county. 1465
However, if the person represented has, or may reasonably be 1466
expected to have, the means to meet some part of the cost of the 1467
services rendered to the person, the person shall pay the county 1468
an amount that the person reasonably can be expected to pay. 1469
Pursuant to section 120.04 of the Revised Code, the county shall 1470
pay to the state public defender a percentage of the payment 1471
received from the person in an amount proportionate to the 1472
percentage of the costs of the person's case that were paid to 1473
the county by the state public defender pursuant to this 1474
section. The money paid to the state public defender shall be 1475
credited to the client payment fund created pursuant to division 1476
(B) (5) of section 120.04 of the Revised Code. 1477

The county auditor shall draw a warrant on the county 1478
treasurer for the payment of counsel in the amount fixed by the 1479
court, plus the expenses the court fixes and certifies to the 1480
auditor. The county auditor shall report periodically, but not 1481
less than annually, to the board of county commissioners and to 1482
the state public defender the amounts paid out pursuant to the 1483

approval of the court. The board of county commissioners, after 1484
review and approval of the auditor's report, or the county 1485
auditor, with permission from and notice to the board of county 1486
commissioners, may then certify it to the state public defender 1487
for reimbursement. The state public defender may pay a requested 1488
reimbursement only if the request for reimbursement includes a 1489
financial disclosure form completed by the indigent person on a 1490
form prescribed by the state public defender or if the court 1491
certifies by electronic signature as prescribed by the state 1492
public defender that a financial disclosure form has been 1493
completed by the indigent person and is available for 1494
inspection. If a request for the reimbursement of the cost of 1495
counsel in any case is not received by the state public defender 1496
within ninety days after the end of the calendar month in which 1497
the case is finally disposed of by the court, unless the county 1498
has requested and the state public defender has granted an 1499
extension of the ninety-day limit, the state public defender 1500
shall not pay the requested reimbursement. The state public 1501
defender shall also review the report and, in accordance with 1502
the standards, guidelines, and maximums established pursuant to 1503
divisions (B) (7) and (8) of section 120.04 of the Revised Code 1504
and the payment determination provisions of section 120.34 of 1505
the Revised Code, prepare a voucher for the cost of each county 1506
appointed counsel system in the period of time covered by the 1507
certified report ~~and a voucher for the costs and expenses that~~ 1508
~~are reimbursable under section 120.35 of the Revised Code, if~~ 1509
~~any.~~ The amount of payments to be included in and made under the 1510
voucher shall be determined as specified in section 120.34 of 1511
the Revised Code. 1512

(5) If any county appointed counsel system fails to 1513
maintain the standards for the conduct of the system established 1514

by the rules of the Ohio public defender commission pursuant to 1515
divisions (B) and (C) of section 120.03 or the standards 1516
established by the state public defender pursuant to division 1517
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1518
defender commission shall notify the board of county 1519
commissioners of the county that the county appointed counsel 1520
system has failed to comply with its rules or the standards of 1521
the state public defender. Unless the board of county 1522
commissioners corrects the conduct of its appointed counsel 1523
system to comply with the rules and standards within ninety days 1524
after the date of the notice, the state public defender may deny 1525
all or part of the county's reimbursement from the state 1526
provided for in division (A) (4) of this section. 1527

(B) In lieu of using a county public defender or joint 1528
county public defender to represent indigent persons in the 1529
proceedings set forth in division (A) of section 120.16 of the 1530
Revised Code, and in lieu of adopting the resolution and 1531
following the procedure described in division (A) of this 1532
section, the board of county commissioners of any county may 1533
contract with the state public defender for the state public 1534
defender's legal representation of indigent persons. A contract 1535
entered into pursuant to this division may provide for payment 1536
for the services provided on a per case, hourly, or fixed 1537
contract basis. 1538

~~(C) If a court appoints an attorney pursuant to this 1539~~
~~section to represent a petitioner in a postconviction relief 1540~~
~~proceeding under section 2953.21 of the Revised Code, the 1541~~
~~petitioner has received a sentence of death, and the proceeding 1542~~
~~relates to that sentence, the attorney who represents the 1543~~
~~petitioner in the proceeding pursuant to the appointment shall 1544~~
~~be certified under Rule 20 of the Rules of Superintendence for 1545~~

~~the Courts of Ohio to represent indigent defendants charged with
or convicted of an offense for which the death penalty can be or
has been imposed.~~

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~~(D) (1) There is hereby created the capital case attorney
fee council, appointed as described in division (D) (2) of this
section. The council shall set an amount by case, or a rate on
an hourly basis, to be paid under this section to counsel in a
capital case.~~

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~~(2) The capital case attorney fee council shall consist of
five members, all of whom shall be active judges serving on one
of the district courts of appeals in this state. Terms for
council members shall be the lesser of three years or until the
member ceases to be an active judge of a district court of
appeals. The initial terms shall commence ninety days after
September 28, 2016. The chief justice of the supreme court shall
appoint the members of the council, and shall make all of the
appointments not later than sixty days after September 28, 2016.
When any vacancy occurs, the chief justice shall appoint an
active judge of a district court of appeals in this state to
fill the vacancy for the unexpired term, in the same manner as
prescribed in this division. The chief justice shall designate a
chairperson from the appointed members of the council. Members
of the council shall receive no additional compensation for
their service as a member, but may be reimbursed for expenses
reasonably incurred in service to the council, to be paid by the
supreme court. The supreme court may provide administrative
support to the council.~~

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~~(3) The capital case attorney fee council initially shall
meet not later than one hundred twenty days after September 28,
2016. Thereafter, the council shall meet not less than annually.~~

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~~(4) Upon setting the amount or rate described in division (D) (1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to the state public defender of the amount or rate so set. The amount or rate so set shall become effective ninety days after the date on which the chairperson provides that written notice to the state public defender. The council shall specify that effective date in the written notice provided to the state public defender. All amounts or rates set by the council shall be final, subject to modification as described in division (D) (5) of this section, and not subject to appeal.~~

~~(5) The capital case attorney fee council may modify an amount or rate set as described in division (D) (4) of this section. The provisions of that division apply with respect to any such modification of an amount or rate.~~

Sec. 120.34. The total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, 120.33, ~~120.35,~~ and 2941.51 of the Revised Code for the reimbursement of the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel systems, ~~the counties' costs and expenses of conducting the defense in capital cases,~~ and the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems and for those appointed counsel costs and expenses, and shall be determined as specified in this section. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay the cost in the fiscal year of all county public defender offices, all joint county public defender

offices, all county appointed counsel systems, and all costs and 1607
expenses of appointed counsel covered by section 2941.51 of the 1608
Revised Code, the amount of money paid in that fiscal year 1609
pursuant to sections 120.18, 120.28, 120.33, ~~120.35,~~ and 2941.51 1610
of the Revised Code to each county for the fiscal year shall be 1611
reduced proportionately so that each county is paid an equal 1612
percentage of its cost in the fiscal year for operating its 1613
county public defender system, its joint county public defender 1614
system, and its county appointed counsel system, ~~an equal~~ 1615
~~percentage of its costs and expenses of conducting the defense~~ 1616
~~in capital cases in the fiscal year,~~ and an equal percentage of 1617
its costs and expenses of appointed counsel covered by section 1618
2941.51 of the Revised Code. 1619

All payments relating to capital cases that were required 1620
to be made under the provisions of this chapter or section 1621
2941.51 of the Revised Code as those provisions existed 1622
immediately before the effective date of this amendment shall be 1623
made for each calendar or fiscal year, as applicable, in 1624
accordance with those provisions as they existed immediately 1625
before the effective date of this amendment until each case in 1626
which a defendant was sentenced to death before the effective 1627
date of this amendment is finally resolved. 1628

If any county receives an amount of money pursuant to 1629
section 120.18, 120.28, 120.33, ~~120.35,~~ or 2941.51 of the 1630
Revised Code that is in excess of the amount of reimbursement it 1631
is entitled to receive pursuant to this section, the state 1632
public defender shall request the board of county commissioners 1633
to return the excess payment and the board of county 1634
commissioners, upon receipt of the request, shall direct the 1635
appropriate county officer to return the excess payment to the 1636
state. 1637

Within thirty days of the end of each fiscal quarter, the
state public defender shall provide to the office of budget and
management and the legislative service commission an estimate of
the amount of money that will be required for the balance of the
fiscal year to make the payments required by sections 120.18,
120.28, 120.33, ~~120.35,~~ and 2941.51 of the Revised Code.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public
office, including, but not limited to, state, county, city,
village, township, and school district units, and records
pertaining to the delivery of educational services by an
alternative school in this state kept by the nonprofit or for-
profit entity operating the alternative school pursuant to
section 3313.533 of the Revised Code. "Public record" does not
mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole
proceedings, to proceedings related to the imposition of
community control sanctions and post-release control sanctions,
or to proceedings related to determinations under section
2967.271 of the Revised Code regarding the release or maintained
incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85
and division (C) of section 2919.121 of the Revised Code and to
appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including
the contents of an adoption file maintained by the department of
health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative

father registry established by section 3107.062 of the Revised 1667
Code, regardless of whether the information is held by the 1668
department of job and family services or, pursuant to section 1669
3111.69 of the Revised Code, the office of child support in the 1670
department or a child support enforcement agency; 1671

(f) Records specified in division (A) of section 3107.52 1672
of the Revised Code; 1673

(g) Trial preparation records; 1674

(h) Confidential law enforcement investigatory records; 1675

(i) Records containing information that is confidential 1676
under section 2710.03 or 4112.05 of the Revised Code; 1677

(j) DNA records stored in the DNA database pursuant to 1678
section 109.573 of the Revised Code; 1679

(k) Inmate records released by the department of 1680
rehabilitation and correction to the department of youth 1681
services or a court of record pursuant to division (E) of 1682
section 5120.21 of the Revised Code; 1683

(l) Records maintained by the department of youth services 1684
pertaining to children in its custody released by the department 1685
of youth services to the department of rehabilitation and 1686
correction pursuant to section 5139.05 of the Revised Code; 1687

(m) Intellectual property records; 1688

(n) Donor profile records; 1689

(o) Records maintained by the department of job and family 1690
services pursuant to section 3121.894 of the Revised Code; 1691

(p) Designated public service worker residential and 1692
familial information; 1693

(q) In the case of a county hospital operated pursuant to 1694
Chapter 339. of the Revised Code or a municipal hospital 1695
operated pursuant to Chapter 749. of the Revised Code, 1696
information that constitutes a trade secret, as defined in 1697
section 1333.61 of the Revised Code; 1698

(r) Information pertaining to the recreational activities 1699
of a person under the age of eighteen; 1700

(s) In the case of a child fatality review board acting 1701
under sections 307.621 to 307.629 of the Revised Code or a 1702
review conducted pursuant to guidelines established by the 1703
director of health under section 3701.70 of the Revised Code, 1704
records provided to the board or director, statements made by 1705
board members during meetings of the board or by persons 1706
participating in the director's review, and all work products of 1707
the board or director, and in the case of a child fatality 1708
review board, child fatality review data submitted by the board 1709
to the department of health or a national child death review 1710
database, other than the report prepared pursuant to division 1711
(A) of section 307.626 of the Revised Code; 1712

(t) Records provided to and statements made by the 1713
executive director of a public children services agency or a 1714
prosecuting attorney acting pursuant to section 5153.171 of the 1715
Revised Code other than the information released under that 1716
section; 1717

(u) Test materials, examinations, or evaluation tools used 1718
in an examination for licensure as a nursing home administrator 1719
that the board of executives of long-term services and supports 1720
administers under section 4751.15 of the Revised Code or 1721
contracts under that section with a private or government entity 1722
to administer; 1723

(v) Records the release of which is prohibited by state or 1724
federal law; 1725

(w) Proprietary information of or relating to any person 1726
that is submitted to or compiled by the Ohio venture capital 1727
authority created under section 150.01 of the Revised Code; 1728

(x) Financial statements and data any person submits for 1729
any purpose to the Ohio housing finance agency or the 1730
controlling board in connection with applying for, receiving, or 1731
accounting for financial assistance from the agency, and 1732
information that identifies any individual who benefits directly 1733
or indirectly from financial assistance from the agency; 1734

(y) Records listed in section 5101.29 of the Revised Code; 1735

(z) Discharges recorded with a county recorder under 1736
section 317.24 of the Revised Code, as specified in division (B) 1737
(2) of that section; 1738

(aa) Usage information including names and addresses of 1739
specific residential and commercial customers of a municipally 1740
owned or operated public utility; 1741

(bb) Records described in division (C) of section 187.04 1742
of the Revised Code that are not designated to be made available 1743
to the public as provided in that division; 1744

~~(cc) Information and records that are made confidential,~~ 1745
~~privileged, and not subject to disclosure under divisions (B)~~ 1746
~~and (C) of section 2949.221 of the Revised Code;~~ 1747

~~(dd)~~ Personal information, as defined in section 149.45 of 1748
the Revised Code; 1749

~~(ee)~~ (dd) The confidential name, address, and other 1750
personally identifiable information of a program participant in 1751

the address confidentiality program established under sections 1752
111.41 to 111.47 of the Revised Code, including the contents of 1753
any application for absent voter's ballots, absent voter's 1754
ballot identification envelope statement of voter, or 1755
provisional ballot affirmation completed by a program 1756
participant who has a confidential voter registration record; 1757
records or portions of records pertaining to that program that 1758
identify the number of program participants that reside within a 1759
precinct, ward, township, municipal corporation, county, or any 1760
other geographic area smaller than the state; and any real 1761
property confidentiality notice filed under section 111.431 of 1762
the Revised Code and the information described in division (C) 1763
of that section. As used in this division, "confidential 1764
address" and "program participant" have the meaning defined in 1765
section 111.41 of the Revised Code. 1766

~~(ff)~~ (ee) Orders for active military service of an 1767
individual serving or with previous service in the armed forces 1768
of the United States, including a reserve component, or the Ohio 1769
organized militia, except that, such order becomes a public 1770
record on the day that is fifteen years after the published date 1771
or effective date of the call to order; 1772

~~(gg)~~ (ff) The name, address, contact information, or other 1773
personal information of an individual who is less than eighteen 1774
years of age that is included in any record related to a traffic 1775
accident involving a school vehicle in which the individual was 1776
an occupant at the time of the accident; 1777

~~(hh)~~ (gg) Protected health information, as defined in 45 1778
C.F.R. 160.103, that is in a claim for payment for a health care 1779
product, service, or procedure, as well as any other health 1780
claims data in another document that reveals the identity of an 1781

individual who is the subject of the data or could be used to 1782
reveal that individual's identity; 1783

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or 1784
printed or digital image under either of the following 1785
circumstances: 1786

(i) The depiction is that of a victim of an offense the 1787
release of which would be, to a reasonable person of ordinary 1788
sensibilities, an offensive and objectionable intrusion into the 1789
victim's expectation of bodily privacy and integrity. 1790

(ii) The depiction captures or depicts the victim of a 1791
sexually oriented offense, as defined in section 2950.01 of the 1792
Revised Code, at the actual occurrence of that offense. 1793

~~(jj)~~ (ii) Restricted portions of a body-worn camera or 1794
dashboard camera recording; 1795

~~(kk)~~ (jj) In the case of a fetal-infant mortality review 1796
board acting under sections 3707.70 to 3707.77 of the Revised 1797
Code, records, documents, reports, or other information 1798
presented to the board or a person abstracting such materials on 1799
the board's behalf, statements made by review board members 1800
during board meetings, all work products of the board, and data 1801
submitted by the board to the department of health or a national 1802
infant death review database, other than the report prepared 1803
pursuant to section 3707.77 of the Revised Code. 1804

~~(ii)~~ (kk) Records, documents, reports, or other 1805
information presented to the pregnancy-associated mortality 1806
review board established under section 3738.01 of the Revised 1807
Code, statements made by board members during board meetings, 1808
all work products of the board, and data submitted by the board 1809
to the department of health, other than the biennial reports 1810

prepared under section 3738.08 of the Revised Code; 1811

~~(mm)~~ (ll) Except as otherwise provided in division (A) (1) 1812
(oo) of this section, telephone numbers for a victim, as defined 1813
in section 2930.01 of the Revised Code or a witness to a crime 1814
that are listed on any law enforcement record or report. 1815

~~(nn)~~ (mm) A preneed funeral contract, as defined in 1816
section 4717.01 of the Revised Code, and contract terms and 1817
personally identifying information of a preneed funeral 1818
contract, that is contained in a report submitted by or for a 1819
funeral home to the board of embalmers and funeral directors 1820
under division (C) of section 4717.13, division (J) of section 1821
4717.31, or section 4717.41 of the Revised Code. 1822

~~(oo)~~ (nn) Telephone numbers for a party to a motor vehicle 1823
accident subject to the requirements of section 5502.11 of the 1824
Revised Code that are listed on any law enforcement record or 1825
report, except that the telephone numbers described in this 1826
division are not excluded from the definition of "public record" 1827
under this division on and after the thirtieth day after the 1828
occurrence of the motor vehicle accident. 1829

~~(pp)~~ (oo) Records pertaining to individuals who complete 1830
training under section 5502.703 of the Revised Code to be 1831
permitted by a school district board of education or governing 1832
body of a community school established under Chapter 3314. of 1833
the Revised Code, a STEM school established under Chapter 3326. 1834
of the Revised Code, or a chartered nonpublic school to convey 1835
deadly weapons or dangerous ordnance into a school safety zone; 1836

~~(qq)~~ (pp) Records, documents, reports, or other 1837
information presented to a domestic violence fatality review 1838
board established under section 307.651 of the Revised Code, 1839

statements made by board members during board meetings, all work 1840
products of the board, and data submitted by the board to the 1841
department of health, other than a report prepared pursuant to 1842
section 307.656 of the Revised Code; 1843

~~(rr)~~ (gg) Records, documents, and information the release 1844
of which is prohibited under sections 2930.04 and 2930.07 of the 1845
Revised Code; 1846

~~(ss)~~ (rr) Records of an existing qualified nonprofit 1847
corporation that creates a special improvement district under 1848
Chapter 1710. of the Revised Code that do not pertain to a 1849
purpose for which the district is created. 1850

A record that is not a public record under division (A) (1) 1851
of this section and that, under law, is permanently retained 1852
becomes a public record on the day that is seventy-five years 1853
after the day on which the record was created, except for any 1854
record protected by the attorney-client privilege, a trial 1855
preparation record as defined in this section, a statement 1856
prohibiting the release of identifying information signed under 1857
section 3107.083 of the Revised Code, a denial of release form 1858
filed pursuant to section 3107.46 of the Revised Code, or any 1859
record that is exempt from release or disclosure under section 1860
149.433 of the Revised Code. If the record is a birth 1861
certificate and a biological parent's name redaction request 1862
form has been accepted under section 3107.391 of the Revised 1863
Code, the name of that parent shall be redacted from the birth 1864
certificate before it is released under this paragraph. If any 1865
other section of the Revised Code establishes a time period for 1866
disclosure of a record that conflicts with the time period 1867
specified in this section, the time period in the other section 1868
prevails. 1869

(2) "Confidential law enforcement investigatory record" 1870
means any record that pertains to a law enforcement matter of a 1871
criminal, quasi-criminal, civil, or administrative nature, but 1872
only to the extent that the release of the record would create a 1873
high probability of disclosure of any of the following: 1874

(a) The identity of a suspect who has not been charged 1875
with the offense to which the record pertains, or of an 1876
information source or witness to whom confidentiality has been 1877
reasonably promised; 1878

(b) Information provided by an information source or 1879
witness to whom confidentiality has been reasonably promised, 1880
which information would reasonably tend to disclose the source's 1881
or witness's identity; 1882

(c) Specific confidential investigatory techniques or 1883
procedures or specific investigatory work product; 1884

(d) Information that would endanger the life or physical 1885
safety of law enforcement personnel, a crime victim, a witness, 1886
or a confidential information source. 1887

(3) "Medical record" means any document or combination of 1888
documents, except births, deaths, and the fact of admission to 1889
or discharge from a hospital, that pertains to the medical 1890
history, diagnosis, prognosis, or medical condition of a patient 1891
and that is generated and maintained in the process of medical 1892
treatment. 1893

(4) "Trial preparation record" means any record that 1894
contains information that is specifically compiled in reasonable 1895
anticipation of, or in defense of, a civil or criminal action or 1896
proceeding, including the independent thought processes and 1897
personal trial preparation of an attorney. 1898

(5) "Intellectual property record" means a record, other 1899
than a financial or administrative record, that is produced or 1900
collected by or for faculty or staff of a state institution of 1901
higher learning in the conduct of or as a result of study or 1902
research on an educational, commercial, scientific, artistic, 1903
technical, or scholarly issue, regardless of whether the study 1904
or research was sponsored by the institution alone or in 1905
conjunction with a governmental body or private concern, and 1906
that has not been publicly released, published, or patented. 1907

(6) "Donor profile record" means all records about donors 1908
or potential donors to a public institution of higher education 1909
except the names and reported addresses of the actual donors and 1910
the date, amount, and conditions of the actual donation. 1911

(7) "Designated public service worker" means a peace 1912
officer, parole officer, probation officer, bailiff, prosecuting 1913
attorney, assistant prosecuting attorney, correctional employee, 1914
county or multicounty corrections officer, community-based 1915
correctional facility employee, designated Ohio national guard 1916
member, protective services worker, youth services employee, 1917
firefighter, EMT, medical director or member of a cooperating 1918
physician advisory board of an emergency medical service 1919
organization, state board of pharmacy employee, investigator of 1920
the bureau of criminal identification and investigation, 1921
emergency service telecommunicator, forensic mental health 1922
provider, mental health evaluation provider, regional 1923
psychiatric hospital employee, judge, magistrate, or federal law 1924
enforcement officer. 1925

(8) "Designated public service worker residential and 1926
familial information" means any information that discloses any 1927
of the following about a designated public service worker: 1928

(a) The address of the actual personal residence of a 1929
designated public service worker, except for the following 1930
information: 1931

(i) The address of the actual personal residence of a 1932
prosecuting attorney or judge; and 1933

(ii) The state or political subdivision in which a 1934
designated public service worker resides. 1935

(b) Information compiled from referral to or participation 1936
in an employee assistance program; 1937

(c) The social security number, the residential telephone 1938
number, any bank account, debit card, charge card, or credit 1939
card number, or the emergency telephone number of, or any 1940
medical information pertaining to, a designated public service 1941
worker; 1942

(d) The name of any beneficiary of employment benefits, 1943
including, but not limited to, life insurance benefits, provided 1944
to a designated public service worker by the designated public 1945
service worker's employer; 1946

(e) The identity and amount of any charitable or 1947
employment benefit deduction made by the designated public 1948
service worker's employer from the designated public service 1949
worker's compensation, unless the amount of the deduction is 1950
required by state or federal law; 1951

(f) The name, the residential address, the name of the 1952
employer, the address of the employer, the social security 1953
number, the residential telephone number, any bank account, 1954
debit card, charge card, or credit card number, or the emergency 1955
telephone number of the spouse, a former spouse, or any child of 1956
a designated public service worker; 1957

(g) A photograph of a peace officer who holds a position 1958
or has an assignment that may include undercover or plain 1959
clothes positions or assignments as determined by the peace 1960
officer's appointing authority. 1961

(9) As used in divisions (A) (7) and (15) to (17) of this 1962
section: 1963

"Peace officer" has the meaning defined in section 109.71 1964
of the Revised Code and also includes the superintendent and 1965
troopers of the state highway patrol; it does not include the 1966
sheriff of a county or a supervisory employee who, in the 1967
absence of the sheriff, is authorized to stand in for, exercise 1968
the authority of, and perform the duties of the sheriff. 1969

"Correctional employee" means any employee of the 1970
department of rehabilitation and correction who in the course of 1971
performing the employee's job duties has or has had contact with 1972
inmates and persons under supervision. 1973

"County or multicounty corrections officer" means any 1974
corrections officer employed by any county or multicounty 1975
correctional facility. 1976

"Designated Ohio national guard member" means a member of 1977
the Ohio national guard who is participating in duties related 1978
to remotely piloted aircraft, including, but not limited to, 1979
pilots, sensor operators, and mission intelligence personnel, 1980
duties related to special forces operations, or duties related 1981
to cybersecurity, and is designated by the adjutant general as a 1982
designated public service worker for those purposes. 1983

"Protective services worker" means any employee of a 1984
county agency who is responsible for child protective services, 1985
child support services, or adult protective services. 1986

"Youth services employee" means any employee of the	1987
department of youth services who in the course of performing the	1988
employee's job duties has or has had contact with children	1989
committed to the custody of the department of youth services.	1990
"Firefighter" means any regular, paid or volunteer, member	1991
of a lawfully constituted fire department of a municipal	1992
corporation, township, fire district, or village.	1993
"EMT" means EMTs-basic, EMTs-I, and paramedics that	1994
provide emergency medical services for a public emergency	1995
medical service organization. "Emergency medical service	1996
organization," "EMT-basic," "EMT-I," and "paramedic" have the	1997
meanings defined in section 4765.01 of the Revised Code.	1998
"Investigator of the bureau of criminal identification and	1999
investigation" has the meaning defined in section 2903.11 of the	2000
Revised Code.	2001
"Emergency service telecommunicator" has the meaning	2002
defined in section 4742.01 of the Revised Code.	2003
"Forensic mental health provider" means any employee of a	2004
community mental health service provider or local alcohol, drug	2005
addiction, and mental health services board who, in the course	2006
of the employee's duties, has contact with persons committed to	2007
a local alcohol, drug addiction, and mental health services	2008
board by a court order pursuant to section 2945.38, 2945.39,	2009
2945.40, or 2945.402 of the Revised Code.	2010
"Mental health evaluation provider" means an individual	2011
who, under Chapter 5122. of the Revised Code, examines a	2012
respondent who is alleged to be a mentally ill person subject to	2013
court order, as defined in section 5122.01 of the Revised Code,	2014
and reports to the probate court the respondent's mental	2015

condition. 2016

"Regional psychiatric hospital employee" means any 2017
employee of the department of mental health and addiction 2018
services who, in the course of performing the employee's duties, 2019
has contact with patients committed to the department of mental 2020
health and addiction services by a court order pursuant to 2021
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2022
Code. 2023

"Federal law enforcement officer" has the meaning defined 2024
in section 9.88 of the Revised Code. 2025

(10) "Information pertaining to the recreational 2026
activities of a person under the age of eighteen" means 2027
information that is kept in the ordinary course of business by a 2028
public office, that pertains to the recreational activities of a 2029
person under the age of eighteen years, and that discloses any 2030
of the following: 2031

(a) The address or telephone number of a person under the 2032
age of eighteen or the address or telephone number of that 2033
person's parent, guardian, custodian, or emergency contact 2034
person; 2035

(b) The social security number, birth date, or 2036
photographic image of a person under the age of eighteen; 2037

(c) Any medical record, history, or information pertaining 2038
to a person under the age of eighteen; 2039

(d) Any additional information sought or required about a 2040
person under the age of eighteen for the purpose of allowing 2041
that person to participate in any recreational activity 2042
conducted or sponsored by a public office or to use or obtain 2043
admission privileges to any recreational facility owned or 2044

operated by a public office. 2045

(11) "Community control sanction" has the meaning defined 2046
in section 2929.01 of the Revised Code. 2047

(12) "Post-release control sanction" has the meaning 2048
defined in section 2967.01 of the Revised Code. 2049

(13) "Redaction" means obscuring or deleting any 2050
information that is exempt from the duty to permit public 2051
inspection or copying from an item that otherwise meets the 2052
definition of a "record" in section 149.011 of the Revised Code. 2053

(14) "Designee," "elected official," and "future official" 2054
have the meanings defined in section 109.43 of the Revised Code. 2055

(15) "Body-worn camera" means a visual and audio recording 2056
device worn on the person of a correctional employee, youth 2057
services employee, or peace officer while the correctional 2058
employee, youth services employee, or peace officer is engaged 2059
in the performance of official duties. 2060

(16) "Dashboard camera" means a visual and audio recording 2061
device mounted on a peace officer's vehicle or vessel that is 2062
used while the peace officer is engaged in the performance of 2063
the peace officer's duties. 2064

(17) "Restricted portions of a body-worn camera or 2065
dashboard camera recording" means any visual or audio portion of 2066
a body-worn camera or dashboard camera recording that shows, 2067
communicates, or discloses any of the following: 2068

(a) The image or identity of a child or information that 2069
could lead to the identification of a child who is a primary 2070
subject of the recording when the department of rehabilitation 2071
and correction, department of youth services, or the law 2072

enforcement agency knows or has reason to know the person is a 2073
child based on the department's or law enforcement agency's 2074
records or the content of the recording; 2075

(b) The death of a person or a deceased person's body, 2076
unless the death was caused by a correctional employee, youth 2077
services employee, or peace officer or, subject to division (H) 2078
(1) of this section, the consent of the decedent's executor or 2079
administrator has been obtained; 2080

(c) The death of a correctional employee, youth services 2081
employee, peace officer, firefighter, paramedic, or other first 2082
responder, occurring while the decedent was engaged in the 2083
performance of official duties, unless, subject to division (H) 2084
(1) of this section, the consent of the decedent's executor or 2085
administrator has been obtained; 2086

(d) Grievous bodily harm, unless the injury was effected 2087
by a correctional employee, youth services employee, or peace 2088
officer or, subject to division (H) (1) of this section, the 2089
consent of the injured person or the injured person's guardian 2090
has been obtained; 2091

(e) An act of severe violence against a person that 2092
results in serious physical harm to the person, unless the act 2093
and injury was effected by a correctional employee, youth 2094
services employee, or peace officer or, subject to division (H) 2095
(1) of this section, the consent of the injured person or the 2096
injured person's guardian has been obtained; 2097

(f) Grievous bodily harm to a correctional employee, youth 2098
services employee, peace officer, firefighter, paramedic, or 2099
other first responder, occurring while the injured person was 2100
engaged in the performance of official duties, unless, subject 2101

to division (H) (1) of this section, the consent of the injured 2102
person or the injured person's guardian has been obtained; 2103

(g) An act of severe violence resulting in serious 2104
physical harm against a correctional employee, youth services 2105
employee, peace officer, firefighter, paramedic, or other first 2106
responder, occurring while the injured person was engaged in the 2107
performance of official duties, unless, subject to division (H) 2108
(1) of this section, the consent of the injured person or the 2109
injured person's guardian has been obtained; 2110

(h) A person's nude body, unless, subject to division (H) 2111
(1) of this section, the person's consent has been obtained; 2112

(i) Protected health information, the identity of a person 2113
in a health care facility who is not the subject of a law 2114
enforcement encounter, or any other information in a health care 2115
facility that could identify a person who is not the subject of 2116
a law enforcement encounter; 2117

(j) Information that could identify the alleged victim of 2118
a sex offense, menacing by stalking, or domestic violence; 2119

(k) Information, that does not constitute a confidential 2120
law enforcement investigatory record, that could identify a 2121
person who provides sensitive or confidential information to the 2122
department of rehabilitation and correction, the department of 2123
youth services, or a law enforcement agency when the disclosure 2124
of the person's identity or the information provided could 2125
reasonably be expected to threaten or endanger the safety or 2126
property of the person or another person; 2127

(l) Personal information of a person who is not arrested, 2128
cited, charged, or issued a written warning by a peace officer; 2129

(m) Proprietary police contingency plans or tactics that 2130

are intended to prevent crime and maintain public order and	2131
safety;	2132
(n) A personal conversation unrelated to work between	2133
peace officers or between a peace officer and an employee of a	2134
law enforcement agency;	2135
(o) A conversation between a peace officer and a member of	2136
the public that does not concern law enforcement activities;	2137
(p) The interior of a residence, unless the interior of a	2138
residence is the location of an adversarial encounter with, or a	2139
use of force by, a peace officer;	2140
(q) Any portion of the interior of a private business that	2141
is not open to the public, unless an adversarial encounter with,	2142
or a use of force by, a peace officer occurs in that location.	2143
As used in division (A) (17) of this section:	2144
"Grievous bodily harm" has the same meaning as in section	2145
5924.120 of the Revised Code.	2146
"Health care facility" has the same meaning as in section	2147
1337.11 of the Revised Code.	2148
"Protected health information" has the same meaning as in	2149
45 C.F.R. 160.103.	2150
"Law enforcement agency" means a government entity that	2151
employs peace officers to perform law enforcement duties.	2152
"Personal information" means any government-issued	2153
identification number, date of birth, address, financial	2154
information, or criminal justice information from the law	2155
enforcement automated data system or similar databases.	2156
"Sex offense" has the same meaning as in section 2907.10	2157

of the Revised Code. 2158

"Firefighter," "paramedic," and "first responder" have the 2159
same meanings as in section 4765.01 of the Revised Code. 2160

(B) (1) Upon request by any person and subject to division 2161
(B) (8) of this section, all public records responsive to the 2162
request shall be promptly prepared and made available for 2163
inspection to the requester at all reasonable times during 2164
regular business hours. Subject to division (B) (8) of this 2165
section, upon request by any person, a public office or person 2166
responsible for public records shall make copies of the 2167
requested public record available to the requester at cost and 2168
within a reasonable period of time. If a public record contains 2169
information that is exempt from the duty to permit public 2170
inspection or to copy the public record, the public office or 2171
the person responsible for the public record shall make 2172
available all of the information within the public record that 2173
is not exempt. When making that public record available for 2174
public inspection or copying that public record, the public 2175
office or the person responsible for the public record shall 2176
notify the requester of any redaction or make the redaction 2177
plainly visible. A redaction shall be deemed a denial of a 2178
request to inspect or copy the redacted information, except if 2179
federal or state law authorizes or requires a public office to 2180
make the redaction. 2181

(2) To facilitate broader access to public records, a 2182
public office or the person responsible for public records shall 2183
organize and maintain public records in a manner that they can 2184
be made available for inspection or copying in accordance with 2185
division (B) of this section. A public office also shall have 2186
available a copy of its current records retention schedule at a 2187

location readily available to the public. If a requester makes 2188
an ambiguous or overly broad request or has difficulty in making 2189
a request for copies or inspection of public records under this 2190
section such that the public office or the person responsible 2191
for the requested public record cannot reasonably identify what 2192
public records are being requested, the public office or the 2193
person responsible for the requested public record may deny the 2194
request but shall provide the requester with an opportunity to 2195
revise the request by informing the requester of the manner in 2196
which records are maintained by the public office and accessed 2197
in the ordinary course of the public office's or person's 2198
duties. 2199

(3) If a request is ultimately denied, in part or in 2200
whole, the public office or the person responsible for the 2201
requested public record shall provide the requester with an 2202
explanation, including legal authority, setting forth why the 2203
request was denied. If the initial request was provided in 2204
writing, the explanation also shall be provided to the requester 2205
in writing. The explanation shall not preclude the public office 2206
or the person responsible for the requested public record from 2207
relying upon additional reasons or legal authority in defending 2208
an action commenced under division (C) of this section. 2209

(4) Unless specifically required or authorized by state or 2210
federal law or in accordance with division (B) of this section, 2211
no public office or person responsible for public records may 2212
limit or condition the availability of public records by 2213
requiring disclosure of the requester's identity or the intended 2214
use of the requested public record. Any requirement that the 2215
requester disclose the requester's identity or the intended use 2216
of the requested public record constitutes a denial of the 2217
request. 2218

(5) A public office or person responsible for public 2219
records may ask a requester to make the request in writing, may 2220
ask for the requester's identity, and may inquire about the 2221
intended use of the information requested, but may do so only 2222
after disclosing to the requester that a written request is not 2223
mandatory, that the requester may decline to reveal the 2224
requester's identity or the intended use, and when a written 2225
request or disclosure of the identity or intended use would 2226
benefit the requester by enhancing the ability of the public 2227
office or person responsible for public records to identify, 2228
locate, or deliver the public records sought by the requester. 2229

(6) If any person requests a copy of a public record in 2230
accordance with division (B) of this section, the public office 2231
or person responsible for the public record may require the 2232
requester to pay in advance the cost involved in providing the 2233
copy of the public record in accordance with the choice made by 2234
the requester under this division. The public office or the 2235
person responsible for the public record shall permit the 2236
requester to choose to have the public record duplicated upon 2237
paper, upon the same medium upon which the public office or 2238
person responsible for the public record keeps it, or upon any 2239
other medium upon which the public office or person responsible 2240
for the public record determines that it reasonably can be 2241
duplicated as an integral part of the normal operations of the 2242
public office or person responsible for the public record. When 2243
the requester makes a choice under this division, the public 2244
office or person responsible for the public record shall provide 2245
a copy of it in accordance with the choice made by the 2246
requester. Nothing in this section requires a public office or 2247
person responsible for the public record to allow the requester 2248
of a copy of the public record to make the copies of the public 2249

record. 2250

(7) (a) Upon a request made in accordance with division (B) 2251
of this section and subject to division (B) (6) of this section, 2252
a public office or person responsible for public records shall 2253
transmit a copy of a public record to any person by United 2254
States mail or by any other means of delivery or transmission 2255
within a reasonable period of time after receiving the request 2256
for the copy. The public office or person responsible for the 2257
public record may require the person making the request to pay 2258
in advance the cost of postage if the copy is transmitted by 2259
United States mail or the cost of delivery if the copy is 2260
transmitted other than by United States mail, and to pay in 2261
advance the costs incurred for other supplies used in the 2262
mailing, delivery, or transmission. 2263

(b) Any public office may adopt a policy and procedures 2264
that it will follow in transmitting, within a reasonable period 2265
of time after receiving a request, copies of public records by 2266
United States mail or by any other means of delivery or 2267
transmission pursuant to division (B) (7) of this section. A 2268
public office that adopts a policy and procedures under division 2269
(B) (7) of this section shall comply with them in performing its 2270
duties under that division. 2271

(c) In any policy and procedures adopted under division 2272
(B) (7) of this section: 2273

(i) A public office may limit the number of records 2274
requested by a person that the office will physically deliver by 2275
United States mail or by another delivery service to ten per 2276
month, unless the person certifies to the office in writing that 2277
the person does not intend to use or forward the requested 2278
records, or the information contained in them, for commercial 2279

purposes; 2280

(ii) A public office that chooses to provide some or all 2281
of its public records on a web site that is fully accessible to 2282
and searchable by members of the public at all times, other than 2283
during acts of God outside the public office's control or 2284
maintenance, and that charges no fee to search, access, 2285
download, or otherwise receive records provided on the web site, 2286
may limit to ten per month the number of records requested by a 2287
person that the office will deliver in a digital format, unless 2288
the requested records are not provided on the web site and 2289
unless the person certifies to the office in writing that the 2290
person does not intend to use or forward the requested records, 2291
or the information contained in them, for commercial purposes. 2292

(iii) For purposes of division (B)(7) of this section, 2293
"commercial" shall be narrowly construed and does not include 2294
reporting or gathering news, reporting or gathering information 2295
to assist citizen oversight or understanding of the operation or 2296
activities of government, or nonprofit educational research. 2297

(8) A public office or person responsible for public 2298
records is not required to permit a person who is incarcerated 2299
pursuant to a criminal conviction or a juvenile adjudication to 2300
inspect or to obtain a copy of any public record concerning a 2301
criminal investigation or prosecution or concerning what would 2302
be a criminal investigation or prosecution if the subject of the 2303
investigation or prosecution were an adult, unless the request 2304
to inspect or to obtain a copy of the record is for the purpose 2305
of acquiring information that is subject to release as a public 2306
record under this section and the judge who imposed the sentence 2307
or made the adjudication with respect to the person, or the 2308
judge's successor in office, finds that the information sought 2309

in the public record is necessary to support what appears to be 2310
a justiciable claim of the person. 2311

(9) (a) Upon written request made and signed by a 2312
journalist, a public office, or person responsible for public 2313
records, having custody of the records of the agency employing a 2314
specified designated public service worker shall disclose to the 2315
journalist the address of the actual personal residence of the 2316
designated public service worker and, if the designated public 2317
service worker's spouse, former spouse, or child is employed by 2318
a public office, the name and address of the employer of the 2319
designated public service worker's spouse, former spouse, or 2320
child. The request shall include the journalist's name and title 2321
and the name and address of the journalist's employer and shall 2322
state that disclosure of the information sought would be in the 2323
public interest. 2324

(b) Division (B) (9) (a) of this section also applies to 2325
journalist requests for: 2326

(i) Customer information maintained by a municipally owned 2327
or operated public utility, other than social security numbers 2328
and any private financial information such as credit reports, 2329
payment methods, credit card numbers, and bank account 2330
information; 2331

(ii) Information about minors involved in a school vehicle 2332
accident as provided in division ~~(A) (1) (gg)~~ (A) (1) (ff) of this 2333
section, other than personal information as defined in section 2334
149.45 of the Revised Code. 2335

(c) As used in division (B) (9) of this section, 2336
"journalist" means a person engaged in, connected with, or 2337
employed by any news medium, including a newspaper, magazine, 2338

press association, news agency, or wire service, a radio or 2339
television station, or a similar medium, for the purpose of 2340
gathering, processing, transmitting, compiling, editing, or 2341
disseminating information for the general public. 2342

(10) Upon a request made by a victim, victim's attorney, 2343
or victim's representative, as that term is used in section 2344
2930.02 of the Revised Code, a public office or person 2345
responsible for public records shall transmit a copy of a 2346
depiction of the victim as described in division ~~(A) (1) (ii)~~ (A) 2347
(1) (hh) of this section to the victim, victim's attorney, or 2348
victim's representative. 2349

(C) (1) If a person allegedly is aggrieved by the failure 2350
of a public office or the person responsible for public records 2351
to promptly prepare a public record and to make it available to 2352
the person for inspection in accordance with division (B) of 2353
this section or by any other failure of a public office or the 2354
person responsible for public records to comply with an 2355
obligation in accordance with division (B) of this section, the 2356
person allegedly aggrieved may do only one of the following, and 2357
not both: 2358

(a) File a complaint with the clerk of the court of claims 2359
or the clerk of the court of common pleas under section 2743.75 2360
of the Revised Code; 2361

(b) Commence a mandamus action to obtain a judgment that 2362
orders the public office or the person responsible for the 2363
public record to comply with division (B) of this section, that 2364
awards court costs and reasonable attorney's fees to the person 2365
that instituted the mandamus action, and, if applicable, that 2366
includes an order fixing statutory damages under division (C) (2) 2367
of this section. The mandamus action may be commenced in the 2368

court of common pleas of the county in which division (B) of 2369
this section allegedly was not complied with, in the supreme 2370
court pursuant to its original jurisdiction under Section 2 of 2371
Article IV, Ohio Constitution, or in the court of appeals for 2372
the appellate district in which division (B) of this section 2373
allegedly was not complied with pursuant to its original 2374
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2375

(2) If a requester transmits a written request by hand 2376
delivery, electronic submission, or certified mail to inspect or 2377
receive copies of any public record in a manner that fairly 2378
describes the public record or class of public records to the 2379
public office or person responsible for the requested public 2380
records, except as otherwise provided in this section, the 2381
requester shall be entitled to recover the amount of statutory 2382
damages set forth in this division if a court determines that 2383
the public office or the person responsible for public records 2384
failed to comply with an obligation in accordance with division 2385
(B) of this section. 2386

The amount of statutory damages shall be fixed at one 2387
hundred dollars for each business day during which the public 2388
office or person responsible for the requested public records 2389
failed to comply with an obligation in accordance with division 2390
(B) of this section, beginning with the day on which the 2391
requester files a mandamus action to recover statutory damages, 2392
up to a maximum of one thousand dollars. The award of statutory 2393
damages shall not be construed as a penalty, but as compensation 2394
for injury arising from lost use of the requested information. 2395
The existence of this injury shall be conclusively presumed. The 2396
award of statutory damages shall be in addition to all other 2397
remedies authorized by this section. 2398

The court may reduce an award of statutory damages or not 2399
award statutory damages if the court determines both of the 2400
following: 2401

(a) That, based on the ordinary application of statutory 2402
law and case law as it existed at the time of the conduct or 2403
threatened conduct of the public office or person responsible 2404
for the requested public records that allegedly constitutes a 2405
failure to comply with an obligation in accordance with division 2406
(B) of this section and that was the basis of the mandamus 2407
action, a well-informed public office or person responsible for 2408
the requested public records reasonably would believe that the 2409
conduct or threatened conduct of the public office or person 2410
responsible for the requested public records did not constitute 2411
a failure to comply with an obligation in accordance with 2412
division (B) of this section; 2413

(b) That a well-informed public office or person 2414
responsible for the requested public records reasonably would 2415
believe that the conduct or threatened conduct of the public 2416
office or person responsible for the requested public records 2417
would serve the public policy that underlies the authority that 2418
is asserted as permitting that conduct or threatened conduct. 2419

(3) In a mandamus action filed under division (C) (1) of 2420
this section, the following apply: 2421

(a) (i) If the court orders the public office or the person 2422
responsible for the public record to comply with division (B) of 2423
this section, the court shall determine and award to the relator 2424
all court costs, which shall be construed as remedial and not 2425
punitive. 2426

(ii) If the court makes a determination described in 2427

division (C) (3) (b) (iii) of this section, the court shall 2428
determine and award to the relator all court costs, which shall 2429
be construed as remedial and not punitive. 2430

(b) If the court renders a judgment that orders the public 2431
office or the person responsible for the public record to comply 2432
with division (B) of this section or if the court determines any 2433
of the following, the court may award reasonable attorney's fees 2434
to the relator, subject to division (C) (4) of this section: 2435

(i) The public office or the person responsible for the 2436
public records failed to respond affirmatively or negatively to 2437
the public records request in accordance with the time allowed 2438
under division (B) of this section. 2439

(ii) The public office or the person responsible for the 2440
public records promised to permit the relator to inspect or 2441
receive copies of the public records requested within a 2442
specified period of time but failed to fulfill that promise 2443
within that specified period of time. 2444

(iii) The public office or the person responsible for the 2445
public records acted in bad faith when the office or person 2446
voluntarily made the public records available to the relator for 2447
the first time after the relator commenced the mandamus action, 2448
but before the court issued any order concluding whether or not 2449
the public office or person was required to comply with division 2450
(B) of this section. No discovery may be conducted on the issue 2451
of the alleged bad faith of the public office or person 2452
responsible for the public records. This division shall not be 2453
construed as creating a presumption that the public office or 2454
the person responsible for the public records acted in bad faith 2455
when the office or person voluntarily made the public records 2456
available to the relator for the first time after the relator 2457

commenced the mandamus action, but before the court issued any 2458
order described in this division. 2459

(c) The court shall not award attorney's fees to the 2460
relator if the court determines both of the following: 2461

(i) That, based on the ordinary application of statutory 2462
law and case law as it existed at the time of the conduct or 2463
threatened conduct of the public office or person responsible 2464
for the requested public records that allegedly constitutes a 2465
failure to comply with an obligation in accordance with division 2466
(B) of this section and that was the basis of the mandamus 2467
action, a well-informed public office or person responsible for 2468
the requested public records reasonably would believe that the 2469
conduct or threatened conduct of the public office or person 2470
responsible for the requested public records did not constitute 2471
a failure to comply with an obligation in accordance with 2472
division (B) of this section; 2473

(ii) That a well-informed public office or person 2474
responsible for the requested public records reasonably would 2475
believe that the conduct or threatened conduct of the public 2476
office or person responsible for the requested public records 2477
would serve the public policy that underlies the authority that 2478
is asserted as permitting that conduct or threatened conduct. 2479

(4) All of the following apply to any award of reasonable 2480
attorney's fees awarded under division (C) (3) (b) of this 2481
section: 2482

(a) The fees shall be construed as remedial and not 2483
punitive. 2484

(b) The fees awarded shall not exceed the total of the 2485
reasonable attorney's fees incurred before the public record was 2486

made available to the relator and the fees described in division 2487
(C) (4) (c) of this section. 2488

(c) Reasonable attorney's fees shall include reasonable 2489
fees incurred to produce proof of the reasonableness and amount 2490
of the fees and to otherwise litigate entitlement to the fees. 2491

(d) The court may reduce the amount of fees awarded if the 2492
court determines that, given the factual circumstances involved 2493
with the specific public records request, an alternative means 2494
should have been pursued to more effectively and efficiently 2495
resolve the dispute that was subject to the mandamus action 2496
filed under division (C) (1) of this section. 2497

(5) If the court does not issue a writ of mandamus under 2498
division (C) of this section and the court determines at that 2499
time that the bringing of the mandamus action was frivolous 2500
conduct as defined in division (A) of section 2323.51 of the 2501
Revised Code, the court may award to the public office all court 2502
costs, expenses, and reasonable attorney's fees, as determined 2503
by the court. 2504

(D) Chapter 1347. of the Revised Code does not limit the 2505
provisions of this section. 2506

(E) (1) To ensure that all employees of public offices are 2507
appropriately educated about a public office's obligations under 2508
division (B) of this section, all elected officials or their 2509
appropriate designees shall attend training approved by the 2510
attorney general as provided in section 109.43 of the Revised 2511
Code. A future official may satisfy the requirements of this 2512
division by attending the training before taking office, 2513
provided that the future official may not send a designee in the 2514
future official's place. 2515

(2) All public offices shall adopt a public records policy 2516
in compliance with this section for responding to public records 2517
requests. In adopting a public records policy under this 2518
division, a public office may obtain guidance from the model 2519
public records policy developed and provided to the public 2520
office by the attorney general under section 109.43 of the 2521
Revised Code. Except as otherwise provided in this section, the 2522
policy may not limit the number of public records that the 2523
public office will make available to a single person, may not 2524
limit the number of public records that it will make available 2525
during a fixed period of time, and may not establish a fixed 2526
period of time before it will respond to a request for 2527
inspection or copying of public records, unless that period is 2528
less than eight hours. 2529

The public office shall distribute the public records 2530
policy adopted by the public office under this division to the 2531
employee of the public office who is the records custodian or 2532
records manager or otherwise has custody of the records of that 2533
office. The public office shall require that employee to 2534
acknowledge receipt of the copy of the public records policy. 2535
The public office shall create a poster that describes its 2536
public records policy and shall post the poster in a conspicuous 2537
place in the public office and in all locations where the public 2538
office has branch offices. The public office may post its public 2539
records policy on the internet web site of the public office if 2540
the public office maintains an internet web site. A public 2541
office that has established a manual or handbook of its general 2542
policies and procedures for all employees of the public office 2543
shall include the public records policy of the public office in 2544
the manual or handbook. 2545

(F) (1) The bureau of motor vehicles may adopt rules 2546

pursuant to Chapter 119. of the Revised Code to reasonably limit 2547
the number of bulk commercial special extraction requests made 2548
by a person for the same records or for updated records during a 2549
calendar year. The rules may include provisions for charges to 2550
be made for bulk commercial special extraction requests for the 2551
actual cost of the bureau, plus special extraction costs, plus 2552
ten per cent. The bureau may charge for expenses for redacting 2553
information, the release of which is prohibited by law. 2554

(2) As used in division (F)(1) of this section: 2555

(a) "Actual cost" means the cost of depleted supplies, 2556
records storage media costs, actual mailing and alternative 2557
delivery costs, or other transmitting costs, and any direct 2558
equipment operating and maintenance costs, including actual 2559
costs paid to private contractors for copying services. 2560

(b) "Bulk commercial special extraction request" means a 2561
request for copies of a record for information in a format other 2562
than the format already available, or information that cannot be 2563
extracted without examination of all items in a records series, 2564
class of records, or database by a person who intends to use or 2565
forward the copies for surveys, marketing, solicitation, or 2566
resale for commercial purposes. "Bulk commercial special 2567
extraction request" does not include a request by a person who 2568
gives assurance to the bureau that the person making the request 2569
does not intend to use or forward the requested copies for 2570
surveys, marketing, solicitation, or resale for commercial 2571
purposes. 2572

(c) "Commercial" means profit-seeking production, buying, 2573
or selling of any good, service, or other product. 2574

(d) "Special extraction costs" means the cost of the time 2575

spent by the lowest paid employee competent to perform the task, 2576
the actual amount paid to outside private contractors employed 2577
by the bureau, or the actual cost incurred to create computer 2578
programs to make the special extraction. "Special extraction 2579
costs" include any charges paid to a public agency for computer 2580
or records services. 2581

(3) For purposes of divisions (F) (1) and (2) of this 2582
section, "surveys, marketing, solicitation, or resale for 2583
commercial purposes" shall be narrowly construed and does not 2584
include reporting or gathering news, reporting or gathering 2585
information to assist citizen oversight or understanding of the 2586
operation or activities of government, or nonprofit educational 2587
research. 2588

(G) A request by a defendant, counsel of a defendant, or 2589
any agent of a defendant in a criminal action that public 2590
records related to that action be made available under this 2591
section shall be considered a demand for discovery pursuant to 2592
the Criminal Rules, except to the extent that the Criminal Rules 2593
plainly indicate a contrary intent. The defendant, counsel of 2594
the defendant, or agent of the defendant making a request under 2595
this division shall serve a copy of the request on the 2596
prosecuting attorney, director of law, or other chief legal 2597
officer responsible for prosecuting the action. 2598

(H) (1) Any portion of a body-worn camera or dashboard 2599
camera recording described in divisions (A) (17) (b) to (h) of 2600
this section may be released by consent of the subject of the 2601
recording or a representative of that person, as specified in 2602
those divisions, only if either of the following applies: 2603

(a) The recording will not be used in connection with any 2604
probable or pending criminal proceedings; 2605

(b) The recording has been used in connection with a 2606
criminal proceeding that was dismissed or for which a judgment 2607
has been entered pursuant to Rule 32 of the Rules of Criminal 2608
Procedure, and will not be used again in connection with any 2609
probable or pending criminal proceedings. 2610

(2) If a public office denies a request to release a 2611
restricted portion of a body-worn camera or dashboard camera 2612
recording, as defined in division (A)(17) of this section, any 2613
person may file a mandamus action pursuant to this section or a 2614
complaint with the clerk of the court of claims pursuant to 2615
section 2743.75 of the Revised Code, requesting the court to 2616
order the release of all or portions of the recording. If the 2617
court considering the request determines that the filing 2618
articulates by clear and convincing evidence that the public 2619
interest in the recording substantially outweighs privacy 2620
interests and other interests asserted to deny release, the 2621
court shall order the public office to release the recording. 2622

Sec. 149.436. Notwithstanding division ~~(A)(1)(gg)~~ (A)(1) 2623
(ff) of section 149.43 of the Revised Code, upon written request 2624
made and signed by the parent or guardian of an individual who 2625
is less than eighteen years of age and was an occupant of a 2626
school vehicle involved in a traffic accident, a public office 2627
or person responsible for public records, having custody of any 2628
record related to the traffic accident containing the personal 2629
information of the individual, shall transmit a copy of that 2630
record to the recipient identified in the request. 2631

The written request shall identify the individual on whose 2632
behalf the record is requested and the person to whom the record 2633
shall be transmitted. The record shall be transmitted only to 2634
the person identified in the written request as the recipient of 2635

the record. 2636

A public office or person responsible for records 2637
responding to a request under this section shall redact any 2638
personal information contained in the record of any individual 2639
less than eighteen years of age who is not the subject of the 2640
request, before providing the record to the recipient. 2641

Sec. 1901.183. In addition to jurisdiction otherwise 2642
granted in this chapter, the environmental division of a 2643
municipal court shall have jurisdiction within its territory in 2644
all of the following actions or proceedings and to perform all 2645
of the following functions: 2646

(A) Notwithstanding any monetary limitations in section 2647
1901.17 of the Revised Code, in all actions and proceedings for 2648
the sale of real or personal property under lien of a judgment 2649
of the environmental division of the municipal court, or a lien 2650
for machinery, material, fuel furnished, or labor performed, 2651
irrespective of amount, and, in those cases, the environmental 2652
division may proceed to foreclose and marshal all liens and all 2653
vested or contingent rights, to appoint a receiver, and to 2654
render personal judgment irrespective of amount in favor of any 2655
party; 2656

(B) When in aid of execution of a judgment of the 2657
environmental division of the municipal court, in all actions 2658
for the foreclosure of a mortgage on real property given to 2659
secure the payment of money, or the enforcement of a specific 2660
lien for money or other encumbrance or charge on real property, 2661
when the real property is situated within the territory, and, in 2662
those cases, the environmental division may proceed to foreclose 2663
all liens and all vested and contingent rights and proceed to 2664
render judgments, and make findings and orders, between the 2665

parties, in the same manner and to the same extent as in similar 2666
cases in the court of common pleas; 2667

(C) When in aid of execution of a judgment of the 2668
environmental division of the municipal court, in all actions 2669
for the recovery of real property situated within the territory 2670
to the same extent as courts of common pleas have jurisdiction; 2671

(D) In all actions for injunction to prevent or terminate 2672
violations of the ordinances and regulations of any municipal 2673
corporation within its territory enacted or promulgated under 2674
the police power of that municipal corporation pursuant to 2675
Section 3 of Article XVIII, Ohio Constitution, over which the 2676
court of common pleas has or may have jurisdiction, and, in 2677
those cases, the environmental division of the municipal court 2678
may proceed to render judgments, and make findings and orders, 2679
in the same manner and to the same extent as in similar cases in 2680
the court of common pleas; 2681

(E) In all actions for injunction to prevent or terminate 2682
violations of the resolutions and regulations of any political 2683
subdivision within its territory enacted or promulgated under 2684
the power of that political subdivision pursuant to Article X of 2685
the Ohio Constitution, over which the court of common pleas has 2686
or may have jurisdiction, and, in those cases, the environmental 2687
division of the municipal court may proceed to render judgments, 2688
and make findings and orders, in the same manner and to the same 2689
extent as in similar cases in the court of common pleas; 2690

(F) In any civil action to enforce any provision of 2691
Chapter 3704., 3714., 3734., 3737., 3767., or 6111. of the 2692
Revised Code over which the court of common pleas has or may 2693
have jurisdiction, and, in those actions, the environmental 2694
division of the municipal court may proceed to render judgments, 2695

and make findings and orders, in the same manner and to the same 2696
extent as in similar actions in the court of common pleas; 2697

(G) In all actions and proceedings in the nature of 2698
creditors' bills, and in aid of execution to subject the 2699
interests of a judgment debtor in real or personal property to 2700
the payment of a judgment of the division, and, in those actions 2701
and proceedings, the environmental division may proceed to 2702
marshal and foreclose all liens on the property irrespective of 2703
the amount of the lien, and all vested or contingent rights in 2704
the property; 2705

(H) Concurrent jurisdiction with the court of common pleas 2706
of all criminal actions or proceedings related to the pollution 2707
of the air, ground, or water within the territory of the 2708
environmental division of the municipal court, ~~for which a~~ 2709
~~sentence of death cannot be imposed under Chapter 2903. of the~~ 2710
~~Revised Code;~~ 2711

(I) In any review or appeal of any final order of any 2712
administrative officer, agency, board, department, tribunal, 2713
commission, or other instrumentality that relates to a local 2714
building, housing, air pollution, sanitation, health, fire, 2715
zoning, or safety code, ordinance, or regulation, in the same 2716
manner and to the same extent as in similar appeals in the court 2717
of common pleas; 2718

(J) With respect to the environmental division of the 2719
Franklin county municipal court, to hear appeals from 2720
adjudication hearings conducted under Chapter 956. of the 2721
Revised Code. 2722

Sec. 2152.13. (A) A juvenile court shall impose a serious 2723
youthful dispositional sentence on a child when required under 2724

division (B) (3) of section 2152.121 of the Revised Code. In such 2725
a case, the remaining provisions of this division and divisions 2726
(B) and (C) do not apply to the child, and the court shall 2727
impose the mandatory serious youthful dispositional sentence 2728
under division (D) (1) of this section. 2729

In all other cases, a juvenile court may impose a serious 2730
youthful offender dispositional sentence on a child only if the 2731
prosecuting attorney of the county in which the delinquent act 2732
allegedly occurred initiates the process against the child in 2733
accordance with this division, and the child is an alleged 2734
delinquent child who is eligible for the dispositional sentence. 2735
The prosecuting attorney may initiate the process in any of the 2736
following ways: 2737

(1) Obtaining an indictment of the child as a serious 2738
youthful offender; 2739

(2) The child waives the right to indictment, charging the 2740
child in a bill of information as a serious youthful offender; 2741

(3) Until an indictment or information is obtained, 2742
requesting a serious youthful offender dispositional sentence in 2743
the original complaint alleging that the child is a delinquent 2744
child; 2745

(4) Until an indictment or information is obtained, if the 2746
original complaint does not request a serious youthful offender 2747
dispositional sentence, filing with the juvenile court a written 2748
notice of intent to seek a serious youthful offender 2749
dispositional sentence within twenty days after the later of the 2750
following, unless the time is extended by the juvenile court for 2751
good cause shown: 2752

(a) The date of the child's first juvenile court hearing 2753

regarding the complaint; 2754

(b) The date the juvenile court determines not to transfer 2755
the case under section 2152.12 of the Revised Code. 2756

After a written notice is filed under division (A) (4) of 2757
this section, the juvenile court shall serve a copy of the 2758
notice on the child and advise the child of the prosecuting 2759
attorney's intent to seek a serious youthful offender 2760
dispositional sentence in the case. 2761

(B) If an alleged delinquent child is not indicted or 2762
charged by information as described in division (A) (1) or (2) of 2763
this section and if a notice or complaint as described in 2764
division (A) (3) or (4) of this section indicates that the 2765
prosecuting attorney intends to pursue a serious youthful 2766
offender dispositional sentence in the case, the juvenile court 2767
shall hold a preliminary hearing to determine if there is 2768
probable cause that the child committed the act charged and is 2769
by age eligible for, or required to receive, a serious youthful 2770
offender dispositional sentence. 2771

(C) (1) A child for whom a serious youthful offender 2772
dispositional sentence is sought by a prosecuting attorney has 2773
the right to a grand jury determination of probable cause that 2774
the child committed the act charged and that the child is 2775
eligible by age for a serious youthful offender dispositional 2776
sentence. The grand jury may be impaneled by the court of common 2777
pleas or the juvenile court. 2778

Once a child is indicted, or charged by information or the 2779
juvenile court determines that the child is eligible for a 2780
serious youthful offender dispositional sentence, the child is 2781
entitled to an open and speedy trial by jury in juvenile court 2782

and to be provided with a transcript of the proceedings. The 2783
time within which the trial is to be held under Title XXIX of 2784
the Revised Code commences on whichever of the following dates 2785
is applicable: 2786

(a) If the child is indicted or charged by information, on 2787
the date of the filing of the indictment or information. 2788

(b) If the child is charged by an original complaint that 2789
requests a serious youthful offender dispositional sentence, on 2790
the date of the filing of the complaint. 2791

(c) If the child is not charged by an original complaint 2792
that requests a serious youthful offender dispositional 2793
sentence, on the date that the prosecuting attorney files the 2794
written notice of intent to seek a serious youthful offender 2795
dispositional sentence. 2796

(2) If the child is detained awaiting adjudication, upon 2797
indictment or being charged by information, the child has the 2798
same right to bail as an adult charged with the offense the 2799
alleged delinquent act would be if committed by an adult. Except 2800
as provided in division (D) of section 2152.14 of the Revised 2801
Code, all provisions of Title XXIX of the Revised Code and the 2802
Criminal Rules shall apply in the case and to the child. The 2803
juvenile court shall afford the child all rights afforded a 2804
person who is prosecuted for committing a crime including the 2805
right to counsel and the right to raise the issue of competency. 2806
The child may not waive the right to counsel. 2807

(D) (1) If a child is adjudicated a delinquent child for 2808
committing an act under circumstances that require the juvenile 2809
court to impose upon the child a serious youthful offender 2810
dispositional sentence under section 2152.11 of the Revised 2811

Code, all of the following apply: 2812

(a) The juvenile court shall impose upon the child a 2813
sentence available for the violation, as if the child were an 2814
adult, under Chapter 2929. of the Revised Code, except that the 2815
juvenile court shall not impose on the child a sentence of ~~death-~~ 2816
~~or~~-life imprisonment without parole. 2817

(b) The juvenile court also shall impose upon the child 2818
one or more traditional juvenile dispositions under sections 2819
2152.16, 2152.19, and 2152.20, and, if applicable, section 2820
2152.17 of the Revised Code. 2821

(c) The juvenile court shall stay the adult portion of the 2822
serious youthful offender dispositional sentence pending the 2823
successful completion of the traditional juvenile dispositions 2824
imposed. 2825

(2) (a) If a child is adjudicated a delinquent child for 2826
committing an act under circumstances that allow, but do not 2827
require, the juvenile court to impose on the child a serious 2828
youthful offender dispositional sentence under section 2152.11 2829
of the Revised Code, all of the following apply: 2830

(i) If the juvenile court on the record makes a finding 2831
that, given the nature and circumstances of the violation and 2832
the history of the child, the length of time, level of security, 2833
and types of programming and resources available in the juvenile 2834
system alone are not adequate to provide the juvenile court with 2835
a reasonable expectation that the purposes set forth in section 2836
2152.01 of the Revised Code will be met, the juvenile court may 2837
impose upon the child a sentence available for the violation, as 2838
if the child were an adult, under Chapter 2929. of the Revised 2839
Code, except that the juvenile court shall not impose on the 2840

child a sentence of ~~death or~~ life imprisonment without parole. 2841

(ii) If a sentence is imposed under division (D) (2) (a) (i) 2842
of this section, the juvenile court also shall impose upon the 2843
child one or more traditional juvenile dispositions under 2844
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 2845
section 2152.17 of the Revised Code. 2846

(iii) The juvenile court shall stay the adult portion of 2847
the serious youthful offender dispositional sentence pending the 2848
successful completion of the traditional juvenile dispositions 2849
imposed. 2850

(b) If the juvenile court does not find that a sentence 2851
should be imposed under division (D) (2) (a) (i) of this section, 2852
the juvenile court may impose one or more traditional juvenile 2853
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 2854
applicable, section 2152.17 of the Revised Code. 2855

(3) A child upon whom a serious youthful offender 2856
dispositional sentence is imposed under division (D) (1) or (2) 2857
of this section has a right to appeal under division (A) (1), 2858
(3), (4), or (5) of section 2953.08 of the Revised Code the 2859
adult portion of the serious youthful offender dispositional 2860
sentence when any of those divisions apply. The child may appeal 2861
the adult portion, and the court shall consider the appeal as if 2862
the adult portion were not stayed. 2863

Sec. 2152.67. Any adult who is arrested or charged under 2864
any provision in this chapter and who is charged with a crime 2865
may demand a trial by jury, or the juvenile judge upon the 2866
judge's own motion may call a jury. A demand for a jury trial 2867
shall be made in writing in not less than three days before the 2868
date set for trial, or within three days after counsel has been 2869

retained, whichever is later. Sections 2945.17 and 2945.23 to 2870
2945.36 of the Revised Code, relating to the drawing and 2871
impaneling of jurors in criminal cases in the court of common 2872
pleas, ~~other than in capital cases~~, shall apply to a jury trial 2873
under this section. The compensation of jurors and costs of the 2874
clerk and sheriff shall be taxed and paid in the same manner as 2875
in criminal cases in the court of common pleas. 2876

Sec. 2301.20. All civil and criminal actions in the court 2877
of common pleas shall be recorded. The reporter shall take 2878
accurate notes of or electronically record the oral testimony. 2879
The notes and electronic records shall be filed in the office of 2880
the official reporter and carefully preserved for either of the 2881
following periods of time: 2882

(A) If the action is not a ~~capital~~ case in which a 2883
sentence of life imprisonment has been imposed or a case in 2884
which, prior to the effective date of this amendment, a sentence 2885
of death was imposed, the notes and electronic records shall be 2886
preserved for the period of time specified by the court of 2887
common pleas, which period of time shall not be longer than the 2888
period of time that the other records of the particular action 2889
are required to be kept. 2890

(B) If the action is a ~~capital~~ case, in which a sentence 2891
of life imprisonment has been imposed or a case in which, prior 2892
to the effective date of this amendment, a sentence of death has 2893
been imposed the notes and electronic records shall be preserved 2894
for the longer of ten years or until the final disposition of 2895
the action and exhaustion of all appeals. 2896

Sec. 2307.60. (A) (1) Anyone injured in person or property 2897
by a criminal act has, and may recover full damages in, a civil 2898
action unless specifically excepted by law, may recover the 2899

costs of maintaining the civil action and attorney's fees if 2900
authorized by any provision of the Rules of Civil Procedure or 2901
another section of the Revised Code or under the common law of 2902
this state, and may recover punitive or exemplary damages if 2903
authorized by section 2315.21 or another section of the Revised 2904
Code. 2905

(2) A final judgment of a trial court that has not been 2906
reversed on appeal or otherwise set aside, nullified, or 2907
vacated, entered after a trial or upon a plea of guilty, but not 2908
upon a plea of no contest or the equivalent plea from another 2909
jurisdiction, that adjudges an offender guilty of an offense of 2910
violence punishable by ~~death or~~ imprisonment in excess of one 2911
year, when entered as evidence in any subsequent civil 2912
proceeding based on the criminal act, shall preclude the 2913
offender from denying in the subsequent civil proceeding any 2914
fact essential to sustaining that judgment, unless the offender 2915
can demonstrate that extraordinary circumstances prevented the 2916
offender from having a full and fair opportunity to litigate the 2917
issue in the criminal proceeding or other extraordinary 2918
circumstances justify affording the offender an opportunity to 2919
relitigate the issue. The offender may introduce evidence of the 2920
offender's pending appeal of the final judgment of the trial 2921
court, if applicable, and the court may consider that evidence 2922
in determining the liability of the offender. 2923

(B) (1) As used in division (B) of this section: 2924

(a) "Tort action" means a civil action for damages for 2925
injury, death, or loss to person or property other than a civil 2926
action for damages for a breach of contract or another agreement 2927
between persons. "Tort action" includes, but is not limited to, 2928
a product liability claim, as defined in section 2307.71 of the 2929

Revised Code, and an asbestos claim, as defined in section 2930
2307.91 of the Revised Code, an action for wrongful death under 2931
Chapter 2125. of the Revised Code, and an action based on 2932
derivative claims for relief. 2933

(b) "Residence" has the same meaning as in section 2901.05 2934
of the Revised Code. 2935

(2) Recovery on a claim for relief in a tort action is 2936
barred to any person or the person's legal representative if any 2937
of the following apply: 2938

(a) The person has been convicted of or has pleaded guilty 2939
to a felony, or to a misdemeanor that is an offense of violence, 2940
arising out of criminal conduct that was a proximate cause of 2941
the injury or loss for which relief is claimed in the tort 2942
action. 2943

(b) The person engaged in conduct that, if prosecuted, 2944
would constitute a felony, a misdemeanor that is an offense of 2945
violence, an attempt to commit a felony, or an attempt to commit 2946
a misdemeanor that is an offense of violence and that conduct 2947
was a proximate cause of the injury or loss for which relief is 2948
claimed in the tort action, regardless of whether the person has 2949
been convicted of or pleaded guilty to or has been charged with 2950
committing the felony, the misdemeanor, or the attempt to commit 2951
the felony or misdemeanor. 2952

(c) The person suffered the injury or loss for which 2953
relief is claimed in the tort action as a proximate result of 2954
the victim of conduct that, if prosecuted, would constitute a 2955
felony, a misdemeanor that is an offense of violence, an attempt 2956
to commit a felony, or an attempt to commit a misdemeanor that 2957
is an offense of violence acting against the person in self- 2958

defense, defense of another, or defense of the victim's 2959
residence, regardless of whether the person has been convicted 2960
of or pleaded guilty to or has been charged with committing the 2961
felony, the misdemeanor, or the attempt to commit the felony or 2962
misdemeanor. Division (B)(2)(c) of this section does not apply 2963
if the person who suffered the injury or loss, at the time of 2964
the victim's act of self-defense, defense of another, or defense 2965
of residence, was an innocent bystander who had no connection 2966
with the underlying conduct that prompted the victim's exercise 2967
of self-defense, defense of another, or defense of residence. 2968

(3) Recovery against a victim of conduct that, if 2969
prosecuted, would constitute a felony, a misdemeanor that is an 2970
offense of violence, an attempt to commit a felony, or an 2971
attempt to commit a misdemeanor that is an offense of violence, 2972
on a claim for relief in a tort action is barred to any person 2973
or the person's legal representative if conduct the person 2974
engaged in against that victim was a proximate cause of the 2975
injury or loss for which relief is claimed in the tort action 2976
and that conduct, if prosecuted, would constitute a felony, a 2977
misdemeanor that is an offense of violence, an attempt to commit 2978
a felony, or an attempt to commit a misdemeanor that is an 2979
offense of violence, regardless of whether the person has been 2980
convicted of or pleaded guilty to or has been charged with 2981
committing the felony, the misdemeanor, or the attempt to commit 2982
the felony or misdemeanor. 2983

(4) Divisions (B)(1) to (3) of this section do not apply 2984
to civil claims based upon alleged intentionally tortious 2985
conduct, alleged violations of the United States Constitution, 2986
or alleged violations of statutes of the United States 2987
pertaining to civil rights. For purposes of division (B)(4) of 2988
this section, a person's act of self-defense, defense of 2989

another, or defense of the person's residence does not 2990
constitute intentionally tortious conduct. 2991

Sec. 2317.02. The following persons shall not testify in 2992
certain respects: 2993

(A) (1) An attorney, concerning a communication made to the 2994
attorney by a client in that relation or concerning the 2995
attorney's advice to a client, except that the attorney may 2996
testify by express consent of the client or, if the client is 2997
deceased, by the express consent of the surviving spouse or the 2998
executor or administrator of the estate of the deceased client. 2999
However, if the client voluntarily reveals the substance of 3000
attorney-client communications in a nonprivileged context or is 3001
deemed by section 2151.421 of the Revised Code to have waived 3002
any testimonial privilege under this division, the attorney may 3003
be compelled to testify on the same subject. 3004

The testimonial privilege established under this division 3005
does not apply concerning ~~either of the following:~~ 3006

~~(a) A communication between a client in a capital case, as~~ 3007
~~defined in section 2901.02 of the Revised Code, and the client's~~ 3008
~~attorney if the communication is relevant to a subsequent~~ 3009
~~ineffective assistance of counsel claim by the client alleging~~ 3010
~~that the attorney did not effectively represent the client in~~ 3011
~~the case;~~ 3012

~~(b) A~~ a communication between a client who has since died 3013
and the deceased client's attorney if the communication is 3014
relevant to a dispute between parties who claim through that 3015
deceased client, regardless of whether the claims are by testate 3016
or intestate succession or by inter vivos transaction, and the 3017
dispute addresses the competency of the deceased client when the 3018

deceased client executed a document that is the basis of the 3019
dispute or whether the deceased client was a victim of fraud, 3020
undue influence, or duress when the deceased client executed a 3021
document that is the basis of the dispute. 3022

(2) An attorney, concerning a communication made to the 3023
attorney by a client in that relationship or the attorney's 3024
advice to a client, except that if the client is an insurance 3025
company, the attorney may be compelled to testify, subject to an 3026
in camera inspection by a court, about communications made by 3027
the client to the attorney or by the attorney to the client that 3028
are related to the attorney's aiding or furthering an ongoing or 3029
future commission of bad faith by the client, if the party 3030
seeking disclosure of the communications has made a prima-facie 3031
showing of bad faith, fraud, or criminal misconduct by the 3032
client. 3033

(B) (1) A physician, advanced practice registered nurse, or 3034
dentist concerning a communication made to the physician, 3035
advanced practice registered nurse, or dentist by a patient in 3036
that relation or the advice of a physician, advanced practice 3037
registered nurse, or dentist given to a patient, except as 3038
otherwise provided in this division, division (B) (2), and 3039
division (B) (3) of this section, and except that, if the patient 3040
is deemed by section 2151.421 of the Revised Code to have waived 3041
any testimonial privilege under this division, the physician or 3042
advanced practice registered nurse may be compelled to testify 3043
on the same subject. 3044

The testimonial privilege established under this division 3045
does not apply, and a physician, advanced practice registered 3046
nurse, or dentist may testify or may be compelled to testify, in 3047
any of the following circumstances: 3048

(a) In any civil action, in accordance with the discovery 3049
provisions of the Rules of Civil Procedure in connection with a 3050
civil action, or in connection with a claim under Chapter 4123. 3051
of the Revised Code, under any of the following circumstances: 3052

(i) If the patient or the guardian or other legal 3053
representative of the patient gives express consent; 3054

(ii) If the patient is deceased, the spouse of the patient 3055
or the executor or administrator of the patient's estate gives 3056
express consent; 3057

(iii) If a medical claim, dental claim, chiropractic 3058
claim, or optometric claim, as defined in section 2305.113 of 3059
the Revised Code, an action for wrongful death, any other type 3060
of civil action, or a claim under Chapter 4123. of the Revised 3061
Code is filed by the patient, the personal representative of the 3062
estate of the patient if deceased, or the patient's guardian or 3063
other legal representative. 3064

(b) In any civil action concerning court-ordered treatment 3065
or services received by a patient, if the court-ordered 3066
treatment or services were ordered as part of a case plan 3067
journalized under section 2151.412 of the Revised Code or the 3068
court-ordered treatment or services are necessary or relevant to 3069
dependency, neglect, or abuse or temporary or permanent custody 3070
proceedings under Chapter 2151. of the Revised Code. 3071

(c) In any criminal action concerning any test or the 3072
results of any test that determines the presence or 3073
concentration of alcohol, a drug of abuse, a combination of 3074
them, a controlled substance, or a metabolite of a controlled 3075
substance in the patient's whole blood, blood serum or plasma, 3076
breath, urine, or other bodily substance at any time relevant to 3077

the criminal offense in question. 3078

(d) In any criminal action against a physician, advanced 3079
practice registered nurse, or dentist. In such an action, the 3080
testimonial privilege established under this division does not 3081
prohibit the admission into evidence, in accordance with the 3082
Rules of Evidence, of a patient's medical or dental records or 3083
other communications between a patient and the physician, 3084
advanced practice registered nurse, or dentist that are related 3085
to the action and obtained by subpoena, search warrant, or other 3086
lawful means. A court that permits or compels a physician, 3087
advanced practice registered nurse, or dentist to testify in 3088
such an action or permits the introduction into evidence of 3089
patient records or other communications in such an action shall 3090
require that appropriate measures be taken to ensure that the 3091
confidentiality of any patient named or otherwise identified in 3092
the records is maintained. Measures to ensure confidentiality 3093
that may be taken by the court include sealing its records or 3094
deleting specific information from its records. 3095

(e) (i) If the communication was between a patient who has 3096
since died and the deceased patient's physician, advanced 3097
practice registered nurse, or dentist, the communication is 3098
relevant to a dispute between parties who claim through that 3099
deceased patient, regardless of whether the claims are by 3100
testate or intestate succession or by inter vivos transaction, 3101
and the dispute addresses the competency of the deceased patient 3102
when the deceased patient executed a document that is the basis 3103
of the dispute or whether the deceased patient was a victim of 3104
fraud, undue influence, or duress when the deceased patient 3105
executed a document that is the basis of the dispute. 3106

(ii) If neither the spouse of a patient nor the executor 3107

or administrator of that patient's estate gives consent under 3108
division (B) (1) (a) (ii) of this section, testimony or the 3109
disclosure of the patient's medical records by a physician, 3110
advanced practice registered nurse, dentist, or other health 3111
care provider under division (B) (1) (e) (i) of this section is a 3112
permitted use or disclosure of protected health information, as 3113
defined in 45 C.F.R. 160.103, and an authorization or 3114
opportunity to be heard shall not be required. 3115

(iii) Division (B) (1) (e) (i) of this section does not 3116
require a mental health professional to disclose psychotherapy 3117
notes, as defined in 45 C.F.R. 164.501. 3118

(iv) An interested person who objects to testimony or 3119
disclosure under division (B) (1) (e) (i) of this section may seek 3120
a protective order pursuant to Civil Rule 26. 3121

(v) A person to whom protected health information is 3122
disclosed under division (B) (1) (e) (i) of this section shall not 3123
use or disclose the protected health information for any purpose 3124
other than the litigation or proceeding for which the 3125
information was requested and shall return the protected health 3126
information to the covered entity or destroy the protected 3127
health information, including all copies made, at the conclusion 3128
of the litigation or proceeding. 3129

(2) (a) If any law enforcement officer submits a written 3130
statement to a health care provider that states that an official 3131
criminal investigation has begun regarding a specified person or 3132
that a criminal action or proceeding has been commenced against 3133
a specified person, that requests the provider to supply to the 3134
officer copies of any records the provider possesses that 3135
pertain to any test or the results of any test administered to 3136
the specified person to determine the presence or concentration 3137

of alcohol, a drug of abuse, a combination of them, a controlled 3138
substance, or a metabolite of a controlled substance in the 3139
person's whole blood, blood serum or plasma, breath, or urine at 3140
any time relevant to the criminal offense in question, and that 3141
conforms to section 2317.022 of the Revised Code, the provider, 3142
except to the extent specifically prohibited by any law of this 3143
state or of the United States, shall supply to the officer a 3144
copy of any of the requested records the provider possesses. If 3145
the health care provider does not possess any of the requested 3146
records, the provider shall give the officer a written statement 3147
that indicates that the provider does not possess any of the 3148
requested records. 3149

(b) If a health care provider possesses any records of the 3150
type described in division (B) (2) (a) of this section regarding 3151
the person in question at any time relevant to the criminal 3152
offense in question, in lieu of personally testifying as to the 3153
results of the test in question, the custodian of the records 3154
may submit a certified copy of the records, and, upon its 3155
submission, the certified copy is qualified as authentic 3156
evidence and may be admitted as evidence in accordance with the 3157
Rules of Evidence. Division (A) of section 2317.422 of the 3158
Revised Code does not apply to any certified copy of records 3159
submitted in accordance with this division. Nothing in this 3160
division shall be construed to limit the right of any party to 3161
call as a witness the person who administered the test to which 3162
the records pertain, the person under whose supervision the test 3163
was administered, the custodian of the records, the person who 3164
made the records, or the person under whose supervision the 3165
records were made. 3166

(3) (a) If the testimonial privilege described in division 3167
(B) (1) of this section does not apply as provided in division 3168

(B) (1) (a) (iii) of this section, a physician, advanced practice 3169
registered nurse, or dentist may be compelled to testify or to 3170
submit to discovery under the Rules of Civil Procedure only as 3171
to a communication made to the physician, advanced practice 3172
registered nurse, or dentist by the patient in question in that 3173
relation, or the advice of the physician, advanced practice 3174
registered nurse, or dentist given to the patient in question, 3175
that related causally or historically to physical or mental 3176
injuries that are relevant to issues in the medical claim, 3177
dental claim, chiropractic claim, or optometric claim, action 3178
for wrongful death, other civil action, or claim under Chapter 3179
4123. of the Revised Code. 3180

(b) If the testimonial privilege described in division (B) 3181
(1) of this section does not apply to a physician, advanced 3182
practice registered nurse, or dentist as provided in division 3183
(B) (1) (c) of this section, the physician, advanced practice 3184
registered nurse, or dentist, in lieu of personally testifying 3185
as to the results of the test in question, may submit a 3186
certified copy of those results, and, upon its submission, the 3187
certified copy is qualified as authentic evidence and may be 3188
admitted as evidence in accordance with the Rules of Evidence. 3189
Division (A) of section 2317.422 of the Revised Code does not 3190
apply to any certified copy of results submitted in accordance 3191
with this division. Nothing in this division shall be construed 3192
to limit the right of any party to call as a witness the person 3193
who administered the test in question, the person under whose 3194
supervision the test was administered, the custodian of the 3195
results of the test, the person who compiled the results, or the 3196
person under whose supervision the results were compiled. 3197

(4) The testimonial privilege described in division (B) (1) 3198
of this section is not waived when a communication is made by a 3199

physician or advanced practice registered nurse to a pharmacist 3200
or when there is communication between a patient and a 3201
pharmacist in furtherance of the physician-patient or advanced 3202
practice registered nurse-patient relation. 3203

(5) (a) As used in divisions (B) (1) to (4) of this section, 3204
"communication" means acquiring, recording, or transmitting any 3205
information, in any manner, concerning any facts, opinions, or 3206
statements necessary to enable a physician, advanced practice 3207
registered nurse, or dentist to diagnose, treat, prescribe, or 3208
act for a patient. A "communication" may include, but is not 3209
limited to, any medical or dental, office, or hospital 3210
communication such as a record, chart, letter, memorandum, 3211
laboratory test and results, x-ray, photograph, financial 3212
statement, diagnosis, or prognosis. 3213

(b) As used in division (B) (2) of this section, "health 3214
care provider" means a hospital, ambulatory care facility, long- 3215
term care facility, pharmacy, emergency facility, or health care 3216
practitioner. 3217

(c) As used in division (B) (5) (b) of this section: 3218

(i) "Ambulatory care facility" means a facility that 3219
provides medical, diagnostic, or surgical treatment to patients 3220
who do not require hospitalization, including a dialysis center, 3221
ambulatory surgical facility, cardiac catheterization facility, 3222
diagnostic imaging center, extracorporeal shock wave lithotripsy 3223
center, home health agency, inpatient hospice, birthing center, 3224
radiation therapy center, emergency facility, and an urgent care 3225
center. "Ambulatory health care facility" does not include the 3226
private office of a physician, advanced practice registered 3227
nurse, or dentist, whether the office is for an individual or 3228
group practice. 3229

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(d) As used in divisions (B) (1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists.

(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from

civil liability conferred by section 307.628 of the Revised Code 3259
or the immunity from civil liability conferred by section 3260
2305.33 of the Revised Code upon physicians or advanced practice 3261
registered nurses who report an employee's use of a drug of 3262
abuse, or a condition of an employee other than one involving 3263
the use of a drug of abuse, to the employer of the employee in 3264
accordance with division (B) of that section. As used in 3265
division (B) (7) of this section, "employee," "employer," and 3266
"physician" have the same meanings as in section 2305.33 of the 3267
Revised Code and "advanced practice registered nurse" has the 3268
same meaning as in section 4723.01 of the Revised Code. 3269

(C) (1) A cleric, when the cleric remains accountable to 3270
the authority of that cleric's church, denomination, or sect, 3271
concerning a confession made, or any information confidentially 3272
communicated, to the cleric for a religious counseling purpose 3273
in the cleric's professional character. The cleric may testify 3274
by express consent of the person making the communication, 3275
except when the disclosure of the information is in violation of 3276
a sacred trust and except that, if the person voluntarily 3277
testifies or is deemed by division (A) (4) (c) of section 2151.421 3278
of the Revised Code to have waived any testimonial privilege 3279
under this division, the cleric may be compelled to testify on 3280
the same subject except when disclosure of the information is in 3281
violation of a sacred trust. 3282

(2) As used in division (C) of this section: 3283

(a) "Cleric" means a member of the clergy, rabbi, priest, 3284
Christian Science practitioner, or regularly ordained, 3285
accredited, or licensed minister of an established and legally 3286
cognizable church, denomination, or sect. 3287

(b) "Sacred trust" means a confession or confidential 3288

communication made to a cleric in the cleric's ecclesiastical 3289
capacity in the course of discipline enjoined by the church to 3290
which the cleric belongs, including, but not limited to, the 3291
Catholic Church, if both of the following apply: 3292

(i) The confession or confidential communication was made 3293
directly to the cleric. 3294

(ii) The confession or confidential communication was made 3295
in the manner and context that places the cleric specifically 3296
and strictly under a level of confidentiality that is considered 3297
inviolable by canon law or church doctrine. 3298

(D) Husband or wife, concerning any communication made by 3299
one to the other, or an act done by either in the presence of 3300
the other, during coverture, unless the communication was made, 3301
or act done, in the known presence or hearing of a third person 3302
competent to be a witness; and such rule is the same if the 3303
marital relation has ceased to exist; 3304

(E) A person who assigns a claim or interest, concerning 3305
any matter in respect to which the person would not, if a party, 3306
be permitted to testify; 3307

(F) A person who, if a party, would be restricted under 3308
section 2317.03 of the Revised Code, when the property or thing 3309
is sold or transferred by an executor, administrator, guardian, 3310
trustee, heir, devisee, or legatee, shall be restricted in the 3311
same manner in any action or proceeding concerning the property 3312
or thing. 3313

(G) (1) A school guidance counselor who holds a valid 3314
educator license from the state board of education as provided 3315
for in section 3319.22 of the Revised Code, a person licensed 3316
under Chapter 4757. of the Revised Code as a licensed 3317

professional clinical counselor, licensed professional 3318
counselor, social worker, independent social worker, marriage 3319
and family therapist or independent marriage and family 3320
therapist, or registered under Chapter 4757. of the Revised Code 3321
as a social work assistant concerning a confidential 3322
communication received from a client in that relation or the 3323
person's advice to a client unless any of the following applies: 3324

(a) The communication or advice indicates clear and 3325
present danger to the client or other persons. For the purposes 3326
of this division, cases in which there are indications of 3327
present or past child abuse or neglect of the client constitute 3328
a clear and present danger. 3329

(b) The client gives express consent to the testimony. 3330

(c) If the client is deceased, the surviving spouse or the 3331
executor or administrator of the estate of the deceased client 3332
gives express consent. 3333

(d) The client voluntarily testifies, in which case the 3334
school guidance counselor or person licensed or registered under 3335
Chapter 4757. of the Revised Code may be compelled to testify on 3336
the same subject. 3337

(e) The court in camera determines that the information 3338
communicated by the client is not germane to the counselor- 3339
client, marriage and family therapist-client, or social worker- 3340
client relationship. 3341

(f) A court, in an action brought against a school, its 3342
administration, or any of its personnel by the client, rules 3343
after an in-camera inspection that the testimony of the school 3344
guidance counselor is relevant to that action. 3345

(g) The testimony is sought in a civil action and concerns 3346

court-ordered treatment or services received by a patient as 3347
part of a case plan journalized under section 2151.412 of the 3348
Revised Code or the court-ordered treatment or services are 3349
necessary or relevant to dependency, neglect, or abuse or 3350
temporary or permanent custody proceedings under Chapter 2151. 3351
of the Revised Code. 3352

(2) Nothing in division (G) (1) of this section shall 3353
relieve a school guidance counselor or a person licensed or 3354
registered under Chapter 4757. of the Revised Code from the 3355
requirement to report information concerning child abuse or 3356
neglect under section 2151.421 of the Revised Code. 3357

(H) A mediator acting under a mediation order issued under 3358
division (A) of section 3109.052 of the Revised Code or 3359
otherwise issued in any proceeding for divorce, dissolution, 3360
legal separation, annulment, or the allocation of parental 3361
rights and responsibilities for the care of children, in any 3362
action or proceeding, other than a criminal, delinquency, child 3363
abuse, child neglect, or dependent child action or proceeding, 3364
that is brought by or against either parent who takes part in 3365
mediation in accordance with the order and that pertains to the 3366
mediation process, to any information discussed or presented in 3367
the mediation process, to the allocation of parental rights and 3368
responsibilities for the care of the parents' children, or to 3369
the awarding of parenting time rights in relation to their 3370
children; 3371

(I) A communications assistant, acting within the scope of 3372
the communication assistant's authority, when providing 3373
telecommunications relay service pursuant to section 4931.06 of 3374
the Revised Code or Title II of the "Communications Act of 3375
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 3376

communication made through a telecommunications relay service. 3377
Nothing in this section shall limit the obligation of a 3378
communications assistant to divulge information or testify when 3379
mandated by federal law or regulation or pursuant to subpoena in 3380
a criminal proceeding. 3381

Nothing in this section shall limit any immunity or 3382
privilege granted under federal law or regulation. 3383

(J) (1) A chiropractor in a civil proceeding concerning a 3384
communication made to the chiropractor by a patient in that 3385
relation or the chiropractor's advice to a patient, except as 3386
otherwise provided in this division. The testimonial privilege 3387
established under this division does not apply, and a 3388
chiropractor may testify or may be compelled to testify, in any 3389
civil action, in accordance with the discovery provisions of the 3390
Rules of Civil Procedure in connection with a civil action, or 3391
in connection with a claim under Chapter 4123. of the Revised 3392
Code, under any of the following circumstances: 3393

(a) If the patient or the guardian or other legal 3394
representative of the patient gives express consent. 3395

(b) If the patient is deceased, the spouse of the patient 3396
or the executor or administrator of the patient's estate gives 3397
express consent. 3398

(c) If a medical claim, dental claim, chiropractic claim, 3399
or optometric claim, as defined in section 2305.113 of the 3400
Revised Code, an action for wrongful death, any other type of 3401
civil action, or a claim under Chapter 4123. of the Revised Code 3402
is filed by the patient, the personal representative of the 3403
estate of the patient if deceased, or the patient's guardian or 3404
other legal representative. 3405

(2) If the testimonial privilege described in division (J) 3406
(1) of this section does not apply as provided in division (J) 3407
(1)(c) of this section, a chiropractor may be compelled to 3408
testify or to submit to discovery under the Rules of Civil 3409
Procedure only as to a communication made to the chiropractor by 3410
the patient in question in that relation, or the chiropractor's 3411
advice to the patient in question, that related causally or 3412
historically to physical or mental injuries that are relevant to 3413
issues in the medical claim, dental claim, chiropractic claim, 3414
or optometric claim, action for wrongful death, other civil 3415
action, or claim under Chapter 4123. of the Revised Code. 3416

(3) The testimonial privilege established under this 3417
division does not apply, and a chiropractor may testify or be 3418
compelled to testify, in any criminal action or administrative 3419
proceeding. 3420

(4) As used in this division, "communication" means 3421
acquiring, recording, or transmitting any information, in any 3422
manner, concerning any facts, opinions, or statements necessary 3423
to enable a chiropractor to diagnose, treat, or act for a 3424
patient. A communication may include, but is not limited to, any 3425
chiropractic, office, or hospital communication such as a 3426
record, chart, letter, memorandum, laboratory test and results, 3427
x-ray, photograph, financial statement, diagnosis, or prognosis. 3428

(K)(1) Except as provided under division (K)(2) of this 3429
section, a critical incident stress management team member 3430
concerning a communication received from an individual who 3431
receives crisis response services from the team member, or the 3432
team member's advice to the individual, during a debriefing 3433
session. 3434

(2) The testimonial privilege established under division 3435

(K) (1) of this section does not apply if any of the following 3436
are true: 3437

(a) The communication or advice indicates clear and 3438
present danger to the individual who receives crisis response 3439
services or to other persons. For purposes of this division, 3440
cases in which there are indications of present or past child 3441
abuse or neglect of the individual constitute a clear and 3442
present danger. 3443

(b) The individual who received crisis response services 3444
gives express consent to the testimony. 3445

(c) If the individual who received crisis response 3446
services is deceased, the surviving spouse or the executor or 3447
administrator of the estate of the deceased individual gives 3448
express consent. 3449

(d) The individual who received crisis response services 3450
voluntarily testifies, in which case the team member may be 3451
compelled to testify on the same subject. 3452

(e) The court in camera determines that the information 3453
communicated by the individual who received crisis response 3454
services is not germane to the relationship between the 3455
individual and the team member. 3456

(f) The communication or advice pertains or is related to 3457
any criminal act. 3458

(3) As used in division (K) of this section: 3459

(a) "Crisis response services" means consultation, risk 3460
assessment, referral, and on-site crisis intervention services 3461
provided by a critical incident stress management team to 3462
individuals affected by crisis or disaster. 3463

(b) "Critical incident stress management team member" or 3464
"team member" means an individual specially trained to provide 3465
crisis response services as a member of an organized community 3466
or local crisis response team that holds membership in the Ohio 3467
critical incident stress management network. 3468

(c) "Debriefing session" means a session at which crisis 3469
response services are rendered by a critical incident stress 3470
management team member during or after a crisis or disaster. 3471

(L) (1) Subject to division (L) (2) of this section and 3472
except as provided in division (L) (3) of this section, an 3473
employee assistance professional, concerning a communication 3474
made to the employee assistance professional by a client in the 3475
employee assistance professional's official capacity as an 3476
employee assistance professional. 3477

(2) Division (L) (1) of this section applies to an employee 3478
assistance professional who meets either or both of the 3479
following requirements: 3480

(a) Is certified by the employee assistance certification 3481
commission to engage in the employee assistance profession; 3482

(b) Has education, training, and experience in all of the 3483
following: 3484

(i) Providing workplace-based services designed to address 3485
employer and employee productivity issues; 3486

(ii) Providing assistance to employees and employees' 3487
dependents in identifying and finding the means to resolve 3488
personal problems that affect the employees or the employees' 3489
performance; 3490

(iii) Identifying and resolving productivity problems 3491

associated with an employee's concerns about any of the 3492
following matters: health, marriage, family, finances, substance 3493
abuse or other addiction, workplace, law, and emotional issues; 3494

(iv) Selecting and evaluating available community 3495
resources; 3496

(v) Making appropriate referrals; 3497

(vi) Local and national employee assistance agreements; 3498

(vii) Client confidentiality. 3499

(3) Division (L) (1) of this section does not apply to any 3500
of the following: 3501

(a) A criminal action or proceeding involving an offense 3502
under sections 2903.01 to 2903.06 of the Revised Code if the 3503
employee assistance professional's disclosure or testimony 3504
relates directly to the facts or immediate circumstances of the 3505
offense; 3506

(b) A communication made by a client to an employee 3507
assistance professional that reveals the contemplation or 3508
commission of a crime or serious, harmful act; 3509

(c) A communication that is made by a client who is an 3510
unemancipated minor or an adult adjudicated to be incompetent 3511
and indicates that the client was the victim of a crime or 3512
abuse; 3513

(d) A civil proceeding to determine an individual's mental 3514
competency or a criminal action in which a plea of not guilty by 3515
reason of insanity is entered; 3516

(e) A civil or criminal malpractice action brought against 3517
the employee assistance professional; 3518

(f) When the employee assistance professional has the 3519
express consent of the client or, if the client is deceased or 3520
disabled, the client's legal representative; 3521

(g) When the testimonial privilege otherwise provided by 3522
division (L)(1) of this section is abrogated under law. 3523

Sec. 2701.07. When, in the opinion of the court, the 3524
business thereof so requires, each court of common pleas, court 3525
of appeals, and, in counties having at the last or any future 3526
federal census more than seventy thousand inhabitants, the 3527
probate court, may appoint one or more constables to preserve 3528
order, attend the assignment of cases in counties where more 3529
than two judges of the court of common pleas regularly hold 3530
court at the same time, and discharge such other duties as the 3531
court requires. When so directed by the court, each constable 3532
has the same powers as sheriffs to call and impanel jurors, ~~—~~ 3533
~~except in capital cases.~~ 3534

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 3535
the Revised Code: 3536

(A) "Claimant" means both of the following categories of 3537
persons: 3538

(1) Any of the following persons who claim an award of 3539
reparations under sections 2743.51 to 2743.72 of the Revised 3540
Code: 3541

(a) A victim who was one of the following at the time of 3542
the criminally injurious conduct: 3543

(i) A resident of the United States; 3544

(ii) A resident of a foreign country the laws of which 3545
permit residents of this state to recover compensation as 3546

victims of offenses committed in that country. 3547

(b) A dependent of a deceased victim who is described in 3548
division (A) (1) (a) of this section; 3549

(c) A third person, other than a collateral source, who 3550
legally assumes or voluntarily pays the obligations of a victim, 3551
or of a dependent of a victim, who is described in division (A) 3552
(1) (a) of this section, which obligations are incurred as a 3553
result of the criminally injurious conduct that is the subject 3554
of the claim and may include, but are not limited to, medical or 3555
burial expenses; 3556

(d) A person who is authorized to act on behalf of any 3557
person who is described in division (A) (1) (a), (b), or (c) of 3558
this section; 3559

(e) The estate of a deceased victim who is described in 3560
division (A) (1) (a) of this section. 3561

(2) Any of the following persons who claim an award of 3562
reparations under sections 2743.51 to 2743.72 of the Revised 3563
Code: 3564

(a) A victim who had a permanent place of residence within 3565
this state at the time of the criminally injurious conduct and 3566
who, at the time of the criminally injurious conduct, complied 3567
with any one of the following: 3568

(i) Had a permanent place of employment in this state; 3569

(ii) Was a member of the regular armed forces of the 3570
United States or of the United States coast guard or was a full- 3571
time member of the Ohio organized militia or of the United 3572
States army reserve, naval reserve, or air force reserve; 3573

(iii) Was retired and receiving social security or any 3574

other retirement income; 3575

(iv) Was sixty years of age or older; 3576

(v) Was temporarily in another state for the purpose of 3577
receiving medical treatment; 3578

(vi) Was temporarily in another state for the purpose of 3579
performing employment-related duties required by an employer 3580
located within this state as an express condition of employment 3581
or employee benefits; 3582

(vii) Was temporarily in another state for the purpose of 3583
receiving occupational, vocational, or other job-related 3584
training or instruction required by an employer located within 3585
this state as an express condition of employment or employee 3586
benefits; 3587

(viii) Was a full-time student at an academic institution, 3588
college, or university located in another state; 3589

(ix) Had not departed the geographical boundaries of this 3590
state for a period exceeding thirty days or with the intention 3591
of becoming a citizen of another state or establishing a 3592
permanent place of residence in another state. 3593

(b) A dependent of a deceased victim who is described in 3594
division (A) (2) (a) of this section; 3595

(c) A third person, other than a collateral source, who 3596
legally assumes or voluntarily pays the obligations of a victim, 3597
or of a dependent of a victim, who is described in division (A) 3598
(2) (a) of this section, which obligations are incurred as a 3599
result of the criminally injurious conduct that is the subject 3600
of the claim and may include, but are not limited to, medical or 3601
burial expenses; 3602

(d) A person who is authorized to act on behalf of any 3603
person who is described in division (A) (2) (a), (b), or (c) of 3604
this section; 3605

(e) The estate of a deceased victim who is described in 3606
division (A) (2) (a) of this section. 3607

(B) "Collateral source" means a source of benefits or 3608
advantages for economic loss otherwise reparable that the victim 3609
or claimant has received, or that is readily available to the 3610
victim or claimant, from any of the following sources: 3611

(1) The offender; 3612

(2) The government of the United States or any of its 3613
agencies, a state or any of its political subdivisions, or an 3614
instrumentality of two or more states, unless the law providing 3615
for the benefits or advantages makes them excess or secondary to 3616
benefits under sections 2743.51 to 2743.72 of the Revised Code; 3617

(3) Social security, medicare, and medicaid; 3618

(4) State-required, temporary, nonoccupational disability 3619
insurance; 3620

(5) Workers' compensation; 3621

(6) Wage continuation programs of any employer; 3622

(7) Proceeds of a contract of insurance payable to the 3623
victim for loss that the victim sustained because of the 3624
criminally injurious conduct; 3625

(8) A contract providing prepaid hospital and other health 3626
care services, or benefits for disability; 3627

(9) That portion of the proceeds of all contracts of 3628
insurance payable to the claimant on account of the death of the 3629

victim that exceeds fifty thousand dollars; 3630

(10) Any compensation recovered or recoverable under the 3631
laws of another state, district, territory, or foreign country 3632
because the victim was the victim of an offense committed in 3633
that state, district, territory, or country. 3634

"Collateral source" does not include any money, or the 3635
monetary value of any property, that is subject to sections 3636
2969.01 to 2969.06 of the Revised Code or that is received as a 3637
benefit from the Ohio public safety officers death benefit fund 3638
created by section 742.62 of the Revised Code. 3639

(C) "Criminally injurious conduct" means one of the 3640
following: 3641

(1) For the purposes of any person described in division 3642
(A) (1) of this section, any conduct that occurs or is attempted 3643
in this state; poses a substantial threat of personal injury or 3644
death; and is punishable by fine, or imprisonment, ~~or death~~, or 3645
would be so punishable but for the fact that the person engaging 3646
in the conduct lacked capacity to commit the crime under the 3647
laws of this state. Criminally injurious conduct does not 3648
include conduct arising out of the ownership, maintenance, or 3649
use of a motor vehicle, except when any of the following 3650
applies: 3651

(a) The person engaging in the conduct intended to cause 3652
personal injury or death; 3653

(b) The person engaging in the conduct was using the 3654
vehicle to flee immediately after committing a felony or an act 3655
that would constitute a felony but for the fact that the person 3656
engaging in the conduct lacked the capacity to commit the felony 3657
under the laws of this state; 3658

(c) The person engaging in the conduct was using the 3659
vehicle in a manner that constitutes an OVI violation; 3660

(d) The conduct occurred on or after July 25, 1990, and 3661
the person engaging in the conduct was using the vehicle in a 3662
manner that constitutes a violation of section 2903.08 of the 3663
Revised Code; 3664

(e) The person engaging in the conduct acted in a manner 3665
that caused serious physical harm to a person and that 3666
constituted a violation of section 4549.02 or 4549.021 of the 3667
Revised Code. 3668

(2) For the purposes of any person described in division 3669
(A) (2) of this section, any conduct that occurs or is attempted 3670
in another state, district, territory, or foreign country; poses 3671
a substantial threat of personal injury or death; and is 3672
punishable by fine, imprisonment, or death, or would be so 3673
punishable but for the fact that the person engaging in the 3674
conduct lacked capacity to commit the crime under the laws of 3675
the state, district, territory, or foreign country in which the 3676
conduct occurred or was attempted. Criminally injurious conduct 3677
does not include conduct arising out of the ownership, 3678
maintenance, or use of a motor vehicle, except when any of the 3679
following applies: 3680

(a) The person engaging in the conduct intended to cause 3681
personal injury or death; 3682

(b) The person engaging in the conduct was using the 3683
vehicle to flee immediately after committing a felony or an act 3684
that would constitute a felony but for the fact that the person 3685
engaging in the conduct lacked the capacity to commit the felony 3686
under the laws of the state, district, territory, or foreign 3687

country in which the conduct occurred or was attempted; 3688

(c) The person engaging in the conduct was using the 3689
vehicle in a manner that constitutes an OVI violation; 3690

(d) The conduct occurred on or after July 25, 1990, the 3691
person engaging in the conduct was using the vehicle in a manner 3692
that constitutes a violation of any law of the state, district, 3693
territory, or foreign country in which the conduct occurred, and 3694
that law is substantially similar to a violation of section 3695
2903.08 of the Revised Code; 3696

(e) The person engaging in the conduct acted in a manner 3697
that caused serious physical harm to a person and that 3698
constituted a violation of any law of the state, district, 3699
territory, or foreign country in which the conduct occurred, and 3700
that law is substantially similar to section 4549.02 or 4549.021 3701
of the Revised Code. 3702

(3) For the purposes of any person described in division 3703
(A) (1) or (2) of this section, terrorism that occurs within or 3704
outside the territorial jurisdiction of the United States. 3705

(D) "Dependent" means an individual wholly or partially 3706
dependent upon the victim for care and support, and includes a 3707
child of the victim born after the victim's death. 3708

(E) "Economic loss" means economic detriment consisting 3709
only of allowable expense, work loss, funeral expense, 3710
unemployment benefits loss, replacement services loss, cost of 3711
crime scene cleanup, and cost of evidence replacement. If 3712
criminally injurious conduct causes death, economic loss 3713
includes a dependent's economic loss and a dependent's 3714
replacement services loss. Noneconomic detriment is not economic 3715
loss; however, economic loss may be caused by pain and suffering 3716

or physical impairment. 3717

(F) (1) For a victim described in division (L) (1) of this 3718
section, "allowable expense" means reasonable charges incurred 3719
for reasonably needed products, services, and accommodations, 3720
including those for medical care, rehabilitation, rehabilitative 3721
occupational training, and other remedial treatment and care and 3722
including replacement costs for hearing aids; dentures, 3723
retainers, and other dental appliances; canes, walkers, and 3724
other mobility tools; and eyeglasses and other corrective 3725
lenses. It does not include that portion of a charge for a room 3726
in a hospital, clinic, convalescent home, nursing home, or any 3727
other institution engaged in providing nursing care and related 3728
services in excess of a reasonable and customary charge for 3729
semiprivate accommodations, unless accommodations other than 3730
semiprivate accommodations are medically required. 3731

(2) For a victim described in division (L) (2) of this 3732
section, "allowable expense" means reasonable charges incurred 3733
for psychiatric care or counseling reasonably needed as a result 3734
of the criminally injurious conduct. No other type of expense is 3735
compensable under section 2743.51 to 2743.72 of the Revised Code 3736
for a victim of that type. 3737

(3) For a victim described in division (L) (3) of this 3738
section, "allowable expense" means work loss and reasonable 3739
charges incurred for psychiatric care or counseling reasonably 3740
needed as a result of the criminally injurious conduct. No other 3741
type of expense is compensable under sections 2743.51 to 2743.72 3742
of the Revised Code for a victim of that type. 3743

(4) A family member of a victim who died as a proximate 3744
result of criminally injurious conduct may be reimbursed as an 3745
allowable expense through the victim's application for wages 3746

lost and travel expenses incurred in order to attend criminal 3747
justice proceedings arising from the criminally injurious 3748
conduct. The cumulative allowable expense for wages lost and 3749
travel expenses incurred by a family member to attend criminal 3750
justice proceedings shall not exceed five hundred dollars for 3751
each family member of the victim and two thousand dollars in the 3752
aggregate for all family members of the victim. 3753

(5) For a victim described in division (L) (1) of this 3754
section, "allowable expense" includes both of the following: 3755

(a) Reasonable expenses and fees necessary to obtain a 3756
guardian's bond pursuant to section 2109.04 of the Revised Code 3757
when the bond is required to pay an award to a fiduciary on 3758
behalf of a minor or other incompetent; 3759

(b) Attorney's fees not exceeding one thousand dollars, at 3760
a rate not exceeding one hundred dollars per hour, incurred to 3761
successfully obtain a restraining order, custody order, or other 3762
order to physically separate a victim from an offender. 3763
Attorney's fees for the services described in this division may 3764
include an amount for reasonable travel time incurred to attend 3765
court hearings, not exceeding three hours' round-trip for each 3766
court hearing, assessed at a rate not exceeding thirty dollars 3767
per hour. 3768

(G) "Work loss" means loss of income from work that the 3769
injured person would have performed if the person had not been 3770
injured and expenses reasonably incurred by the person to obtain 3771
services in lieu of those the person would have performed for 3772
income, reduced by any income from substitute work actually 3773
performed by the person, or by income the person would have 3774
earned in available appropriate substitute work that the person 3775
was capable of performing but unreasonably failed to undertake. 3776

(H) "Replacement services loss" means expenses reasonably 3777
incurred in obtaining ordinary and necessary services in lieu of 3778
those the injured person would have performed, not for income, 3779
but for the benefit of the person's self or family, if the 3780
person had not been injured. 3781

(I) "Dependent's economic loss" means loss after a 3782
victim's death of contributions of things of economic value to 3783
the victim's dependents, not including services they would have 3784
received from the victim if the victim had not suffered the 3785
fatal injury, less expenses of the dependents avoided by reason 3786
of the victim's death. If a minor child of a victim is adopted 3787
after the victim's death, the minor child continues after the 3788
adoption to incur a dependent's economic loss as a result of the 3789
victim's death. If the surviving spouse of a victim remarries, 3790
the surviving spouse continues after the remarriage to incur a 3791
dependent's economic loss as a result of the victim's death. 3792

(J) "Dependent's replacement services loss" means loss 3793
reasonably incurred by dependents after a victim's death in 3794
obtaining ordinary and necessary services in lieu of those the 3795
victim would have performed for their benefit if the victim had 3796
not suffered the fatal injury, less expenses of the dependents 3797
avoided by reason of the victim's death and not subtracted in 3798
calculating the dependent's economic loss. If a minor child of a 3799
victim is adopted after the victim's death, the minor child 3800
continues after the adoption to incur a dependent's replacement 3801
services loss as a result of the victim's death. If the 3802
surviving spouse of a victim remarries, the surviving spouse 3803
continues after the remarriage to incur a dependent's 3804
replacement services loss as a result of the victim's death. 3805

(K) "Noneconomic detriment" means pain, suffering, 3806

inconvenience, physical impairment, or other nonpecuniary 3807
damage. 3808

(L) "Victim" means one of the following: 3809

(1) A person who suffers personal injury or death as a 3810
result of any of the following: 3811

(a) Criminally injurious conduct; 3812

(b) The good faith effort of any person to prevent 3813
criminally injurious conduct; 3814

(c) The good faith effort of any person to apprehend a 3815
person suspected of engaging in criminally injurious conduct. 3816

(2) A person who is an immediate family member of a victim 3817
of criminally injurious conduct that consists of a homicide, a 3818
sexual assault, domestic violence, or a severe and permanently 3819
incapacitating injury resulting in paraplegia or a similar life- 3820
altering condition, who requires psychiatric care or counseling 3821
as a result of the criminally injurious conduct; 3822

(3) A person who suffers trauma so severe that it impedes 3823
or prohibits a person from participating in normal daily 3824
activities and who is either of the following: 3825

(a) A family member of a victim of criminally injurious 3826
conduct that consists of a homicide, or a family member of a 3827
victim who, as a result of criminally injurious conduct, has 3828
sustained a severe and permanently incapacitating injury 3829
resulting in paraplegia or a similar life-altering condition, 3830
and who can demonstrate either of the following by a 3831
preponderance of the evidence: 3832

(i) The person witnessed the criminally injurious conduct. 3833

(ii) The person arrived at the crime scene in its 3834
immediate aftermath. 3835

(b) An immediate family member who is a caretaker of a 3836
dependent victim of criminally injurious conduct that consists 3837
of a sexual assault. 3838

(M) "Contributory misconduct" means any conduct of the 3839
claimant or of the victim through whom the claimant claims an 3840
award of reparations that is unlawful or intentionally tortious 3841
and to which all of the following apply: 3842

(1) The conduct occurred at the time of the criminally 3843
injurious conduct that is the basis of the claim. 3844

(2) The conduct itself caused or posed a substantial and 3845
imminent threat of causing serious physical harm or death to 3846
another. 3847

(3) The conduct instigated or proximately caused the 3848
criminally injurious conduct that is the basis of the claim. 3849

(N) (1) "Funeral expense" means any reasonable charges that 3850
are not in excess of seven thousand five hundred dollars per 3851
funeral and that are incurred for expenses directly related to a 3852
victim's funeral, cremation, or burial and any wages lost or 3853
travel expenses incurred by a family member of a victim in order 3854
to attend the victim's funeral, cremation, or burial. 3855

(2) An award for funeral expenses shall be applied first 3856
to expenses directly related to the victim's funeral, cremation, 3857
or burial. An award for wages lost or travel expenses incurred 3858
by a family member of the victim shall not exceed five hundred 3859
dollars for each family member and shall not exceed in the 3860
aggregate the difference between seven thousand five hundred 3861
dollars and expenses that are reimbursed by the program and that 3862

are directly related to the victim's funeral, cremation, or 3863
burial. 3864

(O) "Unemployment benefits loss" means a loss of 3865
unemployment benefits pursuant to Chapter 4141. of the Revised 3866
Code when the loss arises solely from the inability of a victim 3867
to meet the able to work, available for suitable work, or the 3868
actively seeking suitable work requirements of division (A) (4) 3869
(a) of section 4141.29 of the Revised Code. 3870

(P) "OVI violation" means any of the following: 3871

(1) A violation of section 4511.19 of the Revised Code, of 3872
any municipal ordinance prohibiting the operation of a vehicle 3873
while under the influence of alcohol, a drug of abuse, or a 3874
combination of them, or of any municipal ordinance prohibiting 3875
the operation of a vehicle with a prohibited concentration of 3876
alcohol, a controlled substance, or a metabolite of a controlled 3877
substance in the whole blood, blood serum or plasma, breath, or 3878
urine; 3879

(2) A violation of division (A) (1) of section 2903.06 of 3880
the Revised Code; 3881

(3) A violation of division (A) (2), (3), or (4) of section 3882
2903.06 of the Revised Code or of a municipal ordinance 3883
substantially similar to any of those divisions, if the offender 3884
was under the influence of alcohol, a drug of abuse, or a 3885
combination of them, at the time of the commission of the 3886
offense; 3887

(4) For purposes of any person described in division (A) 3888
(2) of this section, a violation of any law of the state, 3889
district, territory, or foreign country in which the criminally 3890
injurious conduct occurred, if that law is substantially similar 3891

to a violation described in division (P) (1) or (2) of this 3892
section or if that law is substantially similar to a violation 3893
described in division (P) (3) of this section and the offender 3894
was under the influence of alcohol, a drug of abuse, or a 3895
combination of them, at the time of the commission of the 3896
offense. 3897

(Q) "Pendency of the claim" for an original reparations 3898
application or supplemental reparations application means the 3899
period of time from the date the criminally injurious conduct 3900
upon which the application is based occurred until the date a 3901
final decision, order, or judgment concerning that original 3902
reparations application or supplemental reparations application 3903
is issued. 3904

(R) "Terrorism" means any activity to which all of the 3905
following apply: 3906

(1) The activity involves a violent act or an act that is 3907
dangerous to human life. 3908

(2) The act described in division (R) (1) of this section 3909
is committed within the territorial jurisdiction of the United 3910
States and is a violation of the criminal laws of the United 3911
States, this state, or any other state or the act described in 3912
division (R) (1) of this section is committed outside the 3913
territorial jurisdiction of the United States and would be a 3914
violation of the criminal laws of the United States, this state, 3915
or any other state if committed within the territorial 3916
jurisdiction of the United States. 3917

(3) The activity appears to be intended to do any of the 3918
following: 3919

(a) Intimidate or coerce a civilian population; 3920

(b) Influence the policy of any government by intimidation 3921
or coercion; 3922

(c) Affect the conduct of any government by assassination 3923
or kidnapping. 3924

(4) The activity occurs primarily outside the territorial 3925
jurisdiction of the United States or transcends the national 3926
boundaries of the United States in terms of the means by which 3927
the activity is accomplished, the person or persons that the 3928
activity appears intended to intimidate or coerce, or the area 3929
or locale in which the perpetrator or perpetrators of the 3930
activity operate or seek asylum. 3931

(S) "Transcends the national boundaries of the United 3932
States" means occurring outside the territorial jurisdiction of 3933
the United States in addition to occurring within the 3934
territorial jurisdiction of the United States. 3935

(T) "Cost of crime scene cleanup" means any of the 3936
following: 3937

(1) The replacement cost for items of clothing removed 3938
from a victim in order to make an assessment of possible 3939
physical harm or to treat physical harm; 3940

(2) Reasonable and necessary costs of cleaning the scene 3941
and repairing, for the purpose of personal security, property 3942
damaged at the scene where the criminally injurious conduct 3943
occurred, not to exceed seven hundred fifty dollars in the 3944
aggregate per claim. 3945

(U) "Cost of evidence replacement" means costs for 3946
replacement of property confiscated for evidentiary purposes 3947
related to the criminally injurious conduct, not to exceed seven 3948
hundred fifty dollars in the aggregate per claim. 3949

(V) "Provider" means any person who provides a victim or
claimant with a product, service, or accommodations that are an
allowable expense or a funeral expense.

(W) "Immediate family member" means an individual who
resided in the same permanent household as a victim at the time
of the criminally injurious conduct and who is related to the
victim by affinity or consanguinity.

(X) "Family member" means an individual who is related to
a victim by affinity or consanguinity.

Sec. 2901.02. As used in the Revised Code:

(A) Offenses include aggravated murder, murder, felonies
of the first, second, third, fourth, and fifth degree,
misdemeanors of the first, second, third, and fourth degree,
minor misdemeanors, and offenses not specifically classified.

~~(B) Aggravated murder when the indictment or the count in
the indictment charging aggravated murder contains one or more
specifications of aggravating circumstances listed in division
(A) of section 2929.04 of Revised Code, and any other offense
for which death may be imposed as a penalty, is a capital
offense.~~

~~(C)~~ Aggravated murder and murder are felonies.

~~(D)~~ (C) Regardless of the penalty that may be imposed, any
offense specifically classified as a felony is a felony, and any
offense specifically classified as a misdemeanor is a
misdemeanor.

~~(E)~~ (D) Any offense not specifically classified is a
felony if imprisonment for more than one year may be imposed as
a penalty.

~~(F)~~ (E) Any offense not specifically classified is a 3978
misdemeanor if imprisonment for not more than one year may be 3979
imposed as a penalty. 3980

~~(G)~~ (F) Any offense not specifically classified is a minor 3981
misdemeanor if the only penalty that may be imposed is one of 3982
the following: 3983

(1) For an offense committed prior to January 1, 2004, a 3984
fine not exceeding one hundred dollars; 3985

(2) For an offense committed on or after January 1, 2004, 3986
a fine not exceeding one hundred fifty dollars, community 3987
service under division (D) of section 2929.27 of the Revised 3988
Code, or a financial sanction other than a fine under section 3989
2929.28 of the Revised Code. 3990

Sec. 2909.24. (A) No person shall commit a specified 3991
offense with purpose to do any of the following: 3992

(1) Intimidate or coerce a civilian population; 3993

(2) Influence the policy of any government by intimidation 3994
or coercion; 3995

(3) Affect the conduct of any government by the specified 3996
offense. 3997

(B) (1) Whoever violates this section is guilty of 3998
terrorism. 3999

(2) Except as otherwise provided in divisions (B) (3) and 4000
(4) of this section, terrorism is an offense one degree higher 4001
than the most serious underlying specified offense the defendant 4002
committed. 4003

(3) Except as provided in division (B) (6) of this section, 4004

if the most serious underlying specified offense the defendant 4005
committed is a felony of the first degree or murder, the person 4006
shall be sentenced to life imprisonment without parole. 4007

(4) Except as provided in division (B)(6) of this section, 4008
if the most serious underlying specified offense the defendant 4009
committed is aggravated murder, the offender shall be sentenced 4010
to life imprisonment without parole ~~or death pursuant to~~ 4011
~~sections 2929.02 to 2929.06 of the Revised Code.~~ 4012

(5) Section 2909.25 of the Revised Code applies regarding 4013
an offender who is convicted of or pleads guilty to a violation 4014
of this section. 4015

(6) If a person commits a violation of this section, if 4016
the most serious underlying specified offense the offender 4017
committed is aggravated murder, murder, or a felony of the first 4018
degree, and if the offender was under eighteen years of age at 4019
the time of the violation, the offender shall not be sentenced 4020
to life imprisonment without parole, but instead the offender 4021
shall be sentenced to an indefinite prison term of thirty years 4022
to life. 4023

Sec. 2929.02. (A) ~~Whoever~~ Except as provided in division 4024
(C) of this section, whoever is convicted of or pleads guilty to 4025
aggravated murder in violation of section 2903.01 of the Revised 4026
Code shall ~~suffer death or be imprisoned for life, as determined~~ 4027
~~pursuant to sections 2929.022, 2929.03, and 2929.04 of the~~ 4028
~~Revised Code, except that no person who is not found to have~~ 4029
~~been eighteen years of age or older at the time of the~~ 4030
~~commission of the offense shall be imprisoned for life without~~ 4031
~~parole, and that no person who raises the matter of age pursuant~~ 4032
~~to section 2929.023 of the Revised Code and who is not found to~~ 4033
~~have been eighteen years of age or older at the time of the~~ 4034

~~commission of the offense and no person who raises the matter of~~ 4035
~~the person's serious mental illness at the time of the alleged~~ 4036
~~commission of the offense pursuant to section 2929.025 of the~~ 4037
~~Revised Code and is found under that section to be ineligible~~ 4038
~~for a sentence of death due to serious mental illness shall~~ 4039
~~suffer death. In addition, the offender may be fined an amount~~ 4040
~~fixed by the court, but not more than twenty five thousand~~ 4041
~~dollars~~sentenced to life imprisonment with parole eligibility 4042
after serving twenty full years of imprisonment, life 4043
imprisonment without parole eligibility after serving thirty 4044
full years of imprisonment, or life imprisonment without parole. 4045

(B) ~~(1)~~ Except as otherwise provided in division ~~(B) (2) or~~ 4046
~~(3)~~ (C) of this section, whoever is convicted of or pleads 4047
guilty to murder in violation of section 2903.02 of the Revised 4048
Code shall be imprisoned for an indefinite term of fifteen years 4049
to life. 4050

~~(2)~~ (C) (1) Except as otherwise provided in division ~~(B) (3)~~ 4051
(C) (2) of this section, if a person is convicted of or pleads 4052
guilty to aggravated murder in violation of section 2903.01 of 4053
the Revised Code or to murder in violation of section 2903.02 of 4054
the Revised Code, the victim of the offense was less than 4055
thirteen years of age, and the offender also is convicted of or 4056
pleads guilty to a sexual motivation specification that was 4057
included in the indictment, count in the indictment, or 4058
information charging the offense, the court shall impose an 4059
indefinite prison term of thirty years to life pursuant to 4060
division (B) (3) of section 2971.03 of the Revised Code. 4061

~~(3)~~ (2) Except as otherwise provided in this division, if a 4062
person is convicted of or pleads guilty to aggravated murder in 4063
violation of section 2903.01 of the Revised Code or to murder in 4064

violation of section 2903.02 of the Revised Code and also is 4065
convicted of or pleads guilty to a sexual motivation 4066
specification and a sexually violent predator specification that 4067
were included in the indictment, count in the indictment, or 4068
information that charged the murder, the court shall impose upon 4069
the offender a term of life imprisonment without parole that 4070
shall be served pursuant to section 2971.03 of the Revised Code. 4071
If the offender was under eighteen years of age at the time of 4072
the offense, the court shall impose an indefinite prison term of 4073
thirty years to life. 4074

~~(4)~~ (D) In addition to the prison term imposed under this 4075
section, the offender may be fined an amount fixed by the court, 4076
but not more than twenty-five thousand dollars for aggravated 4077
murder or fifteen thousand dollars for murder. 4078

~~(C)~~ (E) If an offender receives or received a sentence of 4079
life imprisonment without parole, a sentence of life 4080
imprisonment, a definite sentence, or a sentence to an 4081
indefinite prison term under this chapter for an aggravated 4082
murder or murder that was committed when the offender was under 4083
eighteen years of age, the offender's parole eligibility shall 4084
be determined under section 2967.132 of the Revised Code. 4085

~~(D)~~ (F) The court shall not impose a fine or fines for 4086
aggravated murder or murder ~~which~~ that, in the aggregate and to 4087
the extent not suspended by the court, exceeds the amount ~~which~~ 4088
that the offender is or will be able to pay by the method and 4089
within the time allowed without undue hardship to the offender 4090
or to the dependents of the offender, or will prevent the 4091
offender from making reparation for the victim's wrongful death. 4092

~~(E)~~ ~~(1)~~ (G) (1) In addition to any other sanctions imposed 4093
for a violation of section 2903.01 or 2903.02 of the Revised 4094

Code, if the offender used a motor vehicle as the means to 4095
commit the violation, the court shall impose upon the offender a 4096
class two suspension of the offender's driver's license, 4097
commercial driver's license, temporary instruction permit, 4098
probationary license, or nonresident operating privilege as 4099
specified in division (A)(2) of section 4510.02 of the Revised 4100
Code. 4101

(2) As used in division ~~(E)~~(F) of this section, "motor 4102
vehicle" has the same meaning as in section 4501.01 of the 4103
Revised Code. 4104

Sec. 2929.13. (A) Except as provided in division (E), (F), 4105
or (G) of this section and unless a specific sanction is 4106
required to be imposed or is precluded from being imposed 4107
pursuant to law, a court that imposes a sentence upon an 4108
offender for a felony may impose any sanction or combination of 4109
sanctions on the offender that are provided in sections 2929.14 4110
to 2929.18 of the Revised Code. 4111

If the offender is eligible to be sentenced to community 4112
control sanctions, the court shall consider the appropriateness 4113
of imposing a financial sanction pursuant to section 2929.18 of 4114
the Revised Code or a sanction of community service pursuant to 4115
section 2929.17 of the Revised Code as the sole sanction for the 4116
offense. Except as otherwise provided in this division, if the 4117
court is required to impose a mandatory prison term for the 4118
offense for which sentence is being imposed, the court also 4119
shall impose any financial sanction pursuant to section 2929.18 4120
of the Revised Code that is required for the offense and may 4121
impose any other financial sanction pursuant to that section but 4122
may not impose any additional sanction or combination of 4123
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4124

If the offender is being sentenced for a fourth degree 4125
felony OVI offense or for a third degree felony OVI offense, in 4126
addition to the mandatory term of local incarceration or the 4127
mandatory prison term required for the offense by division (G) 4128
(1) or (2) of this section, the court shall impose upon the 4129
offender a mandatory fine in accordance with division (B)(3) of 4130
section 2929.18 of the Revised Code and may impose whichever of 4131
the following is applicable: 4132

(1) For a fourth degree felony OVI offense for which 4133
sentence is imposed under division (G)(1) of this section, an 4134
additional community control sanction or combination of 4135
community control sanctions under section 2929.16 or 2929.17 of 4136
the Revised Code. If the court imposes upon the offender a 4137
community control sanction and the offender violates any 4138
condition of the community control sanction, the court may take 4139
any action prescribed in division (B) of section 2929.15 of the 4140
Revised Code relative to the offender, including imposing a 4141
prison term on the offender pursuant to that division. 4142

(2) For a third or fourth degree felony OVI offense for 4143
which sentence is imposed under division (G)(2) of this section, 4144
an additional prison term as described in division (B)(4) of 4145
section 2929.14 of the Revised Code or a community control 4146
sanction as described in division (G)(2) of this section. 4147

(B)(1)(a) Except as provided in division (B)(1)(b) of this 4148
section, if an offender is convicted of or pleads guilty to a 4149
felony of the fourth or fifth degree that is not an offense of 4150
violence or that is a qualifying assault offense, the court 4151
shall sentence the offender to a community control sanction or 4152
combination of community control sanctions if all of the 4153
following apply: 4154

(i) The offender previously has not been convicted of or 4155
pleaded guilty to a felony offense. 4156

(ii) The most serious charge against the offender at the 4157
time of sentencing is a felony of the fourth or fifth degree. 4158

(iii) The offender previously has not been convicted of or 4159
pleaded guilty to a misdemeanor offense of violence that the 4160
offender committed within two years prior to the offense for 4161
which sentence is being imposed. 4162

(b) The court has discretion to impose a prison term upon 4163
an offender who is convicted of or pleads guilty to a felony of 4164
the fourth or fifth degree that is not an offense of violence or 4165
that is a qualifying assault offense if any of the following 4166
apply: 4167

(i) The offender committed the offense while having a 4168
firearm on or about the offender's person or under the 4169
offender's control. 4170

(ii) If the offense is a qualifying assault offense, the 4171
offender caused serious physical harm to another person while 4172
committing the offense, and, if the offense is not a qualifying 4173
assault offense, the offender caused physical harm to another 4174
person while committing the offense. 4175

(iii) The offender violated a term of the conditions of 4176
bond as set by the court. 4177

(iv) The offense is a sex offense that is a fourth or 4178
fifth degree felony violation of any provision of Chapter 2907. 4179
of the Revised Code. 4180

(v) In committing the offense, the offender attempted to 4181
cause or made an actual threat of physical harm to a person with 4182

a deadly weapon. 4183

(vi) In committing the offense, the offender attempted to 4184
cause or made an actual threat of physical harm to a person, and 4185
the offender previously was convicted of an offense that caused 4186
physical harm to a person. 4187

(vii) The offender held a public office or position of 4188
trust, and the offense related to that office or position; the 4189
offender's position obliged the offender to prevent the offense 4190
or to bring those committing it to justice; or the offender's 4191
professional reputation or position facilitated the offense or 4192
was likely to influence the future conduct of others. 4193

(viii) The offender committed the offense for hire or as 4194
part of an organized criminal activity. 4195

(ix) The offender at the time of the offense was serving, 4196
or the offender previously had served, a prison term. 4197

(x) The offender committed the offense while under a 4198
community control sanction, while on probation, or while 4199
released from custody on a bond or personal recognizance. 4200

(c) A sentencing court may impose an additional penalty 4201
under division (B) of section 2929.15 of the Revised Code upon 4202
an offender sentenced to a community control sanction under 4203
division (B)(1)(a) of this section if the offender violates the 4204
conditions of the community control sanction, violates a law, or 4205
leaves the state without the permission of the court or the 4206
offender's probation officer. 4207

(2) If division (B)(1) of this section does not apply, 4208
except as provided in division (E), (F), or (G) of this section, 4209
in determining whether to impose a prison term as a sanction for 4210
a felony of the fourth or fifth degree, the sentencing court 4211

shall comply with the purposes and principles of sentencing 4212
under section 2929.11 of the Revised Code and with section 4213
2929.12 of the Revised Code. 4214

(C) Except as provided in division (D), (E), (F), or (G) 4215
of this section, in determining whether to impose a prison term 4216
as a sanction for a felony of the third degree or a felony drug 4217
offense that is a violation of a provision of Chapter 2925. of 4218
the Revised Code and that is specified as being subject to this 4219
division for purposes of sentencing, the sentencing court shall 4220
comply with the purposes and principles of sentencing under 4221
section 2929.11 of the Revised Code and with section 2929.12 of 4222
the Revised Code. 4223

(D) (1) Except as provided in division (E) or (F) of this 4224
section, for a felony of the first or second degree, for a 4225
felony drug offense that is a violation of any provision of 4226
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4227
presumption in favor of a prison term is specified as being 4228
applicable, and for a violation of division (A) (4) or (B) of 4229
section 2907.05 of the Revised Code for which a presumption in 4230
favor of a prison term is specified as being applicable, it is 4231
presumed that a prison term is necessary in order to comply with 4232
the purposes and principles of sentencing under section 2929.11 4233
of the Revised Code. Division (D) (2) of this section does not 4234
apply to a presumption established under this division for a 4235
violation of division (A) (4) of section 2907.05 of the Revised 4236
Code. 4237

(2) Notwithstanding the presumption established under 4238
division (D) (1) of this section for the offenses listed in that 4239
division other than a violation of division (A) (4) or (B) of 4240
section 2907.05 of the Revised Code, the sentencing court may 4241

impose a community control sanction or a combination of 4242
community control sanctions instead of a prison term on an 4243
offender for a felony of the first or second degree or for a 4244
felony drug offense that is a violation of any provision of 4245
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4246
presumption in favor of a prison term is specified as being 4247
applicable if it makes both of the following findings: 4248

(a) A community control sanction or a combination of 4249
community control sanctions would adequately punish the offender 4250
and protect the public from future crime, because the applicable 4251
factors under section 2929.12 of the Revised Code indicating a 4252
lesser likelihood of recidivism outweigh the applicable factors 4253
under that section indicating a greater likelihood of 4254
recidivism. 4255

(b) A community control sanction or a combination of 4256
community control sanctions would not demean the seriousness of 4257
the offense, because one or more factors under section 2929.12 4258
of the Revised Code that indicate that the offender's conduct 4259
was less serious than conduct normally constituting the offense 4260
are applicable, and they outweigh the applicable factors under 4261
that section that indicate that the offender's conduct was more 4262
serious than conduct normally constituting the offense. 4263

(E) (1) Except as provided in division (F) of this section, 4264
for any drug offense that is a violation of any provision of 4265
Chapter 2925. of the Revised Code and that is a felony of the 4266
third, fourth, or fifth degree, the applicability of a 4267
presumption under division (D) of this section in favor of a 4268
prison term or of division (B) or (C) of this section in 4269
determining whether to impose a prison term for the offense 4270
shall be determined as specified in section 2925.02, 2925.03, 4271

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 4272
2925.36, or 2925.37 of the Revised Code, whichever is applicable 4273
regarding the violation. 4274

(2) If an offender who was convicted of or pleaded guilty 4275
to a felony violates the conditions of a community control 4276
sanction imposed for the offense solely by reason of producing 4277
positive results on a drug test, the court, as punishment for 4278
the violation of the sanction, shall not order that the offender 4279
be imprisoned unless the court determines on the record either 4280
of the following: 4281

(a) The offender had been ordered as a sanction for the 4282
felony to participate in a drug treatment program, in a drug 4283
education program, or in narcotics anonymous or a similar 4284
program, and the offender continued to use illegal drugs after a 4285
reasonable period of participation in the program. 4286

(b) The imprisonment of the offender for the violation is 4287
consistent with the purposes and principles of sentencing set 4288
forth in section 2929.11 of the Revised Code. 4289

(3) A court that sentences an offender for a drug abuse 4290
offense that is a felony of the third, fourth, or fifth degree 4291
may require that the offender be assessed by a properly 4292
credentialed professional within a specified period of time. The 4293
court shall require the professional to file a written 4294
assessment of the offender with the court. If the offender is 4295
eligible for a community control sanction and after considering 4296
the written assessment, the court may impose a community control 4297
sanction that includes addiction services and recovery supports 4298
included in a community-based continuum of care established 4299
under section 340.032 of the Revised Code. If the court imposes 4300
addiction services and recovery supports as a community control 4301

sanction, the court shall direct the level and type of addiction 4302
services and recovery supports after considering the assessment 4303
and recommendation of community addiction services providers. 4304

(F) Notwithstanding divisions (A) to (E) of this section, 4305
the court shall impose a prison term or terms under ~~sections~~ 4306
section 2929.02 to 2929.06, section 2929.14, section 2929.142, 4307
or ~~section~~ 2971.03 of the Revised Code and except as 4308
specifically provided in section 2929.20, or section 2967.191 of 4309
the Revised Code or when parole is authorized for the offense 4310
under section 2967.13 of the Revised Code shall not reduce the 4311
term or terms pursuant to section 2929.20, division (A) (2) or 4312
(3) of section 2967.193 or 2967.194, or any other provision of 4313
Chapter 2967. or Chapter 5120. of the Revised Code for any of 4314
the following offenses: 4315

(1) Aggravated murder ~~when death is not imposed~~ or murder; 4316

(2) Any rape, regardless of whether force was involved and 4317
regardless of the age of the victim, or an attempt to commit 4318
rape if, had the offender completed the rape that was attempted, 4319
the offender would have been guilty of a violation of division 4320
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4321
sentenced under section 2971.03 of the Revised Code; 4322

(3) Gross sexual imposition or sexual battery, if the 4323
victim is less than thirteen years of age and if any of the 4324
following applies: 4325

(a) Regarding gross sexual imposition, the offender 4326
previously was convicted of or pleaded guilty to rape, the 4327
former offense of felonious sexual penetration, gross sexual 4328
imposition, or sexual battery, and the victim of the previous 4329
offense was less than thirteen years of age; 4330

(b) Regarding gross sexual imposition, the offense was 4331
committed on or after August 3, 2006, and evidence other than 4332
the testimony of the victim was admitted in the case 4333
corroborating the violation. 4334

(c) Regarding sexual battery, either of the following 4335
applies: 4336

(i) The offense was committed prior to August 3, 2006, the 4337
offender previously was convicted of or pleaded guilty to rape, 4338
the former offense of felonious sexual penetration, or sexual 4339
battery, and the victim of the previous offense was less than 4340
thirteen years of age. 4341

(ii) The offense was committed on or after August 3, 2006. 4342

(4) A felony violation of section 2903.04, 2903.06, 4343
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4344
or 2923.132 of the Revised Code if the section requires the 4345
imposition of a prison term; 4346

(5) A first, second, or third degree felony drug offense 4347
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4348
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 4349
or 4729.99 of the Revised Code, whichever is applicable 4350
regarding the violation, requires the imposition of a mandatory 4351
prison term; 4352

(6) Any offense that is a first or second degree felony 4353
and that is not set forth in division (F)(1), (2), (3), or (4) 4354
of this section, if the offender previously was convicted of or 4355
pleaded guilty to aggravated murder, murder, any first or second 4356
degree felony, or an offense under an existing or former law of 4357
this state, another state, or the United States that is or was 4358
substantially equivalent to one of those offenses; 4359

(7) Any offense that is a third degree felony and either 4360
is a violation of section 2903.04 of the Revised Code or an 4361
attempt to commit a felony of the second degree that is an 4362
offense of violence and involved an attempt to cause serious 4363
physical harm to a person or that resulted in serious physical 4364
harm to a person if the offender previously was convicted of or 4365
pleaded guilty to any of the following offenses: 4366

(a) Aggravated murder, murder, involuntary manslaughter, 4367
rape, felonious sexual penetration as it existed under section 4368
2907.12 of the Revised Code prior to September 3, 1996, a felony 4369
of the first or second degree that resulted in the death of a 4370
person or in physical harm to a person, or complicity in or an 4371
attempt to commit any of those offenses; 4372

(b) An offense under an existing or former law of this 4373
state, another state, or the United States that is or was 4374
substantially equivalent to an offense listed in division (F) (7) 4375
(a) of this section that resulted in the death of a person or in 4376
physical harm to a person. 4377

(8) Any offense, other than a violation of section 2923.12 4378
of the Revised Code, that is a felony, if the offender had a 4379
firearm on or about the offender's person or under the 4380
offender's control while committing the felony, with respect to 4381
a portion of the sentence imposed pursuant to division (B) (1) (a) 4382
of section 2929.14 of the Revised Code for having the firearm; 4383

(9) Any offense of violence that is a felony, if the 4384
offender wore or carried body armor while committing the felony 4385
offense of violence, with respect to the portion of the sentence 4386
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4387
Revised Code for wearing or carrying the body armor; 4388

(10) Corrupt activity in violation of section 2923.32 of 4389
the Revised Code when the most serious offense in the pattern of 4390
corrupt activity that is the basis of the offense is a felony of 4391
the first degree; 4392

(11) Any violent sex offense or designated homicide, 4393
assault, or kidnapping offense if, in relation to that offense, 4394
the offender is adjudicated a sexually violent predator; 4395

(12) A violation of division (A)(1) or (2) of section 4396
2921.36 of the Revised Code, or a violation of division (C) of 4397
that section involving an item listed in division (A)(1) or (2) 4398
of that section, if the offender is an officer or employee of 4399
the department of rehabilitation and correction; 4400

(13) A violation of division (A)(1) or (2) of section 4401
2903.06 of the Revised Code if the victim of the offense is a 4402
peace officer, as defined in section 2935.01 of the Revised 4403
Code, or an investigator of the bureau of criminal 4404
identification and investigation, as defined in section 2903.11 4405
of the Revised Code, with respect to the portion of the sentence 4406
imposed pursuant to division (B)(5) of section 2929.14 of the 4407
Revised Code; 4408

(14) A violation of division (A)(1) or (2) of section 4409
2903.06 of the Revised Code if the offender has been convicted 4410
of or pleaded guilty to three or more violations of division (A) 4411
of section 4511.19 of the Revised Code or an equivalent offense, 4412
as defined in section 2941.1415 of the Revised Code, or three or 4413
more violations of any combination of those offenses, with 4414
respect to the portion of the sentence imposed pursuant to 4415
division (B)(6) of section 2929.14 of the Revised Code; 4416

(15) Kidnapping, in the circumstances specified in section 4417

2971.03 of the Revised Code and when no other provision of 4418
division (F) of this section applies; 4419

(16) Kidnapping, abduction, compelling prostitution, 4420
promoting prostitution, engaging in a pattern of corrupt 4421
activity, a violation of division (A)(1) or (2) of section 4422
2907.323 of the Revised Code that involves a minor, or 4423
endangering children in violation of division (B)(1), (2), (3), 4424
(4), or (5) of section 2919.22 of the Revised Code, if the 4425
offender is convicted of or pleads guilty to a specification as 4426
described in section 2941.1422 of the Revised Code that was 4427
included in the indictment, count in the indictment, or 4428
information charging the offense; 4429

(17) A felony violation of division (A) or (B) of section 4430
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 4431
that section, and division (D)(6) of that section, require the 4432
imposition of a prison term; 4433

(18) A felony violation of section 2903.11, 2903.12, or 4434
2903.13 of the Revised Code, if the victim of the offense was a 4435
woman that the offender knew was pregnant at the time of the 4436
violation, with respect to a portion of the sentence imposed 4437
pursuant to division (B)(8) of section 2929.14 of the Revised 4438
Code; 4439

(19)(a) Any violent felony offense if the offender is a 4440
violent career criminal and had a firearm on or about the 4441
offender's person or under the offender's control during the 4442
commission of the violent felony offense and displayed or 4443
brandished the firearm, indicated that the offender possessed a 4444
firearm, or used the firearm to facilitate the offense, with 4445
respect to the portion of the sentence imposed under division 4446
(K) of section 2929.14 of the Revised Code. 4447

(b) As used in division (F) (19) (a) of this section, 4448
"violent career criminal" and "violent felony offense" have the 4449
same meanings as in section 2923.132 of the Revised Code. 4450

(20) Any violation of division (A) (1) of section 2903.11 4451
of the Revised Code if the offender used an accelerant in 4452
committing the violation and the serious physical harm to 4453
another or another's unborn caused by the violation resulted in 4454
a permanent, serious disfigurement or permanent, substantial 4455
incapacity or any violation of division (A) (2) of that section 4456
if the offender used an accelerant in committing the violation, 4457
the violation caused physical harm to another or another's 4458
unborn, and the physical harm resulted in a permanent, serious 4459
disfigurement or permanent, substantial incapacity, with respect 4460
to a portion of the sentence imposed pursuant to division (B) (9) 4461
of section 2929.14 of the Revised Code. The provisions of this 4462
division and of division (D) (2) of section 2903.11, divisions 4463
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4464
the Revised Code shall be known as "Judy's Law." 4465

(21) Any violation of division (A) of section 2903.11 of 4466
the Revised Code if the victim of the offense suffered permanent 4467
disabling harm as a result of the offense and the victim was 4468
under ten years of age at the time of the offense, with respect 4469
to a portion of the sentence imposed pursuant to division (B) 4470
(10) of section 2929.14 of the Revised Code. 4471

(22) A felony violation of section 2925.03, 2925.05, or 4472
2925.11 of the Revised Code, if the drug involved in the 4473
violation is a fentanyl-related compound or a compound, mixture, 4474
preparation, or substance containing a fentanyl-related compound 4475
and the offender is convicted of or pleads guilty to a 4476
specification of the type described in division (B) of section 4477

2941.1410 of the Revised Code that was included in the 4478
indictment, count in the indictment, or information charging the 4479
offense, with respect to the portion of the sentence imposed 4480
under division (B) (11) of section 2929.14 of the Revised Code. 4481

(G) Notwithstanding divisions (A) to (E) of this section, 4482
if an offender is being sentenced for a fourth degree felony OVI 4483
offense or for a third degree felony OVI offense, the court 4484
shall impose upon the offender a mandatory term of local 4485
incarceration or a mandatory prison term in accordance with the 4486
following: 4487

(1) If the offender is being sentenced for a fourth degree 4488
felony OVI offense and if the offender has not been convicted of 4489
and has not pleaded guilty to a specification of the type 4490
described in section 2941.1413 of the Revised Code, the court 4491
may impose upon the offender a mandatory term of local 4492
incarceration of sixty days or one hundred twenty days as 4493
specified in division (G) (1) (d) of section 4511.19 of the 4494
Revised Code. The court shall not reduce the term pursuant to 4495
section 2929.20, division (A) (2) or (3) of section 2967.193 or 4496
2967.194, or any other provision of the Revised Code. The court 4497
that imposes a mandatory term of local incarceration under this 4498
division shall specify whether the term is to be served in a 4499
jail, a community-based correctional facility, a halfway house, 4500
or an alternative residential facility, and the offender shall 4501
serve the term in the type of facility specified by the court. A 4502
mandatory term of local incarceration imposed under division (G) 4503
(1) of this section is not subject to any other Revised Code 4504
provision that pertains to a prison term except as provided in 4505
division (A) (1) of this section. 4506

(2) If the offender is being sentenced for a third degree 4507

felony OVI offense, or if the offender is being sentenced for a 4508
fourth degree felony OVI offense and the court does not impose a 4509
mandatory term of local incarceration under division (G)(1) of 4510
this section, the court shall impose upon the offender a 4511
mandatory prison term of one, two, three, four, or five years if 4512
the offender also is convicted of or also pleads guilty to a 4513
specification of the type described in section 2941.1413 of the 4514
Revised Code or shall impose upon the offender a mandatory 4515
prison term of sixty days or one hundred twenty days as 4516
specified in division (G)(1)(d) or (e) of section 4511.19 of the 4517
Revised Code if the offender has not been convicted of and has 4518
not pleaded guilty to a specification of that type. The court 4519
shall not reduce the term pursuant to section 2929.20, division 4520
(A)(2) or (3) of section 2967.193 or 2967.194, or any other 4521
provision of the Revised Code. The offender shall serve the 4522
one-, two-, three-, four-, or five-year mandatory prison term 4523
consecutively to and prior to the prison term imposed for the 4524
underlying offense and consecutively to any other mandatory 4525
prison term imposed in relation to the offense. In no case shall 4526
an offender who once has been sentenced to a mandatory term of 4527
local incarceration pursuant to division (G)(1) of this section 4528
for a fourth degree felony OVI offense be sentenced to another 4529
mandatory term of local incarceration under that division for 4530
any violation of division (A) of section 4511.19 of the Revised 4531
Code. In addition to the mandatory prison term described in 4532
division (G)(2) of this section, the court may sentence the 4533
offender to a community control sanction under section 2929.16 4534
or 2929.17 of the Revised Code, but the offender shall serve the 4535
prison term prior to serving the community control sanction. The 4536
department of rehabilitation and correction may place an 4537
offender sentenced to a mandatory prison term under this 4538
division in an intensive program prison established pursuant to 4539

section 5120.033 of the Revised Code if the department gave the 4540
sentencing judge prior notice of its intent to place the 4541
offender in an intensive program prison established under that 4542
section and if the judge did not notify the department that the 4543
judge disapproved the placement. Upon the establishment of the 4544
initial intensive program prison pursuant to section 5120.033 of 4545
the Revised Code that is privately operated and managed by a 4546
contractor pursuant to a contract entered into under section 4547
9.06 of the Revised Code, both of the following apply: 4548

(a) The department of rehabilitation and correction shall 4549
make a reasonable effort to ensure that a sufficient number of 4550
offenders sentenced to a mandatory prison term under this 4551
division are placed in the privately operated and managed prison 4552
so that the privately operated and managed prison has full 4553
occupancy. 4554

(b) Unless the privately operated and managed prison has 4555
full occupancy, the department of rehabilitation and correction 4556
shall not place any offender sentenced to a mandatory prison 4557
term under this division in any intensive program prison 4558
established pursuant to section 5120.033 of the Revised Code 4559
other than the privately operated and managed prison. 4560

(H) If an offender is being sentenced for a sexually 4561
oriented offense or child-victim oriented offense that is a 4562
felony committed on or after January 1, 1997, the judge shall 4563
require the offender to submit to a DNA specimen collection 4564
procedure pursuant to section 2901.07 of the Revised Code. 4565

(I) If an offender is being sentenced for a sexually 4566
oriented offense or a child-victim oriented offense committed on 4567
or after January 1, 1997, the judge shall include in the 4568
sentence a summary of the offender's duties imposed under 4569

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4570
Code and the duration of the duties. The judge shall inform the 4571
offender, at the time of sentencing, of those duties and of 4572
their duration. If required under division (A) (2) of section 4573
2950.03 of the Revised Code, the judge shall perform the duties 4574
specified in that section, or, if required under division (A) (6) 4575
of section 2950.03 of the Revised Code, the judge shall perform 4576
the duties specified in that division. 4577

(J) (1) Except as provided in division (J) (2) of this 4578
section, when considering sentencing factors under this section 4579
in relation to an offender who is convicted of or pleads guilty 4580
to an attempt to commit an offense in violation of section 4581
2923.02 of the Revised Code, the sentencing court shall consider 4582
the factors applicable to the felony category of the violation 4583
of section 2923.02 of the Revised Code instead of the factors 4584
applicable to the felony category of the offense attempted. 4585

(2) When considering sentencing factors under this section 4586
in relation to an offender who is convicted of or pleads guilty 4587
to an attempt to commit a drug abuse offense for which the 4588
penalty is determined by the amount or number of unit doses of 4589
the controlled substance involved in the drug abuse offense, the 4590
sentencing court shall consider the factors applicable to the 4591
felony category that the drug abuse offense attempted would be 4592
if that drug abuse offense had been committed and had involved 4593
an amount or number of unit doses of the controlled substance 4594
that is within the next lower range of controlled substance 4595
amounts than was involved in the attempt. 4596

(K) As used in this section: 4597

(1) "Community addiction services provider" has the same 4598
meaning as in section 5119.01 of the Revised Code. 4599

(2) "Drug abuse offense" has the same meaning as in 4600
section 2925.01 of the Revised Code. 4601

(3) "Minor drug possession offense" has the same meaning 4602
as in section 2925.11 of the Revised Code. 4603

(4) "Qualifying assault offense" means a violation of 4604
section 2903.13 of the Revised Code for which the penalty 4605
provision in division (C) (8) (b) or (C) (9) (b) of that section 4606
applies. 4607

(L) At the time of sentencing an offender for any sexually 4608
oriented offense, if the offender is a tier III sex 4609
offender/child-victim offender relative to that offense and the 4610
offender does not serve a prison term or jail term, the court 4611
may require that the offender be monitored by means of a global 4612
positioning device. If the court requires such monitoring, the 4613
cost of monitoring shall be borne by the offender. If the 4614
offender is indigent, the cost of compliance shall be paid by 4615
the crime victims reparations fund. 4616

Sec. 2929.14. (A) Except as provided in division (B) (1), 4617
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4618
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4619
in division (D) (6) of section 2919.25 of the Revised Code and 4620
except in relation to an offense for which a sentence of ~~death~~ 4621
~~or~~-life imprisonment is to be imposed, if the court imposing a 4622
sentence upon an offender for a felony elects or is required to 4623
impose a prison term on the offender pursuant to this chapter, 4624
the court shall impose a prison term that shall be one of the 4625
following: 4626

(1) (a) For a felony of the first degree committed on or 4627
after March 22, 2019, the prison term shall be an indefinite 4628

prison term with a stated minimum term selected by the court of 4629
three, four, five, six, seven, eight, nine, ten, or eleven years 4630
and a maximum term that is determined pursuant to section 4631
2929.144 of the Revised Code, except that if the section that 4632
criminalizes the conduct constituting the felony specifies a 4633
different minimum term or penalty for the offense, the specific 4634
language of that section shall control in determining the 4635
minimum term or otherwise sentencing the offender but the 4636
minimum term or sentence imposed under that specific language 4637
shall be considered for purposes of the Revised Code as if it 4638
had been imposed under this division. 4639

(b) For a felony of the first degree committed prior to 4640
March 22, 2019, the prison term shall be a definite prison term 4641
of three, four, five, six, seven, eight, nine, ten, or eleven 4642
years. 4643

(2) (a) For a felony of the second degree committed on or 4644
after March 22, 2019, the prison term shall be an indefinite 4645
prison term with a stated minimum term selected by the court of 4646
two, three, four, five, six, seven, or eight years and a maximum 4647
term that is determined pursuant to section 2929.144 of the 4648
Revised Code, except that if the section that criminalizes the 4649
conduct constituting the felony specifies a different minimum 4650
term or penalty for the offense, the specific language of that 4651
section shall control in determining the minimum term or 4652
otherwise sentencing the offender but the minimum term or 4653
sentence imposed under that specific language shall be 4654
considered for purposes of the Revised Code as if it had been 4655
imposed under this division. 4656

(b) For a felony of the second degree committed prior to 4657
March 22, 2019, the prison term shall be a definite term of two, 4658

three, four, five, six, seven, or eight years. 4659

(3) (a) For a felony of the third degree that is a 4660
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4661
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4662
Code, that is a violation of division (A) of section 4511.19 of 4663
the Revised Code if the offender previously has been convicted 4664
of or pleaded guilty to a violation of division (A) of that 4665
section that was a felony, or that is a violation of section 4666
2911.02 or 2911.12 of the Revised Code if the offender 4667
previously has been convicted of or pleaded guilty in two or 4668
more separate proceedings to two or more violations of section 4669
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 4670
prison term shall be a definite term of twelve, eighteen, 4671
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 4672
four, or sixty months. 4673

(b) For a felony of the third degree that is not an 4674
offense for which division (A) (3) (a) of this section applies, 4675
the prison term shall be a definite term of nine, twelve, 4676
eighteen, twenty-four, thirty, or thirty-six months. 4677

(4) For a felony of the fourth degree, the prison term 4678
shall be a definite term of six, seven, eight, nine, ten, 4679
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4680
or eighteen months. 4681

(5) For a felony of the fifth degree, the prison term 4682
shall be a definite term of six, seven, eight, nine, ten, 4683
eleven, or twelve months. 4684

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4685
section, if an offender who is convicted of or pleads guilty to 4686
a felony also is convicted of or pleads guilty to a 4687

specification of the type described in section 2941.141, 4688
2941.144, or 2941.145 of the Revised Code, the court shall 4689
impose on the offender one of the following prison terms: 4690

(i) A prison term of six years if the specification is of 4691
the type described in division (A) of section 2941.144 of the 4692
Revised Code that charges the offender with having a firearm 4693
that is an automatic firearm or that was equipped with a firearm 4694
muffler or suppressor on or about the offender's person or under 4695
the offender's control while committing the offense; 4696

(ii) A prison term of three years if the specification is 4697
of the type described in division (A) of section 2941.145 of the 4698
Revised Code that charges the offender with having a firearm on 4699
or about the offender's person or under the offender's control 4700
while committing the offense and displaying the firearm, 4701
brandishing the firearm, indicating that the offender possessed 4702
the firearm, or using it to facilitate the offense; 4703

(iii) A prison term of one year if the specification is of 4704
the type described in division (A) of section 2941.141 of the 4705
Revised Code that charges the offender with having a firearm on 4706
or about the offender's person or under the offender's control 4707
while committing the offense; 4708

(iv) A prison term of nine years if the specification is 4709
of the type described in division (D) of section 2941.144 of the 4710
Revised Code that charges the offender with having a firearm 4711
that is an automatic firearm or that was equipped with a firearm 4712
muffler or suppressor on or about the offender's person or under 4713
the offender's control while committing the offense and 4714
specifies that the offender previously has been convicted of or 4715
pleaded guilty to a specification of the type described in 4716
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4717

the Revised Code; 4718

(v) A prison term of fifty-four months if the 4719
specification is of the type described in division (D) of 4720
section 2941.145 of the Revised Code that charges the offender 4721
with having a firearm on or about the offender's person or under 4722
the offender's control while committing the offense and 4723
displaying the firearm, brandishing the firearm, indicating that 4724
the offender possessed the firearm, or using the firearm to 4725
facilitate the offense and that the offender previously has been 4726
convicted of or pleaded guilty to a specification of the type 4727
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4728
2941.1412 of the Revised Code; 4729

(vi) A prison term of eighteen months if the specification 4730
is of the type described in division (D) of section 2941.141 of 4731
the Revised Code that charges the offender with having a firearm 4732
on or about the offender's person or under the offender's 4733
control while committing the offense and that the offender 4734
previously has been convicted of or pleaded guilty to a 4735
specification of the type described in section 2941.141, 4736
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4737

(b) If a court imposes a prison term on an offender under 4738
division (B)(1)(a) of this section, the prison term shall not be 4739
reduced pursuant to section 2929.20, division (A)(2) or (3) of 4740
section 2967.193 or 2967.194, or any other provision of Chapter 4741
2967. or Chapter 5120. of the Revised Code. Except as provided 4742
in division (B)(1)(g) of this section, a court shall not impose 4743
more than one prison term on an offender under division (B)(1) 4744
(a) of this section for felonies committed as part of the same 4745
act or transaction. 4746

(c)(i) Except as provided in division (B)(1)(e) of this 4747

section, if an offender who is convicted of or pleads guilty to 4748
a violation of section 2923.161 of the Revised Code or to a 4749
felony that includes, as an essential element, purposely or 4750
knowingly causing or attempting to cause the death of or 4751
physical harm to another, also is convicted of or pleads guilty 4752
to a specification of the type described in division (A) of 4753
section 2941.146 of the Revised Code that charges the offender 4754
with committing the offense by discharging a firearm from a 4755
motor vehicle other than a manufactured home, the court, after 4756
imposing a prison term on the offender for the violation of 4757
section 2923.161 of the Revised Code or for the other felony 4758
offense under division (A), (B) (2), or (B) (3) of this section, 4759
shall impose an additional prison term of five years upon the 4760
offender that shall not be reduced pursuant to section 2929.20, 4761
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4762
other provision of Chapter 2967. or Chapter 5120. of the Revised 4763
Code. 4764

(ii) Except as provided in division (B) (1) (e) of this 4765
section, if an offender who is convicted of or pleads guilty to 4766
a violation of section 2923.161 of the Revised Code or to a 4767
felony that includes, as an essential element, purposely or 4768
knowingly causing or attempting to cause the death of or 4769
physical harm to another, also is convicted of or pleads guilty 4770
to a specification of the type described in division (C) of 4771
section 2941.146 of the Revised Code that charges the offender 4772
with committing the offense by discharging a firearm from a 4773
motor vehicle other than a manufactured home and that the 4774
offender previously has been convicted of or pleaded guilty to a 4775
specification of the type described in section 2941.141, 4776
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4777
the court, after imposing a prison term on the offender for the 4778

violation of section 2923.161 of the Revised Code or for the 4779
other felony offense under division (A), (B) (2), or (3) of this 4780
section, shall impose an additional prison term of ninety months 4781
upon the offender that shall not be reduced pursuant to section 4782
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4783
or any other provision of Chapter 2967. or Chapter 5120. of the 4784
Revised Code. 4785

(iii) A court shall not impose more than one additional 4786
prison term on an offender under division (B) (1) (c) of this 4787
section for felonies committed as part of the same act or 4788
transaction. If a court imposes an additional prison term on an 4789
offender under division (B) (1) (c) of this section relative to an 4790
offense, the court also shall impose a prison term under 4791
division (B) (1) (a) of this section relative to the same offense, 4792
provided the criteria specified in that division for imposing an 4793
additional prison term are satisfied relative to the offender 4794
and the offense. 4795

(d) If an offender who is convicted of or pleads guilty to 4796
an offense of violence that is a felony also is convicted of or 4797
pleads guilty to a specification of the type described in 4798
section 2941.1411 of the Revised Code that charges the offender 4799
with wearing or carrying body armor while committing the felony 4800
offense of violence, the court shall impose on the offender an 4801
additional prison term of two years. The prison term so imposed 4802
shall not be reduced pursuant to section 2929.20, division (A) 4803
(2) or (3) of section 2967.193 or 2967.194, or any other 4804
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4805
A court shall not impose more than one prison term on an 4806
offender under division (B) (1) (d) of this section for felonies 4807
committed as part of the same act or transaction. If a court 4808
imposes an additional prison term under division (B) (1) (a) or 4809

(c) of this section, the court is not precluded from imposing an 4810
additional prison term under division (B)(1)(d) of this section. 4811

(e) The court shall not impose any of the prison terms 4812
described in division (B)(1)(a) of this section or any of the 4813
additional prison terms described in division (B)(1)(c) of this 4814
section upon an offender for a violation of section 2923.12 or 4815
2923.123 of the Revised Code. The court shall not impose any of 4816
the prison terms described in division (B)(1)(a) or (b) of this 4817
section upon an offender for a violation of section 2923.122 4818
that involves a deadly weapon that is a firearm other than a 4819
dangerous ordnance, section 2923.16, or section 2923.121 of the 4820
Revised Code. The court shall not impose any of the prison terms 4821
described in division (B)(1)(a) of this section or any of the 4822
additional prison terms described in division (B)(1)(c) of this 4823
section upon an offender for a violation of section 2923.13 of 4824
the Revised Code unless all of the following apply: 4825

(i) The offender previously has been convicted of 4826
aggravated murder, murder, or any felony of the first or second 4827
degree. 4828

(ii) Less than five years have passed since the offender 4829
was released from prison or post-release control, whichever is 4830
later, for the prior offense. 4831

(f)(i) If an offender is convicted of or pleads guilty to 4832
a felony that includes, as an essential element, causing or 4833
attempting to cause the death of or physical harm to another and 4834
also is convicted of or pleads guilty to a specification of the 4835
type described in division (A) of section 2941.1412 of the 4836
Revised Code that charges the offender with committing the 4837
offense by discharging a firearm at a peace officer as defined 4838
in section 2935.01 of the Revised Code or a corrections officer, 4839

as defined in section 2941.1412 of the Revised Code, the court, 4840
after imposing a prison term on the offender for the felony 4841
offense under division (A), (B) (2), or (B) (3) of this section, 4842
shall impose an additional prison term of seven years upon the 4843
offender that shall not be reduced pursuant to section 2929.20, 4844
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4845
other provision of Chapter 2967. or Chapter 5120. of the Revised 4846
Code. 4847

(ii) If an offender is convicted of or pleads guilty to a 4848
felony that includes, as an essential element, causing or 4849
attempting to cause the death of or physical harm to another and 4850
also is convicted of or pleads guilty to a specification of the 4851
type described in division (B) of section 2941.1412 of the 4852
Revised Code that charges the offender with committing the 4853
offense by discharging a firearm at a peace officer, as defined 4854
in section 2935.01 of the Revised Code, or a corrections 4855
officer, as defined in section 2941.1412 of the Revised Code, 4856
and that the offender previously has been convicted of or 4857
pleaded guilty to a specification of the type described in 4858
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4859
the Revised Code, the court, after imposing a prison term on the 4860
offender for the felony offense under division (A), (B) (2), or 4861
(3) of this section, shall impose an additional prison term of 4862
one hundred twenty-six months upon the offender that shall not 4863
be reduced pursuant to section 2929.20, division (A) (2) or (3) 4864
of section 2967.193 or 2967.194, or any other provision of 4865
Chapter 2967. or 5120. of the Revised Code. 4866

(iii) If an offender is convicted of or pleads guilty to 4867
two or more felonies that include, as an essential element, 4868
causing or attempting to cause the death or physical harm to 4869
another and also is convicted of or pleads guilty to a 4870

specification of the type described under division (B) (1) (f) of 4871
this section in connection with two or more of the felonies of 4872
which the offender is convicted or to which the offender pleads 4873
guilty, the sentencing court shall impose on the offender the 4874
prison term specified under division (B) (1) (f) of this section 4875
for each of two of the specifications of which the offender is 4876
convicted or to which the offender pleads guilty and, in its 4877
discretion, also may impose on the offender the prison term 4878
specified under that division for any or all of the remaining 4879
specifications. If a court imposes an additional prison term on 4880
an offender under division (B) (1) (f) of this section relative to 4881
an offense, the court shall not impose a prison term under 4882
division (B) (1) (a) or (c) of this section relative to the same 4883
offense. 4884

(g) If an offender is convicted of or pleads guilty to two 4885
or more felonies, if one or more of those felonies are 4886
aggravated murder, murder, attempted aggravated murder, 4887
attempted murder, aggravated robbery, felonious assault, or 4888
rape, and if the offender is convicted of or pleads guilty to a 4889
specification of the type described under division (B) (1) (a) of 4890
this section in connection with two or more of the felonies, the 4891
sentencing court shall impose on the offender the prison term 4892
specified under division (B) (1) (a) of this section for each of 4893
the two most serious specifications of which the offender is 4894
convicted or to which the offender pleads guilty and, in its 4895
discretion, also may impose on the offender the prison term 4896
specified under that division for any or all of the remaining 4897
specifications. 4898

(2) (a) If division (B) (2) (b) of this section does not 4899
apply, the court may impose on an offender, in addition to the 4900
longest prison term authorized or required for the offense or, 4901

for offenses for which division (A)(1)(a) or (2)(a) of this 4902
section applies, in addition to the longest minimum prison term 4903
authorized or required for the offense, an additional definite 4904
prison term of one, two, three, four, five, six, seven, eight, 4905
nine, or ten years if all of the following criteria are met: 4906

(i) The offender is convicted of or pleads guilty to a 4907
specification of the type described in section 2941.149 of the 4908
Revised Code that the offender is a repeat violent offender. 4909

(ii) The offense of which the offender currently is 4910
convicted or to which the offender currently pleads guilty is 4911
aggravated murder and the court does not impose a sentence of 4912
~~death or~~ life imprisonment without parole, murder, terrorism and 4913
the court does not impose a sentence of life imprisonment 4914
without parole, any felony of the first degree that is an 4915
offense of violence and the court does not impose a sentence of 4916
life imprisonment without parole, or any felony of the second 4917
degree that is an offense of violence and the trier of fact 4918
finds that the offense involved an attempt to cause or a threat 4919
to cause serious physical harm to a person or resulted in 4920
serious physical harm to a person. 4921

(iii) The court imposes the longest prison term for the 4922
offense or the longest minimum prison term for the offense, 4923
whichever is applicable, that is not life imprisonment without 4924
parole. 4925

(iv) The court finds that the prison terms imposed 4926
pursuant to division (B)(2)(a)(iii) of this section and, if 4927
applicable, division (B)(1) or (3) of this section are 4928
inadequate to punish the offender and protect the public from 4929
future crime, because the applicable factors under section 4930
2929.12 of the Revised Code indicating a greater likelihood of 4931

recidivism outweigh the applicable factors under that section 4932
indicating a lesser likelihood of recidivism. 4933

(v) The court finds that the prison terms imposed pursuant 4934
to division (B) (2) (a) (iii) of this section and, if applicable, 4935
division (B) (1) or (3) of this section are demeaning to the 4936
seriousness of the offense, because one or more of the factors 4937
under section 2929.12 of the Revised Code indicating that the 4938
offender's conduct is more serious than conduct normally 4939
constituting the offense are present, and they outweigh the 4940
applicable factors under that section indicating that the 4941
offender's conduct is less serious than conduct normally 4942
constituting the offense. 4943

(b) The court shall impose on an offender the longest 4944
prison term authorized or required for the offense or, for 4945
offenses for which division (A) (1) (a) or (2) (a) of this section 4946
applies, the longest minimum prison term authorized or required 4947
for the offense, and shall impose on the offender an additional 4948
definite prison term of one, two, three, four, five, six, seven, 4949
eight, nine, or ten years if all of the following criteria are 4950
met: 4951

(i) The offender is convicted of or pleads guilty to a 4952
specification of the type described in section 2941.149 of the 4953
Revised Code that the offender is a repeat violent offender. 4954

(ii) The offender within the preceding twenty years has 4955
been convicted of or pleaded guilty to three or more offenses 4956
described in division (CC) (1) of section 2929.01 of the Revised 4957
Code, including all offenses described in that division of which 4958
the offender is convicted or to which the offender pleads guilty 4959
in the current prosecution and all offenses described in that 4960
division of which the offender previously has been convicted or 4961

to which the offender previously pleaded guilty, whether 4962
prosecuted together or separately. 4963

(iii) The offense or offenses of which the offender 4964
currently is convicted or to which the offender currently pleads 4965
guilty is aggravated murder and the court does not impose a 4966
sentence of ~~death or~~ life imprisonment without parole, murder, 4967
terrorism and the court does not impose a sentence of life 4968
imprisonment without parole, any felony of the first degree that 4969
is an offense of violence and the court does not impose a 4970
sentence of life imprisonment without parole, or any felony of 4971
the second degree that is an offense of violence and the trier 4972
of fact finds that the offense involved an attempt to cause or a 4973
threat to cause serious physical harm to a person or resulted in 4974
serious physical harm to a person. 4975

(c) For purposes of division (B) (2) (b) of this section, 4976
two or more offenses committed at the same time or as part of 4977
the same act or event shall be considered one offense, and that 4978
one offense shall be the offense with the greatest penalty. 4979

(d) A sentence imposed under division (B) (2) (a) or (b) of 4980
this section shall not be reduced pursuant to section 2929.20, 4981
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4982
other provision of Chapter 2967. or Chapter 5120. of the Revised 4983
Code. The offender shall serve an additional prison term imposed 4984
under division (B) (2) (a) or (b) of this section consecutively to 4985
and prior to the prison term imposed for the underlying offense. 4986

(e) When imposing a sentence pursuant to division (B) (2) 4987
(a) or (b) of this section, the court shall state its findings 4988
explaining the imposed sentence. 4989

(3) Except when an offender commits a violation of section 4990

2903.01 or 2907.02 of the Revised Code and the penalty imposed 4991
for the violation is life imprisonment or commits a violation of 4992
section 2903.02 of the Revised Code, if the offender commits a 4993
violation of section 2925.03 or 2925.11 of the Revised Code and 4994
that section classifies the offender as a major drug offender, 4995
if the offender commits a violation of section 2925.05 of the 4996
Revised Code and division (E)(1) of that section classifies the 4997
offender as a major drug offender, if the offender commits a 4998
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4999
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5000
division (C) or (D) of section 3719.172, division (E) of section 5001
4729.51, or division (J) of section 4729.54 of the Revised Code 5002
that includes the sale, offer to sell, or possession of a 5003
schedule I or II controlled substance, with the exception of 5004
marihuana, and the court imposing sentence upon the offender 5005
finds that the offender is guilty of a specification of the type 5006
described in division (A) of section 2941.1410 of the Revised 5007
Code charging that the offender is a major drug offender, if the 5008
court imposing sentence upon an offender for a felony finds that 5009
the offender is guilty of corrupt activity with the most serious 5010
offense in the pattern of corrupt activity being a felony of the 5011
first degree, or if the offender is guilty of an attempted 5012
violation of section 2907.02 of the Revised Code and, had the 5013
offender completed the violation of section 2907.02 of the 5014
Revised Code that was attempted, the offender would have been 5015
subject to a sentence of life imprisonment or life imprisonment 5016
without parole for the violation of section 2907.02 of the 5017
Revised Code, the court shall impose upon the offender for the 5018
felony violation a mandatory prison term determined as described 5019
in this division that cannot be reduced pursuant to section 5020
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 5021
or any other provision of Chapter 2967. or 5120. of the Revised 5022

Code. The mandatory prison term shall be the maximum definite 5023
prison term prescribed in division (A) (1) (b) of this section for 5024
a felony of the first degree, except that for offenses for which 5025
division (A) (1) (a) of this section applies, the mandatory prison 5026
term shall be the longest minimum prison term prescribed in that 5027
division for the offense. 5028

(4) If the offender is being sentenced for a third or 5029
fourth degree felony OVI offense under division (G) (2) of 5030
section 2929.13 of the Revised Code, the sentencing court shall 5031
impose upon the offender a mandatory prison term in accordance 5032
with that division. In addition to the mandatory prison term, if 5033
the offender is being sentenced for a fourth degree felony OVI 5034
offense, the court, notwithstanding division (A) (4) of this 5035
section, may sentence the offender to a definite prison term of 5036
not less than six months and not more than thirty months, and if 5037
the offender is being sentenced for a third degree felony OVI 5038
offense, the sentencing court may sentence the offender to an 5039
additional prison term of any duration specified in division (A) 5040
(3) of this section. In either case, the additional prison term 5041
imposed shall be reduced by the sixty or one hundred twenty days 5042
imposed upon the offender as the mandatory prison term. The 5043
total of the additional prison term imposed under division (B) 5044
(4) of this section plus the sixty or one hundred twenty days 5045
imposed as the mandatory prison term shall equal a definite term 5046
in the range of six months to thirty months for a fourth degree 5047
felony OVI offense and shall equal one of the authorized prison 5048
terms specified in division (A) (3) of this section for a third 5049
degree felony OVI offense. If the court imposes an additional 5050
prison term under division (B) (4) of this section, the offender 5051
shall serve the additional prison term after the offender has 5052
served the mandatory prison term required for the offense. In 5053

addition to the mandatory prison term or mandatory and 5054
additional prison term imposed as described in division (B) (4) 5055
of this section, the court also may sentence the offender to a 5056
community control sanction under section 2929.16 or 2929.17 of 5057
the Revised Code, but the offender shall serve all of the prison 5058
terms so imposed prior to serving the community control 5059
sanction. 5060

If the offender is being sentenced for a fourth degree 5061
felony OVI offense under division (G) (1) of section 2929.13 of 5062
the Revised Code and the court imposes a mandatory term of local 5063
incarceration, the court may impose a prison term as described 5064
in division (A) (1) of that section. 5065

(5) If an offender is convicted of or pleads guilty to a 5066
violation of division (A) (1) or (2) of section 2903.06 of the 5067
Revised Code and also is convicted of or pleads guilty to a 5068
specification of the type described in section 2941.1414 of the 5069
Revised Code that charges that the victim of the offense is a 5070
peace officer, as defined in section 2935.01 of the Revised 5071
Code, an investigator of the bureau of criminal identification 5072
and investigation, as defined in section 2903.11 of the Revised 5073
Code, or a firefighter or emergency medical worker, both as 5074
defined in section 4123.026 of the Revised Code, the court shall 5075
impose on the offender a prison term of five years. If a court 5076
imposes a prison term on an offender under division (B) (5) of 5077
this section, the prison term shall not be reduced pursuant to 5078
section 2929.20, division (A) (2) or (3) of section 2967.193 or 5079
2967.194, or any other provision of Chapter 2967. or Chapter 5080
5120. of the Revised Code. A court shall not impose more than 5081
one prison term on an offender under division (B) (5) of this 5082
section for felonies committed as part of the same act. 5083

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

(7) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the

first degree committed on or after March 22, 2019, the court 5115
shall impose as the minimum prison term a mandatory term of not 5116
less than five years and not greater than eleven years; 5117

(ii) If the offense is a felony of the second or third 5118
degree, a definite prison term of not less than three years and 5119
not greater than the maximum prison term allowed for the offense 5120
by division (A) (2) (b) or (3) of this section, except that if the 5121
offense is a felony of the second degree committed on or after 5122
March 22, 2019, the court shall impose as the minimum prison 5123
term a mandatory term of not less than three years and not 5124
greater than eight years; 5125

(iii) If the offense is a felony of the fourth or fifth 5126
degree, a definite prison term that is the maximum prison term 5127
allowed for the offense by division (A) of section 2929.14 of 5128
the Revised Code. 5129

(b) The prison term imposed under division (B) (7) (a) of 5130
this section shall not be reduced pursuant to section 2929.20, 5131
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 5132
other provision of Chapter 2967. of the Revised Code. A court 5133
shall not impose more than one prison term on an offender under 5134
division (B) (7) (a) of this section for felonies committed as 5135
part of the same act, scheme, or plan. 5136

(8) If an offender is convicted of or pleads guilty to a 5137
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5138
Revised Code and also is convicted of or pleads guilty to a 5139
specification of the type described in section 2941.1423 of the 5140
Revised Code that charges that the victim of the violation was a 5141
woman whom the offender knew was pregnant at the time of the 5142
violation, notwithstanding the range prescribed in division (A) 5143
of this section as the definite prison term or minimum prison 5144

term for felonies of the same degree as the violation, the court 5145
shall impose on the offender a mandatory prison term that is 5146
either a definite prison term of six months or one of the prison 5147
terms prescribed in division (A) of this section for felonies of 5148
the same degree as the violation, except that if the violation 5149
is a felony of the first or second degree committed on or after 5150
arch 22, 2019, the court shall impose as the minimum prison term 5151
under division (A) (1) (a) or (2) (a) of this section a mandatory 5152
term that is one of the terms prescribed in that division, 5153
whichever is applicable, for the offense. 5154

(9) (a) If an offender is convicted of or pleads guilty to 5155
a violation of division (A) (1) or (2) of section 2903.11 of the 5156
Revised Code and also is convicted of or pleads guilty to a 5157
specification of the type described in section 2941.1425 of the 5158
Revised Code, the court shall impose on the offender a mandatory 5159
prison term of six years if either of the following applies: 5160

(i) The violation is a violation of division (A) (1) of 5161
section 2903.11 of the Revised Code and the specification 5162
charges that the offender used an accelerant in committing the 5163
violation and the serious physical harm to another or to 5164
another's unborn caused by the violation resulted in a 5165
permanent, serious disfigurement or permanent, substantial 5166
incapacity; 5167

(ii) The violation is a violation of division (A) (2) of 5168
section 2903.11 of the Revised Code and the specification 5169
charges that the offender used an accelerant in committing the 5170
violation, that the violation caused physical harm to another or 5171
to another's unborn, and that the physical harm resulted in a 5172
permanent, serious disfigurement or permanent, substantial 5173
incapacity. 5174

(b) If a court imposes a prison term on an offender under 5175
division (B) (9) (a) of this section, the prison term shall not be 5176
reduced pursuant to section 2929.20, division (A) (2) or (3) of 5177
section 2967.193 or 2967.194, or any other provision of Chapter 5178
2967. or Chapter 5120. of the Revised Code. A court shall not 5179
impose more than one prison term on an offender under division 5180
(B) (9) of this section for felonies committed as part of the 5181
same act. 5182

(c) The provisions of divisions (B) (9) and (C) (6) of this 5183
section and of division (D) (2) of section 2903.11, division (F) 5184
(20) of section 2929.13, and section 2941.1425 of the Revised 5185
Code shall be known as "Judy's Law." 5186

(10) If an offender is convicted of or pleads guilty to a 5187
violation of division (A) of section 2903.11 of the Revised Code 5188
and also is convicted of or pleads guilty to a specification of 5189
the type described in section 2941.1426 of the Revised Code that 5190
charges that the victim of the offense suffered permanent 5191
disabling harm as a result of the offense and that the victim 5192
was under ten years of age at the time of the offense, 5193
regardless of whether the offender knew the age of the victim, 5194
the court shall impose upon the offender an additional definite 5195
prison term of six years. A prison term imposed on an offender 5196
under division (B) (10) of this section shall not be reduced 5197
pursuant to section 2929.20, division (A) (2) or (3) of section 5198
2967.193 or 2967.194, or any other provision of Chapter 2967. or 5199
Chapter 5120. of the Revised Code. If a court imposes an 5200
additional prison term on an offender under this division 5201
relative to a violation of division (A) of section 2903.11 of 5202
the Revised Code, the court shall not impose any other 5203
additional prison term on the offender relative to the same 5204
offense. 5205

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (11) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division

consecutively to any other mandatory prison term imposed under 5237
either division or under division (B)(1)(d) of this section, 5238
consecutively to and prior to any prison term imposed for the 5239
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 5240
this section or any other section of the Revised Code, and 5241
consecutively to any other prison term or mandatory prison term 5242
previously or subsequently imposed upon the offender. 5243

(b) If a mandatory prison term is imposed upon an offender 5244
pursuant to division (B)(1)(d) of this section for wearing or 5245
carrying body armor while committing an offense of violence that 5246
is a felony, the offender shall serve the mandatory term so 5247
imposed consecutively to any other mandatory prison term imposed 5248
under that division or under division (B)(1)(a) or (c) of this 5249
section, consecutively to and prior to any prison term imposed 5250
for the underlying felony under division (A), (B)(2), or (B)(3) 5251
of this section or any other section of the Revised Code, and 5252
consecutively to any other prison term or mandatory prison term 5253
previously or subsequently imposed upon the offender. 5254

(c) If a mandatory prison term is imposed upon an offender 5255
pursuant to division (B)(1)(f) of this section, the offender 5256
shall serve the mandatory prison term so imposed consecutively 5257
to and prior to any prison term imposed for the underlying 5258
felony under division (A), (B)(2), or (B)(3) of this section or 5259
any other section of the Revised Code, and consecutively to any 5260
other prison term or mandatory prison term previously or 5261
subsequently imposed upon the offender. 5262

(d) If a mandatory prison term is imposed upon an offender 5263
pursuant to division (B)(7) or (8) of this section, the offender 5264
shall serve the mandatory prison term so imposed consecutively 5265
to any other mandatory prison term imposed under that division 5266

or under any other provision of law and consecutively to any 5267
other prison term or mandatory prison term previously or 5268
subsequently imposed upon the offender. 5269

(e) If a mandatory prison term is imposed upon an offender 5270
pursuant to division (B)(11) of this section, the offender shall 5271
serve the mandatory prison term consecutively to any other 5272
mandatory prison term imposed under that division, consecutively 5273
to and prior to any prison term imposed for the underlying 5274
felony, and consecutively to any other prison term or mandatory 5275
prison term previously or subsequently imposed upon the 5276
offender. 5277

(2) If an offender who is an inmate in a jail, prison, or 5278
other residential detention facility violates section 2917.02, 5279
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5280
(2) of section 2921.34 of the Revised Code, if an offender who 5281
is under detention at a detention facility commits a felony 5282
violation of section 2923.131 of the Revised Code, or if an 5283
offender who is an inmate in a jail, prison, or other 5284
residential detention facility or is under detention at a 5285
detention facility commits another felony while the offender is 5286
an escapee in violation of division (A)(1) or (2) of section 5287
2921.34 of the Revised Code, any prison term imposed upon the 5288
offender for one of those violations shall be served by the 5289
offender consecutively to the prison term or term of 5290
imprisonment the offender was serving when the offender 5291
committed that offense and to any other prison term previously 5292
or subsequently imposed upon the offender. 5293

(3) If a prison term is imposed for a violation of 5294
division (B) of section 2911.01 of the Revised Code, a violation 5295
of division (A) of section 2913.02 of the Revised Code in which 5296

the stolen property is a firearm or dangerous ordnance, or a 5297
felony violation of division (B) of section 2921.331 of the 5298
Revised Code, the offender shall serve that prison term 5299
consecutively to any other prison term or mandatory prison term 5300
previously or subsequently imposed upon the offender. 5301

(4) If multiple prison terms are imposed on an offender 5302
for convictions of multiple offenses, the court may require the 5303
offender to serve the prison terms consecutively if the court 5304
finds that the consecutive service is necessary to protect the 5305
public from future crime or to punish the offender and that 5306
consecutive sentences are not disproportionate to the 5307
seriousness of the offender's conduct and to the danger the 5308
offender poses to the public, and if the court also finds any of 5309
the following: 5310

(a) The offender committed one or more of the multiple 5311
offenses while the offender was awaiting trial or sentencing, 5312
was under a sanction imposed pursuant to section 2929.16, 5313
2929.17, or 2929.18 of the Revised Code, or was under post- 5314
release control for a prior offense. 5315

(b) At least two of the multiple offenses were committed 5316
as part of one or more courses of conduct, and the harm caused 5317
by two or more of the multiple offenses so committed was so 5318
great or unusual that no single prison term for any of the 5319
offenses committed as part of any of the courses of conduct 5320
adequately reflects the seriousness of the offender's conduct. 5321

(c) The offender's history of criminal conduct 5322
demonstrates that consecutive sentences are necessary to protect 5323
the public from future crime by the offender. 5324

(5) If a mandatory prison term is imposed upon an offender 5325

pursuant to division (B) (5) or (6) of this section, the offender 5326
shall serve the mandatory prison term consecutively to and prior 5327
to any prison term imposed for the underlying violation of 5328
division (A) (1) or (2) of section 2903.06 of the Revised Code 5329
pursuant to division (A) of this section or section 2929.142 of 5330
the Revised Code. If a mandatory prison term is imposed upon an 5331
offender pursuant to division (B) (5) of this section, and if a 5332
mandatory prison term also is imposed upon the offender pursuant 5333
to division (B) (6) of this section in relation to the same 5334
violation, the offender shall serve the mandatory prison term 5335
imposed pursuant to division (B) (5) of this section 5336
consecutively to and prior to the mandatory prison term imposed 5337
pursuant to division (B) (6) of this section and consecutively to 5338
and prior to any prison term imposed for the underlying 5339
violation of division (A) (1) or (2) of section 2903.06 of the 5340
Revised Code pursuant to division (A) of this section or section 5341
2929.142 of the Revised Code. 5342

(6) If a mandatory prison term is imposed on an offender 5343
pursuant to division (B) (9) of this section, the offender shall 5344
serve the mandatory prison term consecutively to and prior to 5345
any prison term imposed for the underlying violation of division 5346
(A) (1) or (2) of section 2903.11 of the Revised Code and 5347
consecutively to and prior to any other prison term or mandatory 5348
prison term previously or subsequently imposed on the offender. 5349

(7) If a mandatory prison term is imposed on an offender 5350
pursuant to division (B) (10) of this section, the offender shall 5351
serve that mandatory prison term consecutively to and prior to 5352
any prison term imposed for the underlying felonious assault. 5353
Except as otherwise provided in division (C) of this section, 5354
any other prison term or mandatory prison term previously or 5355
subsequently imposed upon the offender may be served 5356

concurrently with, or consecutively to, the prison term imposed 5357
pursuant to division (B)(10) of this section. 5358

(8) Any prison term imposed for a violation of section 5359
2903.04 of the Revised Code that is based on a violation of 5360
section 2925.03 or 2925.11 of the Revised Code or on a violation 5361
of section 2925.05 of the Revised Code that is not funding of 5362
marihuana trafficking shall run consecutively to any prison term 5363
imposed for the violation of section 2925.03 or 2925.11 of the 5364
Revised Code or for the violation of section 2925.05 of the 5365
Revised Code that is not funding of marihuana trafficking. 5366

(9) When consecutive prison terms are imposed pursuant to 5367
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 5368
division (H)(1) or (2) of this section, subject to division (C) 5369
(10) of this section, the term to be served is the aggregate of 5370
all of the terms so imposed. 5371

(10) When a court sentences an offender to a non-life 5372
felony indefinite prison term, any definite prison term or 5373
mandatory definite prison term previously or subsequently 5374
imposed on the offender in addition to that indefinite sentence 5375
that is required to be served consecutively to that indefinite 5376
sentence shall be served prior to the indefinite sentence. 5377

(11) If a court is sentencing an offender for a felony of 5378
the first or second degree, if division (A)(1)(a) or (2)(a) of 5379
this section applies with respect to the sentencing for the 5380
offense, and if the court is required under the Revised Code 5381
section that sets forth the offense or any other Revised Code 5382
provision to impose a mandatory prison term for the offense, the 5383
court shall impose the required mandatory prison term as the 5384
minimum term imposed under division (A)(1)(a) or (2)(a) of this 5385
section, whichever is applicable. 5386

(D) (1) If a court imposes a prison term, other than a term 5387
of life imprisonment, for a felony of the first degree, for a 5388
felony of the second degree, for a felony sex offense, or for a 5389
felony of the third degree that is an offense of violence and 5390
that is not a felony sex offense, it shall include in the 5391
sentence a requirement that the offender be subject to a period 5392
of post-release control after the offender's release from 5393
imprisonment, in accordance with section 2967.28 of the Revised 5394
Code. If a court imposes a sentence including a prison term of a 5395
type described in this division on or after July 11, 2006, the 5396
failure of a court to include a post-release control requirement 5397
in the sentence pursuant to this division does not negate, 5398
limit, or otherwise affect the mandatory period of post-release 5399
control that is required for the offender under division (B) of 5400
section 2967.28 of the Revised Code. Section 2929.191 of the 5401
Revised Code applies if, prior to July 11, 2006, a court imposed 5402
a sentence including a prison term of a type described in this 5403
division and failed to include in the sentence pursuant to this 5404
division a statement regarding post-release control. 5405

(2) If a court imposes a prison term for a felony of the 5406
third, fourth, or fifth degree that is not subject to division 5407
(D) (1) of this section, it shall include in the sentence a 5408
requirement that the offender be subject to a period of post- 5409
release control after the offender's release from imprisonment, 5410
in accordance with that division, if the parole board determines 5411
that a period of post-release control is necessary. Section 5412
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5413
a court imposed a sentence including a prison term of a type 5414
described in this division and failed to include in the sentence 5415
pursuant to this division a statement regarding post-release 5416
control. 5417

(E) The court shall impose sentence upon the offender in 5418
accordance with section 2971.03 of the Revised Code, and Chapter 5419
2971. of the Revised Code applies regarding the prison term or 5420
term of life imprisonment without parole imposed upon the 5421
offender and the service of that term of imprisonment if any of 5422
the following apply: 5423

(1) A person is convicted of or pleads guilty to a violent 5424
sex offense or a designated homicide, assault, or kidnapping 5425
offense, and, in relation to that offense, the offender is 5426
adjudicated a sexually violent predator. 5427

(2) A person is convicted of or pleads guilty to a 5428
violation of division (A) (1) (b) of section 2907.02 of the 5429
Revised Code committed on or after January 2, 2007, and either 5430
the court does not impose a sentence of life without parole when 5431
authorized pursuant to division (B) of section 2907.02 of the 5432
Revised Code, or division (B) of section 2907.02 of the Revised 5433
Code provides that the court shall not sentence the offender 5434
pursuant to section 2971.03 of the Revised Code. 5435

(3) A person is convicted of or pleads guilty to attempted 5436
rape committed on or after January 2, 2007, and a specification 5437
of the type described in section 2941.1418, 2941.1419, or 5438
2941.1420 of the Revised Code. 5439

(4) A person is convicted of or pleads guilty to a 5440
violation of section 2905.01 of the Revised Code committed on or 5441
after January 1, 2008, and that section requires the court to 5442
sentence the offender pursuant to section 2971.03 of the Revised 5443
Code. 5444

(5) A person is convicted of or pleads guilty to 5445
aggravated murder committed on or after January 1, 2008, and 5446

division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e),~~ 5447
~~(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1)~~ 5448
~~(a) (iv) of section 2929.03, or division (A) or (B) (C) of~~ 5449
section ~~2929.06~~ 2929.02 of the Revised Code requires the court 5450
to sentence the offender pursuant to division (B) (3) of section 5451
2971.03 of the Revised Code. 5452

(6) A person is convicted of or pleads guilty to murder 5453
committed on or after January 1, 2008, and division ~~(B) (2) (C)~~ 5454
(1) of section 2929.02 of the Revised Code requires the court to 5455
sentence the offender pursuant to section 2971.03 of the Revised 5456
Code. 5457

(F) If a person who has been convicted of or pleaded 5458
guilty to a felony is sentenced to a prison term or term of 5459
imprisonment under this section, ~~sections~~ section 2929.02 to 5460
~~2929.06 of the Revised Code, section 2929.142 of the Revised~~ 5461
~~Code, section or~~ 2971.03 of the Revised Code, or any other 5462
provision of law, section 5120.163 of the Revised Code applies 5463
regarding the person while the person is confined in a state 5464
correctional institution. 5465

(G) If an offender who is convicted of or pleads guilty to 5466
a felony that is an offense of violence also is convicted of or 5467
pleads guilty to a specification of the type described in 5468
section 2941.142 of the Revised Code that charges the offender 5469
with having committed the felony while participating in a 5470
criminal gang, the court shall impose upon the offender an 5471
additional prison term of one, two, or three years. 5472

(H) (1) If an offender who is convicted of or pleads guilty 5473
to aggravated murder, murder, or a felony of the first, second, 5474
or third degree that is an offense of violence also is convicted 5475
of or pleads guilty to a specification of the type described in 5476

section 2941.143 of the Revised Code that charges the offender 5477
with having committed the offense in a school safety zone or 5478
towards a person in a school safety zone, the court shall impose 5479
upon the offender an additional prison term of two years. The 5480
offender shall serve the additional two years consecutively to 5481
and prior to the prison term imposed for the underlying offense. 5482

(2) (a) If an offender is convicted of or pleads guilty to 5483
a felony violation of section 2907.22, 2907.24, 2907.241, or 5484
2907.25 of the Revised Code and to a specification of the type 5485
described in section 2941.1421 of the Revised Code and if the 5486
court imposes a prison term on the offender for the felony 5487
violation, the court may impose upon the offender an additional 5488
prison term as follows: 5489

(i) Subject to division (H) (2) (a) (ii) of this section, an 5490
additional prison term of one, two, three, four, five, or six 5491
months; 5492

(ii) If the offender previously has been convicted of or 5493
pleaded guilty to one or more felony or misdemeanor violations 5494
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5495
the Revised Code and also was convicted of or pleaded guilty to 5496
a specification of the type described in section 2941.1421 of 5497
the Revised Code regarding one or more of those violations, an 5498
additional prison term of one, two, three, four, five, six, 5499
seven, eight, nine, ten, eleven, or twelve months. 5500

(b) In lieu of imposing an additional prison term under 5501
division (H) (2) (a) of this section, the court may directly 5502
impose on the offender a sanction that requires the offender to 5503
wear a real-time processing, continual tracking electronic 5504
monitoring device during the period of time specified by the 5505
court. The period of time specified by the court shall equal the 5506

duration of an additional prison term that the court could have 5507
imposed upon the offender under division (H) (2) (a) of this 5508
section. A sanction imposed under this division shall commence 5509
on the date specified by the court, provided that the sanction 5510
shall not commence until after the offender has served the 5511
prison term imposed for the felony violation of section 2907.22, 5512
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5513
residential sanction imposed for the violation under section 5514
2929.16 of the Revised Code. A sanction imposed under this 5515
division shall be considered to be a community control sanction 5516
for purposes of section 2929.15 of the Revised Code, and all 5517
provisions of the Revised Code that pertain to community control 5518
sanctions shall apply to a sanction imposed under this division, 5519
except to the extent that they would by their nature be clearly 5520
inapplicable. The offender shall pay all costs associated with a 5521
sanction imposed under this division, including the cost of the 5522
use of the monitoring device. 5523

(I) At the time of sentencing, the court may recommend the 5524
offender for placement in a program of shock incarceration under 5525
section 5120.031 of the Revised Code or for placement in an 5526
intensive program prison under section 5120.032 of the Revised 5527
Code, disapprove placement of the offender in a program of shock 5528
incarceration or an intensive program prison of that nature, or 5529
make no recommendation on placement of the offender. In no case 5530
shall the department of rehabilitation and correction place the 5531
offender in a program or prison of that nature unless the 5532
department determines as specified in section 5120.031 or 5533
5120.032 of the Revised Code, whichever is applicable, that the 5534
offender is eligible for the placement. 5535

If the court disapproves placement of the offender in a 5536
program or prison of that nature, the department of 5537

rehabilitation and correction shall not place the offender in 5538
any program of shock incarceration or intensive program prison. 5539

If the court recommends placement of the offender in a 5540
program of shock incarceration or in an intensive program 5541
prison, and if the offender is subsequently placed in the 5542
recommended program or prison, the department shall notify the 5543
court of the placement and shall include with the notice a brief 5544
description of the placement. 5545

If the court recommends placement of the offender in a 5546
program of shock incarceration or in an intensive program prison 5547
and the department does not subsequently place the offender in 5548
the recommended program or prison, the department shall send a 5549
notice to the court indicating why the offender was not placed 5550
in the recommended program or prison. 5551

If the court does not make a recommendation under this 5552
division with respect to an offender and if the department 5553
determines as specified in section 5120.031 or 5120.032 of the 5554
Revised Code, whichever is applicable, that the offender is 5555
eligible for placement in a program or prison of that nature, 5556
the department shall screen the offender and determine if there 5557
is an available program of shock incarceration or an intensive 5558
program prison for which the offender is suited. If there is an 5559
available program of shock incarceration or an intensive program 5560
prison for which the offender is suited, the department shall 5561
notify the court of the proposed placement of the offender as 5562
specified in section 5120.031 or 5120.032 of the Revised Code 5563
and shall include with the notice a brief description of the 5564
placement. The court shall have ten days from receipt of the 5565
notice to disapprove the placement. 5566

(J) If a person is convicted of or pleads guilty to 5567

aggravated vehicular homicide in violation of division (A) (1) of 5568
section 2903.06 of the Revised Code and division (B) (2) (c) of 5569
that section applies, the person shall be sentenced pursuant to 5570
section 2929.142 of the Revised Code. 5571

(K) (1) The court shall impose an additional mandatory 5572
prison term of two, three, four, five, six, seven, eight, nine, 5573
ten, or eleven years on an offender who is convicted of or 5574
pleads guilty to a violent felony offense if the offender also 5575
is convicted of or pleads guilty to a specification of the type 5576
described in section 2941.1424 of the Revised Code that charges 5577
that the offender is a violent career criminal and had a firearm 5578
on or about the offender's person or under the offender's 5579
control while committing the presently charged violent felony 5580
offense and displayed or brandished the firearm, indicated that 5581
the offender possessed a firearm, or used the firearm to 5582
facilitate the offense. The offender shall serve the prison term 5583
imposed under this division consecutively to and prior to the 5584
prison term imposed for the underlying offense. The prison term 5585
shall not be reduced pursuant to section 2929.20, division (A) 5586
(2) or (3) of section 2967.193 or 2967.194, or any other 5587
provision of Chapter 2967. or 5120. of the Revised Code. A court 5588
may not impose more than one sentence under division (B) (2) (a) 5589
of this section and this division for acts committed as part of 5590
the same act or transaction. 5591

(2) As used in division (K) (1) of this section, "violent 5592
career criminal" and "violent felony offense" have the same 5593
meanings as in section 2923.132 of the Revised Code. 5594

(L) If an offender receives or received a sentence of life 5595
imprisonment without parole, a sentence of life imprisonment, a 5596
definite sentence, or a sentence to an indefinite prison term 5597

under this chapter for a felony offense that was committed when 5598
the offender was under eighteen years of age, the offender's 5599
parole eligibility shall be determined under section 2967.132 of 5600
the Revised Code. 5601

Sec. 2929.61. (A) Persons charged with an offense that was 5602
formerly a capital offense and that was committed prior to 5603
January 1, 1974, shall be prosecuted under the law as it existed 5604
at the time the offense was committed, and, if convicted, shall 5605
be imprisoned for life, except that whenever the statute under 5606
which any such person is prosecuted provides for a lesser 5607
penalty under the circumstances of the particular case, such 5608
lesser penalty shall be imposed. 5609

(B) Persons charged with an offense, other than an offense 5610
that was formerly a capital offense, that was committed prior to 5611
January 1, 1974, shall be prosecuted under the law as it existed 5612
at the time the offense was committed. Persons convicted or 5613
sentenced on or after January 1, 1974, for an offense committed 5614
prior to January 1, 1974, shall be sentenced according to the 5615
penalty for commission of the substantially equivalent offense 5616
under Amended Substitute House Bill 511 of the 109th General 5617
Assembly. If the offense for which sentence is being imposed 5618
does not have a substantial equivalent under that act, or if 5619
that act provides a more severe penalty than that originally 5620
prescribed for the offense of which the person is convicted, 5621
then sentence shall be imposed under the law as it existed prior 5622
to January 1, 1974. 5623

(C) Persons charged with an offense that is a felony of 5624
the third or fourth degree and that was committed on or after 5625
January 1, 1974, and before July 1, 1983, shall be prosecuted 5626
under the law as it existed at the time the offense was 5627

committed. Persons convicted or sentenced on or after July 1, 5628
1983, for an offense that is a felony of the third or fourth 5629
degree and that was committed on or after January 1, 1974, and 5630
before July 1, 1983, shall be notified by the court sufficiently 5631
in advance of sentencing that they may choose to be sentenced 5632
pursuant to either the law in effect at the time of the 5633
commission of the offense or the law in effect at the time of 5634
sentencing. This notice shall be written and shall include the 5635
differences between and possible effects of the alternative 5636
sentence forms and the effect of the person's refusal to choose. 5637
The person to be sentenced shall then inform the court in 5638
writing of the person's choice, and shall be sentenced 5639
accordingly. Any person choosing to be sentenced pursuant to the 5640
law in effect at the time of the commission of an offense that 5641
is a felony of the third or fourth degree shall then be eligible 5642
for parole, and this person cannot at a later date have the 5643
person's sentence converted to a definite sentence. If the 5644
person refuses to choose between the two possible sentences, the 5645
person shall be sentenced pursuant to the law in effect at the 5646
time of the commission of the offense. 5647

(D) Persons charged with an offense that was a felony of 5648
the first or second degree at the time it was committed, that 5649
was committed on or after January 1, 1974, and that was 5650
committed prior to July 1, 1983, shall be prosecuted for that 5651
offense and, if convicted, shall be sentenced under the law as 5652
it existed at the time the offense was committed. 5653

(E) Persons charged with an offense that is a felony of 5654
the first or second degree that was committed prior to ~~the~~ 5655
~~effective date~~ March 22, 2019, of this amendment shall be 5656
prosecuted for that offense and, if convicted, shall be 5657
sentenced under the law as it existed at the time the offense 5658

was committed. 5659

Sec. 2930.19. (A) (1) A victim, victim's representative, or 5660
victim's attorney, if applicable, or the prosecutor, on request 5661
of the victim, has standing as a matter of right to assert, or 5662
to challenge an order denying, the rights of the victim provided 5663
by law in any judicial or administrative proceeding. The trial 5664
court shall act promptly on a request to enforce, or on a 5665
challenge of an order denying, the rights of the victim. In any 5666
case, the trial court shall hear the matter within ten days of 5667
the assertion of the victim's rights. The reasons for any 5668
decision denying relief under this section shall be clearly 5669
stated on the record or in a judgment entry. 5670

(2) (a) If the trial court denies the relief sought under 5671
division (A) (1) of this section, the trial court shall do all of 5672
the following: 5673

(i) Provide the victim, the victim's representative, if 5674
applicable, the victim's attorney, if applicable, and the 5675
parties with notice of the decision and a copy of the judgment 5676
entry; 5677

(ii) Provide the victim, the victim's representative, if 5678
applicable, and the victim's attorney, if applicable, with the 5679
following statement along with the judgment entry: 5680

"NOTICE 5681

The victim, the victim's attorney, if applicable, or the 5682
prosecutor on request of the victim, may appeal this decision or 5683
petition to the court of appeals for an extraordinary writ. If 5684
such an interlocutory appeal or extraordinary writ is sought 5685
while the case is still pending in the trial court, it shall be 5686
initiated no later than fourteen days after notice of the 5687

decision was provided to the victim by telephone or electronic 5688
mail to the latest telephone number or electronic mail address 5689
provided by the victim. The prosecutor or the prosecutor's 5690
designee shall provide the notice to the victim and the notice 5691
shall be memorialized in a manner sufficient to prove to the 5692
court the prosecutor or prosecutor's designee sent the notice. 5693
The court shall dismiss any such interlocutory appeal or 5694
petition as untimely if it does not comply with this fourteen- 5695
day limit." 5696

(b) (i) If the court denies the relief sought, the victim 5697
or the victim's attorney, if applicable, or the prosecutor on 5698
request of the victim, may appeal or, if the victim has no 5699
remedy on appeal, petition the court of appeals or supreme court 5700
for an extraordinary writ, and the victim has standing to assert 5701
a right of limited appeal as it pertains to the decisions 5702
impacting the rights of the victim. An interlocutory appeal 5703
filed under this section shall be filed not later than fourteen 5704
days after notice was provided to the victim as described in 5705
division (A) (1) of this section, and such an appeal divests the 5706
trial court of jurisdiction of the portion of the case 5707
implicating the victim's rights until the interlocutory appeal 5708
is resolved by the appellate court. 5709

(ii) Upon the filing of an interlocutory appeal, the trial 5710
court shall transmit those portions of the transcript necessary 5711
for consideration of the issues to be reviewed by the court of 5712
appeals within five business days. Once the transcript is 5713
received by the court of appeals, the party that initiated the 5714
appeal shall have eight days to file a merit brief. Once the 5715
merit brief is filed, the appellee shall have eight days to file 5716
a response brief. The court of appeals shall decide the entire 5717
appeal not later than thirty-five days after the appeal is 5718

filed. Notwithstanding these limits, the litigants, with the 5719
approval of the court, may stipulate to a different period of 5720
time for the briefing and issuance of the decision and judgment 5721
on the appeal. The victim, the victim's attorney, the 5722
prosecutor, or the defendant may notify the supreme court if a 5723
court of appeals has failed to issue a judgment in accordance 5724
with the stipulated period of time. Such notifications are 5725
public records. 5726

(iii) Nothing in this section shall be interpreted as 5727
applying to a direct appeal that is filed after the court 5728
sentences the defendant. A victim who wishes to appeal from an 5729
order that is final on its entry after the court sentences the 5730
defendant shall file the notice of appeal within thirty days of 5731
that entry. 5732

(c) If the victim or victim's attorney, if applicable, 5733
petitions for an extraordinary writ, the court of appeals or the 5734
supreme court shall enter an order establishing an expedited 5735
schedule for the filing of an answer, the submission of 5736
evidence, the filing of briefing by the litigants, and the entry 5737
of decision and judgment and shall place the petition on its 5738
accelerated calendar. The court of appeals or the supreme court 5739
shall immediately notify the trial court of the petition, and 5740
the trial court shall transmit to the court of appeals or the 5741
supreme court those portions of the transcript necessary for the 5742
consideration of the issues to be reviewed by the applicable 5743
appellate court within five business days of the filing of the 5744
appeal or petition. The court shall enter judgment within forty- 5745
five days after the petition for an extraordinary writ is filed. 5746
Notwithstanding these limits, the litigants, with the approval 5747
of the court, may stipulate to a different period of time for 5748
the briefing and issuance of the decision and judgment in the 5749

action. The victim, the victim's attorney, the prosecutor, or 5750
the defendant may notify the supreme court if a court of appeals 5751
has failed to issue a judgment in accordance with the stipulated 5752
period of time. Such notifications are a public record. 5753

(d) If any interlocutory appeal is pursued to the supreme 5754
court, the supreme court shall enter an order establishing an 5755
expedited schedule for its proceedings, including, as 5756
applicable, the filing of jurisdictional memoranda and ruling 5757
thereon, the transmission of the record, the filing of briefing 5758
by the litigants, oral argument if permitted, and the entry of 5759
decision and judgment and shall place the appeal on its 5760
accelerated calendar. The court shall enter judgment within 5761
sixty days after the appeal is filed. The supreme court shall 5762
immediately notify the trial court of the appeal, and the trial 5763
court shall transmit to the court of appeals or the supreme 5764
court those portions of the transcript necessary for 5765
consideration of the issues to be reviewed by the applicable 5766
appellate court within five business days of the filing of the 5767
appeal. Notwithstanding these limits, the litigants, with the 5768
approval of the court, may stipulate to a different period of 5769
time for the supreme court's proceedings and for the issuance of 5770
the supreme court's decision and judgment in the case. 5771

(e) Nothing in this division applies to a direct appeal 5772
that is filed by the victim after the court sentences the 5773
defendant. A victim who wishes to appeal from an appellate entry 5774
shall file the appropriate notice of appeal to the supreme court 5775
within thirty days of the entry. 5776

(B) (1) A victim of a criminal offense or delinquent act 5777
has the right to be represented by an attorney. Nothing in this 5778
section creates a right to an attorney at public expense for a 5779

victim. If a victim is represented by an attorney, the court shall notify the victim's attorney in the same manner in which the parties are notified under applicable law or rule. The victim's attorney shall be included in all bench conferences, meetings in chambers, and sidebars with the trial court that directly involve a decision implicating that victim's rights as enumerated in Ohio Constitution, Article I, Section 10a. Nothing in this section shall be construed as making a victim a party to the case.

(2) A defendant has a right to respond and be represented by an attorney for appeals and writs the victim, the victim's attorney, if applicable, or the prosecutor may file pursuant to this section. An indigent defendant has the right to appointed counsel for appeals and writs filed pursuant to this section. If, as an indigent person, a defendant is unable to employ counsel, the defendant is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code. The court shall notify the defendant and the defendant's attorney in the same manner that the parties are notified under applicable law or rule.

(C) The failure of a public official or public agency or the public official's or public agency's designee to comply with the requirements of this chapter does not give rise to a claim for damages against that public official or public agency or that public official's or public agency's designee, except that a public agency as an employer may be held responsible for a violation of section 2930.18 of the Revised Code.

(D) The failure of any person or entity to provide a right, privilege, or notice to a victim under this chapter does not constitute grounds for declaring a mistrial or new trial,

for setting aside a conviction, sentence, adjudication, or 5810
disposition, or for granting postconviction release to a 5811
defendant or alleged juvenile offender. 5812

~~(E) If there is a conflict between a provision in this 5813
chapter and a specific statute governing the procedure in a case 5814
involving a capital offense, the specific statute supersedes the 5815
provision in this chapter. 5816~~

~~(F)~~ A defendant or juvenile offender may not raise the 5817
failure to afford a right to a victim as error in any legal 5818
argument to provide an advantage to that defendant or juvenile 5819
offender in any motion, including a dispositive motion, motion 5820
for new trial, or motion to have a conviction, sentence, or 5821
disposition set aside, in any petition for post-conviction 5822
relief, or in any assignment of error on appeal. 5823

~~(G)~~ (F) If the victim of a criminal offense or delinquent 5824
act is incarcerated in a state or local correctional facility or 5825
is in the legal custody of the department of youth services, the 5826
victim's rights under this chapter may be modified by court 5827
order to prevent any security risk, hardship, or undue burden 5828
upon a public official or public agency with a duty under this 5829
chapter. 5830

~~(H)~~ (G) As used in this section, "post-conviction release" 5831
means judicial release, early release, and parole, but does not 5832
mean relief pursuant to a federal petition in habeas corpus. 5833

Sec. 2937.222. (A) On the motion of the prosecuting 5834
attorney or on the judge's own motion, the judge shall hold a 5835
hearing to determine whether an accused person charged with 5836
aggravated murder ~~when it is not a capital offense~~, murder, a 5837
felony of the first or second degree, a violation of section 5838

2903.06 of the Revised Code, a violation of section 2903.211 of 5839
the Revised Code that is a felony, or a felony OVI offense shall 5840
be denied bail. The judge shall order that the accused be 5841
detained until the conclusion of the hearing. Except for good 5842
cause, a continuance on the motion of the state shall not exceed 5843
three court days. Except for good cause, a continuance on the 5844
motion of the accused shall not exceed five court days unless 5845
the motion of the accused waives in writing the five-day limit 5846
and states in writing a specific period for which the accused 5847
requests a continuance. A continuance granted upon a motion of 5848
the accused that waives in writing the five-day limit shall not 5849
exceed five court days after the period of continuance requested 5850
in the motion. 5851

At the hearing, the accused has the right to be 5852
represented by counsel and, if the accused is indigent, to have 5853
counsel appointed. The judge shall afford the accused an 5854
opportunity to testify, to present witnesses and other 5855
information, and to cross-examine witnesses who appear at the 5856
hearing. The rules concerning admissibility of evidence in 5857
criminal trials do not apply to the presentation and 5858
consideration of information at the hearing. Regardless of 5859
whether the hearing is being held on the motion of the 5860
prosecuting attorney or on the court's own motion, the state has 5861
the burden of proving that the proof is evident or the 5862
presumption great that the accused committed the offense with 5863
which the accused is charged, of proving that the accused poses 5864
a substantial risk of serious physical harm to any person or to 5865
the community, and of proving that no release conditions will 5866
reasonably assure the safety of that person and the community. 5867

The judge may reopen the hearing at any time before trial 5868
if the judge finds that information exists that was not known to 5869

the movant at the time of the hearing and that that information 5870
has a material bearing on whether bail should be denied. If a 5871
municipal court or county court enters an order denying bail, a 5872
judge of the court of common pleas having jurisdiction over the 5873
case may continue that order or may hold a hearing pursuant to 5874
this section to determine whether to continue that order. 5875

(B) No accused person shall be denied bail pursuant to 5876
this section unless the judge finds by clear and convincing 5877
evidence that the proof is evident or the presumption great that 5878
the accused committed the offense described in division (A) of 5879
this section with which the accused is charged, finds by clear 5880
and convincing evidence that the accused poses a substantial 5881
risk of serious physical harm to any person or to the community, 5882
and finds by clear and convincing evidence that no release 5883
conditions will reasonably assure the safety of that person and 5884
the community. 5885

(C) The judge, in determining whether the accused person 5886
described in division (A) of this section poses a substantial 5887
risk of serious physical harm to any person or to the community 5888
and whether there are conditions of release that will reasonably 5889
assure the safety of that person and the community, shall 5890
consider all available information regarding all of the 5891
following: 5892

(1) The nature and circumstances of the offense charged, 5893
including whether the offense is an offense of violence or 5894
involves alcohol or a drug of abuse; 5895

(2) The weight of the evidence against the accused; 5896

(3) The history and characteristics of the accused, 5897
including, but not limited to, both of the following: 5898

(a) The character, physical and mental condition, family 5899
ties, employment, financial resources, length of residence in 5900
the community, community ties, past conduct, history relating to 5901
drug or alcohol abuse, and criminal history of the accused; 5902

(b) Whether, at the time of the current alleged offense or 5903
at the time of the arrest of the accused, the accused was on 5904
probation, parole, post-release control, or other release 5905
pending trial, sentencing, appeal, or completion of sentence for 5906
the commission of an offense under the laws of this state, 5907
another state, or the United States or under a municipal 5908
ordinance. 5909

(4) The nature and seriousness of the danger to any person 5910
or the community that would be posed by the person's release. 5911

(D) (1) An order of the court of common pleas denying bail 5912
pursuant to this section is a final appealable order. In an 5913
appeal pursuant to division (D) of this section, the court of 5914
appeals shall do all of the following: 5915

(a) Give the appeal priority on its calendar; 5916

(b) Liberally modify or dispense with formal requirements 5917
in the interest of a speedy and just resolution of the appeal; 5918

(c) Decide the appeal expeditiously; 5919

(d) Promptly enter its judgment affirming or reversing the 5920
order denying bail. 5921

(2) The pendency of an appeal under this section does not 5922
deprive the court of common pleas of jurisdiction to conduct 5923
further proceedings in the case or to further consider the order 5924
denying bail in accordance with this section. If, during the 5925
pendency of an appeal under division (D) of this section, the 5926

court of common pleas sets aside or terminates the order denying 5927
bail, the court of appeals shall dismiss the appeal. 5928

(E) As used in this section: 5929

(1) "Court day" has the same meaning as in section 5122.01 5930
of the Revised Code. 5931

(2) "Felony OVI offense" means a third degree felony OVI 5932
offense and a fourth degree felony OVI offense. 5933

(3) "Fourth degree felony OVI offense" and "third degree 5934
felony OVI offense" have the same meanings as in section 2929.01 5935
of the Revised Code. 5936

Sec. 2941.021. Any criminal offense which is not 5937
punishable by ~~death or~~ life imprisonment may be prosecuted by 5938
information filed in the common pleas court by the prosecuting 5939
attorney if the defendant, after ~~he has~~ having been advised by 5940
the court of the nature of the charge against ~~him~~ the defendant 5941
and of ~~his~~ the defendant's rights under the constitution, is 5942
represented by counsel or has affirmatively waived counsel by 5943
waiver in writing and in open court, waives in writing and in 5944
open court prosecution by indictment. 5945

Sec. 2941.14. ~~(A)~~ In an indictment for aggravated murder, 5946
murder, or voluntary or involuntary manslaughter, the manner in 5947
which, or the means by which the death was caused need not be 5948
set forth. 5949

~~(B) Imposition of the death penalty for aggravated murder~~ 5950
~~is precluded unless the indictment or count in the indictment~~ 5951
~~charging the offense specifies one or more of the aggravating~~ 5952
~~circumstances listed in division (A) of section 2929.04 of the~~ 5953
~~Revised Code. If more than one aggravating circumstance is~~ 5954
~~specified to an indictment or count, each shall be in a~~ 5955

~~separately numbered specification, and if an aggravating~~ 5956
~~circumstance is specified to a count in an indictment containing~~ 5957
~~more than one count, such specification shall be identified as~~ 5958
~~to the count to which it applies.~~ 5959

~~(C) A specification to an indictment or count in an~~ 5960
~~indictment charging aggravated murder shall be stated at the end~~ 5961
~~of the body of the indictment or count, and may be in~~ 5962
~~substantially the following form:~~ 5963

~~"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE~~ 5964
~~FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand~~ 5965
~~Jurors further find and specify that (set forth the applicable~~ 5966
~~aggravating circumstance listed in divisions (A) (1) to (10) of~~ 5967
~~section 2929.04 of the Revised Code. The aggravating~~ 5968
~~circumstance may be stated in the words of the subdivision in~~ 5969
~~which it appears, or in words sufficient to give the accused~~ 5970
~~notice of the same)."~~ 5971

Sec. 2941.148. (A) (1) The application of Chapter 2971. of 5972
the Revised Code to an offender is precluded unless one of the 5973
following applies: 5974

(a) The offender is charged with a violent sex offense, 5975
and the indictment, count in the indictment, or information 5976
charging the violent sex offense also includes a specification 5977
that the offender is a sexually violent predator, or the 5978
offender is charged with a designated homicide, assault, or 5979
kidnapping offense, and the indictment, count in the indictment, 5980
or information charging the designated homicide, assault, or 5981
kidnapping offense also includes both a specification of the 5982
type described in section 2941.147 of the Revised Code and a 5983
specification that the offender is a sexually violent predator. 5984

(b) The offender is convicted of or pleads guilty to a 5985
violation of division (A) (1) (b) of section 2907.02 of the 5986
Revised Code committed on or after January 2, 2007, and division 5987
(B) of section 2907.02 of the Revised Code does not prohibit the 5988
court from sentencing the offender pursuant to section 2971.03 5989
of the Revised Code. 5990

(c) The offender is convicted of or pleads guilty to 5991
attempted rape committed on or after January 2, 2007, and to a 5992
specification of the type described in section 2941.1418, 5993
2941.1419, or 2941.1420 of the Revised Code. 5994

(d) The offender is convicted of or pleads guilty to a 5995
violation of section 2905.01 of the Revised Code and to a 5996
specification of the type described in section 2941.147 of the 5997
Revised Code, and section 2905.01 of the Revised Code requires a 5998
court to sentence the offender pursuant to section 2971.03 of 5999
the Revised Code. 6000

(e) The offender is convicted of or pleads guilty to 6001
aggravated murder and to a specification of the type described 6002
in section 2941.147 of the Revised Code, and division ~~(A) (2) (b)~~ 6003
~~(ii) of section 2929.022, division (A) (1) (c), (C) (1) (a) (v), (C)~~ 6004
~~(2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of~~ 6005
~~section 2929.03, or division (A) or (B) (C) of section 2929.06~~ 6006
2929.02 of the Revised Code requires a court to sentence the 6007
offender pursuant to division (B) (3) of section 2971.03 of the 6008
Revised Code. 6009

(f) The offender is convicted of or pleads guilty to 6010
murder and to a specification of the type described in section 6011
2941.147 of the Revised Code, and division ~~(B) (2) (C) (1)~~ of 6012
section 2929.02 of the Revised Code requires a court to sentence 6013
the offender pursuant to section 2971.03 of the Revised Code. 6014

(2) A specification required under division (A) (1) (a) of 6015
this section that an offender is a sexually violent predator 6016
shall be stated at the end of the body of the indictment, count, 6017
or information and shall be stated in substantially the 6018
following form: 6019

"Specification (or, specification to the first count). The 6020
grand jury (or insert the person's or prosecuting attorney's 6021
name when appropriate) further find and specify that the 6022
offender is a sexually violent predator." 6023

(B) In determining for purposes of this section whether a 6024
person is a sexually violent predator, all of the factors set 6025
forth in divisions (H) (1) to (6) of section 2971.01 of the 6026
Revised Code that apply regarding the person may be considered 6027
as evidence tending to indicate that it is likely that the 6028
person will engage in the future in one or more sexually violent 6029
offenses. 6030

(C) As used in this section, "designated homicide, 6031
assault, or kidnapping offense," "violent sex offense," and 6032
"sexually violent predator" have the same meanings as in section 6033
2971.01 of the Revised Code. 6034

Sec. 2941.401. When a person has entered upon a term of 6035
imprisonment in a correctional institution of this state, and 6036
when during the continuance of the term of imprisonment there is 6037
pending in this state any untried indictment, information, or 6038
complaint against the prisoner, ~~he~~ the prisoner shall be brought 6039
to trial within one hundred eighty days after ~~he~~ the prisoner 6040
causes to be delivered to the prosecuting attorney and the 6041
appropriate court in which the matter is pending, written notice 6042
of the place of ~~his~~ the prisoner's imprisonment and a request 6043
for a final disposition to be made of the matter, except that 6044

for good cause shown in open court, with the prisoner or ~~his~~ the
prisoner's counsel present, the court may grant any necessary or
reasonable continuance. The request of the prisoner shall be
accompanied by a certificate of the warden or superintendent
having custody of the prisoner, stating the term of commitment
under which the prisoner is being held, the time served and
remaining to be served on the sentence, the amount of good time
earned, the time of parole eligibility of the prisoner, and any
decisions of the adult parole authority relating to the
prisoner.

The written notice and request for final disposition shall
be given or sent by the prisoner to the warden or superintendent
having custody of ~~him~~ the prisoner, who shall promptly forward
it with the certificate to the appropriate prosecuting attorney
and court by registered or certified mail, return receipt
requested.

The warden or superintendent having custody of the
prisoner shall promptly inform ~~him~~ the prisoner in writing of
the source and contents of any untried indictment, information,
or complaint against ~~him~~ the prisoner, concerning which the
warden or superintendent has knowledge, and of ~~his~~ the
prisoner's right to make a request for final disposition
thereof.

Escape from custody by the prisoner, subsequent to ~~his~~ the
prisoner's execution of the request for final disposition, voids
the request.

If the action is not brought to trial within the time
provided, subject to continuance allowed pursuant to this
section, no court any longer has jurisdiction thereof, the
indictment, information, or complaint is void, and the court

shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment ~~or death, or to any prisoner under sentence of death.~~

Sec. 2941.43. If the convict referred to in section 2941.40 of the Revised Code is acquitted, ~~he~~ the convict shall be forthwith returned by the sheriff to the state correctional institution to serve out the remainder of ~~his~~ the convict's sentence. If ~~he~~ the convict is sentenced to imprisonment in a state correctional institution, ~~he~~ the convict shall be returned to the state correctional institution by the sheriff to serve ~~his new~~ the convict's term. ~~If he is sentenced to death, the death sentence shall be executed as if he were not under sentence of imprisonment in a state correctional institution.~~

Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall include a financial disclosure form completed by the indigent person on a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this section.

(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior

to establishing such schedule, the board shall request the bar 6105
association or associations of the county to submit a proposed 6106
~~schedule for cases other than capital cases.~~ The schedule 6107
submitted shall be subject to the review, amendment, and 6108
approval of the board of county commissioners, ~~except with~~ 6109
~~respect to capital cases. With respect to capital cases, the~~ 6110
~~schedule shall provide for fees by case or on an hourly basis to~~ 6111
~~be paid to counsel in the amount or at the rate set by the~~ 6112
~~capital case attorney fee council pursuant to division (D) of~~ 6113
~~section 120.33 of the Revised Code, and the board of county~~ 6114
~~commissioners shall approve that amount or rate.~~ 6115

~~With respect to capital cases, counsel shall be paid~~ 6116
~~compensation and expenses in accordance with the amount or at~~ 6117
~~the rate set by the capital case attorney fee council pursuant~~ 6118
~~to division (D) of section 120.33 of the Revised Code.~~ 6119

(C) In a case where counsel have been appointed to conduct 6120
an appeal under Chapter 120. of the Revised Code, such 6121
compensation shall be fixed by the court of appeals or the 6122
supreme court, as provided in divisions (A) and (B) of this 6123
section. 6124

(D) The fees and expenses approved by the court under this 6125
section shall not be taxed as part of the costs and shall be 6126
paid by the county. However, if the person represented has, or 6127
reasonably may be expected to have, the means to meet some part 6128
of the cost of the services rendered to the person, the person 6129
shall pay the county an amount that the person reasonably can be 6130
expected to pay. Pursuant to section 120.04 of the Revised Code, 6131
the county shall pay to the state public defender a percentage 6132
of the payment received from the person in an amount 6133
proportionate to the percentage of the costs of the person's 6134

case that were paid to the county by the state public defender 6135
pursuant to this section. The money paid to the state public 6136
defender shall be credited to the client payment fund created 6137
pursuant to division (B) (5) of section 120.04 of the Revised 6138
Code. 6139

(E) The county auditor shall draw a warrant on the county 6140
treasurer for the payment of such counsel in the amount fixed by 6141
the court, plus the expenses that the court fixes and certifies 6142
to the auditor. The county auditor shall report periodically, 6143
but not less than annually, to the board of county commissioners 6144
and to the Ohio public defender commission the amounts paid out 6145
pursuant to the approval of the court under this section, 6146
~~separately stating costs and expenses that are reimbursable~~ 6147
~~under section 120.35 of the Revised Code.~~ The board, after 6148
review and approval of the auditor's report, may then certify it 6149
to the state public defender for reimbursement. The request for 6150
reimbursement shall be accompanied by a financial disclosure 6151
form completed by each indigent person for whom counsel was 6152
provided on a form prescribed by the state public defender. The 6153
state public defender shall review the report and, in accordance 6154
with the standards, guidelines, and maximums established 6155
pursuant to divisions (B) (7) and (8) of section 120.04 of the 6156
Revised Code and the payment determination provisions of section 6157
120.34 of the Revised Code, pay the cost, ~~other than costs and~~ 6158
~~expenses that are reimbursable under section 120.35 of the~~ 6159
~~Revised Code, if any,~~ of paying appointed counsel in each county 6160
~~and pay costs and expenses that are reimbursable under section~~ 6161
~~120.35 of the Revised Code, if any,~~ to the board. The amount of 6162
payments the state public defender is to make shall be 6163
determined as specified in section 120.34 of the Revised Code. 6164

(F) If any county system for paying appointed counsel 6165

fails to maintain the standards for the conduct of the system 6166
established by the rules of the Ohio public defender commission 6167
pursuant to divisions (B) and (C) of section 120.03 of the 6168
Revised Code or the standards established by the state public 6169
defender pursuant to division (B) (7) of section 120.04 of the 6170
Revised Code, the commission shall notify the board of county 6171
commissioners of the county that the county system for paying 6172
appointed counsel has failed to comply with its rules. Unless 6173
the board corrects the conduct of its appointed counsel system 6174
to comply with the rules within ninety days after the date of 6175
the notice, the state public defender may deny all or part of 6176
the county's reimbursement from the state provided for in this 6177
section. 6178

Sec. 2945.06. In any case in which a defendant waives ~~his~~ 6179
the defendant's right to trial by jury and elects to be tried by 6180
the court under section 2945.05 of the Revised Code, any judge 6181
of the court in which the cause is pending shall proceed to 6182
hear, try, and determine the cause in accordance with the rules 6183
and in like manner as if the cause were being tried before a 6184
jury. ~~If the accused is charged with an offense punishable with~~ 6185
~~death, he shall be tried by a court to be composed of three~~ 6186
~~judges, consisting of the judge presiding at the time in the~~ 6187
~~trial of criminal cases and two other judges to be designated by~~ 6188
~~the presiding judge or chief justice of that court, and in case~~ 6189
~~there is neither a presiding judge nor a chief justice, by the~~ 6190
~~chief justice of the supreme court. The judges or a majority of~~ 6191
~~them may decide all questions of fact and law arising upon the~~ 6192
~~trial; however the accused shall not be found guilty or not~~ 6193
~~guilty of any offense unless the judges unanimously find the~~ 6194
~~accused guilty or not guilty. If the accused pleads guilty of~~ 6195
~~aggravated murder, a court composed of three judges shall~~ 6196

~~examine the witnesses, determine whether the accused is guilty of aggravated murder or any other offense, and pronounce sentence accordingly. The court shall follow the procedures contained in sections 2929.03 and 2929.04 of the Revised Code in all cases in which the accused is charged with an offense punishable by death. If in the composition of the court it is necessary that a judge from another county be assigned by the chief justice, the judge from another county shall be compensated for his services as provided by section 141.07 of the Revised Code.~~

Sec. 2945.10. The trial of an issue upon an indictment or information shall proceed before the trial court or jury as follows:

(A) Counsel for the state must first state the case for the prosecution, and may briefly state the evidence by which the counsel for the state expects to sustain it.

(B) The defendant or the defendant's counsel must then state the defense, and may briefly state the evidence which the defendant or the defendant's counsel expects to offer in support of it.

(C) The state must first produce its evidence and the defendant shall then produce the defendant's evidence.

(D) The state will then be confined to rebutting evidence, but the court, for good reason, in furtherance of justice, may permit evidence to be offered by either side out of its order.

(E) When the evidence is concluded, ~~one of the following applies regarding jury instructions:~~

~~(1) In a capital case that is being heard by a jury, the court shall prepare written instructions to the jury on the~~

~~points of law, shall provide copies of the written instructions-~~ 6226
~~to the jury before orally instructing the jury, and shall permit~~ 6227
~~the jury to retain and consult the instructions during the~~ 6228
~~court's presentation of the oral instructions and during the~~ 6229
~~jury's deliberations.~~ 6230

~~(2) In a case that is not a capital case,~~ either party may 6231
request instructions to the jury on the points of law, which 6232
instructions shall be reduced to writing if either party 6233
requests it. 6234

(F) When the evidence is concluded, unless the case is 6235
submitted without argument, the counsel for the state shall 6236
commence, the defendant or the defendant's counsel follow, and 6237
the counsel for the state conclude the argument to the jury. 6238

(G) The court, after the argument is concluded and before 6239
proceeding with other business, shall forthwith charge the jury. 6240
Such charge shall be reduced to writing by the court if either 6241
party requests it before the argument to the jury is commenced. 6242
Such charge, or other charge or instruction provided for in this 6243
section, when so written and given, shall not be orally 6244
qualified, modified, or explained to the jury by the court. 6245
Written charges and instructions shall be taken by the jury in 6246
their retirement and returned with their verdict into court and 6247
remain on file with the papers of the case. 6248

The court may deviate from the order of proceedings listed 6249
in this section. 6250

Sec. 2945.13. When two or more persons are jointly 6251
indicted for a felony, ~~except a capital offense,~~ they shall be 6252
tried jointly unless the court, for good cause shown on 6253
application therefor by the prosecuting attorney or one or more 6254

of said defendants, orders one or more of said defendants to be
tried separately.

Sec. 2945.21. (A) (1) In criminal cases in which there is
only one defendant, each party, in addition to the challenges
for cause authorized by law, may peremptorily challenge three of
the jurors in misdemeanor cases ~~and, four of the jurors in~~
felony cases other than ~~capital cases~~ that may subject the
defendant to a sentence of life imprisonment, and six of the
jurors in cases that may subject the defendant to a sentence of
life imprisonment. If there is more than one defendant, each
defendant may peremptorily challenge the same number of jurors
as if ~~he~~ the defendant were the sole defendant.

~~(2) Notwithstanding Criminal Rule 24, in capital cases in~~
~~which there is only one defendant, each party, in addition to~~
~~the challenges for cause authorized by law, may peremptorily~~
~~challenge twelve of the jurors. If there is more than one~~
~~defendant, each defendant may peremptorily challenge the same~~
~~number of jurors as if he were the sole defendant.~~

~~(3)~~ In any case in which there are multiple defendants,
the prosecuting attorney may peremptorily challenge a number of
jurors equal to the total number of peremptory challenges
allowed to all of the defendants.

(B) If any indictments, informations, or complaints are
consolidated for trial, the consolidated cases shall be
considered, for purposes of exercising peremptory challenges, as
though the defendants or offenses had been joined in the same
indictment, information, or complaint.

(C) The exercise of peremptory challenges authorized by
this section shall be in accordance with the procedures of

Criminal Rule 24. 6284

Sec. 2945.25. A person called as a juror in a criminal 6285
case may be challenged for the following causes: 6286

(A) That the person was a member of the grand jury that 6287
found the indictment in the case; 6288

(B) That the person is possessed of a state of mind 6289
evincing enmity or bias toward the defendant or the state; but 6290
no person summoned as a juror shall be disqualified by reason of 6291
a previously formed or expressed opinion with reference to the 6292
guilt or innocence of the accused, if the court is satisfied, 6293
from examination of the juror or from other evidence, that the 6294
juror will render an impartial verdict according to the law and 6295
the evidence submitted to the jury at the trial; 6296

~~(C) In the trial of a capital offense, that the person~~ 6297
~~unequivocally states that under no circumstances will the person~~ 6298
~~follow the instructions of a trial judge and consider fairly the~~ 6299
~~imposition of a sentence of death in a particular case. A~~ 6300
~~prospective juror's conscientious or religious opposition to the~~ 6301
~~death penalty in and of itself is not grounds for a challenge~~ 6302
~~for cause. All parties shall be given wide latitude in voir dire~~ 6303
~~questioning in this regard.~~ 6304

~~(D)~~ That the person is related by consanguinity or 6305
affinity within the fifth degree to the person alleged to be 6306
injured or attempted to be injured by the offense charged, or to 6307
the person on whose complaint the prosecution was instituted, or 6308
to the defendant; 6309

~~(E)~~ (D) That the person served on a petit jury drawn in 6310
the same cause against the same defendant, and that jury was 6311
discharged after hearing the evidence or rendering a verdict on 6312

the evidence that was set aside; 6313

~~(F)~~ (E) That the person served as a juror in a civil case 6314
brought against the defendant for the same act; 6315

~~(G)~~ (F) That the person has been subpoenaed in good faith 6316
as a witness in the case; 6317

~~(H)~~ (G) That the person has chronic alcoholism, or a drug 6318
dependency; 6319

~~(I)~~ (H) That the person has been convicted of a crime that 6320
by law disqualifies the person from serving on a jury; 6321

~~(J)~~ (I) That the person has an action pending between the 6322
person and the state or the defendant; 6323

~~(K)~~ (J) That the person or the person's spouse is a party 6324
to another action then pending in any court in which an attorney 6325
in the cause then on trial is an attorney, either for or against 6326
the person; 6327

~~(L)~~ (K) That the person is the person alleged to be 6328
injured or attempted to be injured by the offense charged, or is 6329
the person on whose complaint the prosecution was instituted, or 6330
the defendant; 6331

~~(M)~~ (L) That the person is the employer or employee, or 6332
the spouse, parent, son, or daughter of the employer or 6333
employee, or the counselor, agent, or attorney of any person 6334
included in division ~~(L)~~ (K) of this section; 6335

~~(N)~~ (M) That English is not the person's native language, 6336
and the person's knowledge of English is insufficient to permit 6337
the person to understand the facts and law in the case; 6338

~~(O)~~ (N) That the person otherwise is unsuitable for any 6339

other cause to serve as a juror. 6340

The validity of each challenge listed in this section 6341
shall be determined by the court. 6342

Sec. 2945.33. When a cause is finally submitted the jurors 6343
must be kept together in a convenient place under the charge of 6344
an officer until they agree upon a verdict, or are discharged by 6345
the court. The court, ~~except in cases where the offense charged~~ 6346
~~may be punishable by death,~~ may permit the jurors to separate 6347
during the adjournment of court overnight, under proper 6348
cautions, or under supervision of an officer. Such officer shall 6349
not permit a communication to be made to them, nor make any 6350
himself communication to them except to ask if they have agreed 6351
upon a verdict, unless ~~he~~ the officer does so by order of the 6352
court. Such officer shall not communicate to any person, before 6353
the verdict is delivered, any matter in relation to their 6354
deliberation. Upon the trial of any prosecution for misdemeanor, 6355
the court may permit the jury to separate during their 6356
deliberation, or upon adjournment of the court overnight. 6357

~~In cases where the offense charged may be punished by~~ 6358
~~death, after the case is finally submitted to the jury, the~~ 6359
~~jurors shall be kept in charge of the proper officer and proper~~ 6360
~~arrangements for their care and maintenance shall be made as~~ 6361
~~under section 2945.31 of the Revised Code.~~ 6362

Sec. 2945.38. (A) If the issue of a defendant's competence 6363
to stand trial is raised and if the court, upon conducting the 6364
hearing provided for in section 2945.37 of the Revised Code, 6365
finds that the defendant is competent to stand trial, the 6366
defendant shall be proceeded against as provided by law. If the 6367
court finds the defendant competent to stand trial and the 6368
defendant is receiving psychotropic drugs or other medication, 6369

the court may authorize the continued administration of the 6370
drugs or medication or other appropriate treatment in order to 6371
maintain the defendant's competence to stand trial, unless the 6372
defendant's attending physician advises the court against 6373
continuation of the drugs, other medication, or treatment. 6374

(B) (1) (a) (i) If the defendant has been charged with a 6375
felony offense or a misdemeanor offense of violence for which 6376
the prosecutor has not recommended the procedures under division 6377
(B) (1) (a) (vi) of this section and if, after taking into 6378
consideration all relevant reports, information, and other 6379
evidence, the court finds that the defendant is incompetent to 6380
stand trial and that there is a substantial probability that the 6381
defendant will become competent to stand trial within one year 6382
if the defendant is provided with a course of treatment, the 6383
court shall order the defendant to undergo treatment. 6384

(ii) If the defendant has been charged with a felony 6385
offense and if, after taking into consideration all relevant 6386
reports, information, and other evidence, the court finds that 6387
the defendant is incompetent to stand trial, but the court is 6388
unable at that time to determine whether there is a substantial 6389
probability that the defendant will become competent to stand 6390
trial within one year if the defendant is provided with a course 6391
of treatment, the court shall order continuing evaluation and 6392
treatment of the defendant for a period not to exceed four 6393
months to determine whether there is a substantial probability 6394
that the defendant will become competent to stand trial within 6395
one year if the defendant is provided with a course of 6396
treatment. 6397

(iii) If the defendant has not been charged with a felony 6398
offense but has been charged with a misdemeanor offense of 6399

violence and if, after taking into consideration all relevant 6400
reports, information, and other evidence, the court finds that 6401
the defendant is incompetent to stand trial, but the court is 6402
unable at that time to determine whether there is a substantial 6403
probability that the defendant will become competent to stand 6404
trial within the time frame permitted under division (C) (1) of 6405
this section, the court may order continuing evaluation and 6406
treatment of the defendant for a period not to exceed the 6407
maximum period permitted under that division. 6408

(iv) If the defendant has not been charged with a felony 6409
offense or a misdemeanor offense of violence, but has been 6410
charged with a misdemeanor offense that is not a misdemeanor 6411
offense of violence and if, after taking into consideration all 6412
relevant reports, information, and other evidence, the court 6413
finds that the defendant is incompetent to stand trial, but the 6414
court is unable at that time to determine whether there is a 6415
substantial probability that the defendant will become competent 6416
to stand trial within the time frame permitted under division 6417
(C) (1) of this section, the court shall dismiss the charges and 6418
follow the process outlined in division (B) (1) (a) (v) (I) of this 6419
section. 6420

(v) If the defendant has not been charged with a felony 6421
offense or a misdemeanor offense of violence, or if the 6422
defendant has been charged with a misdemeanor offense of 6423
violence and the prosecutor has recommended the procedures under 6424
division (B) (1) (a) (vi) of this section, and if, after taking 6425
into consideration all relevant reports, information, and other 6426
evidence, the trial court finds that the defendant is 6427
incompetent to stand trial, the trial court shall do one of the 6428
following: 6429

(I) Dismiss the charges pending against the defendant. A 6430
dismissal under this division is not a bar to further 6431
prosecution based on the same conduct. Upon dismissal of the 6432
charges, the trial court shall discharge the defendant unless 6433
the court or prosecutor, after consideration of the requirements 6434
of section 5122.11 of the Revised Code, files an affidavit in 6435
probate court alleging that the defendant is a mentally ill 6436
person subject to court order or a person with an intellectual 6437
disability subject to institutionalization by court order. If an 6438
affidavit is filed in probate court, the trial court may detain 6439
the defendant for ten days pending a hearing in the probate 6440
court and shall send to the probate court copies of all written 6441
reports of the defendant's mental condition that were prepared 6442
pursuant to section 2945.371 of the Revised Code. The trial 6443
court or prosecutor shall specify in the appropriate space on 6444
the affidavit that the defendant is a person described in this 6445
subdivision. 6446

(II) Order the defendant to undergo outpatient competency 6447
restoration treatment at a facility operated or certified by the 6448
department of mental health and addiction services as being 6449
qualified to treat mental illness, at a public or community 6450
mental health facility, or in the care of a psychiatrist or 6451
other mental health professional. If a defendant who has been 6452
released on bail or recognizance refuses to comply with court- 6453
ordered outpatient treatment under this division, the court may 6454
dismiss the charges pending against the defendant and proceed 6455
under division (B) (1) (a) (v) (I) of this section or may amend the 6456
conditions of bail or recognizance and order the sheriff to take 6457
the defendant into custody and deliver the defendant to a 6458
center, program, or facility operated or certified by the 6459
department of mental health and addiction services for 6460

treatment. 6461

(vi) If the defendant has not been charged with a felony 6462
offense but has been charged with a misdemeanor offense of 6463
violence and after taking into consideration all relevant 6464
reports, information, and other evidence, the court finds that 6465
the defendant is incompetent to stand trial, the prosecutor in 6466
the case may recommend that the court follow the procedures 6467
prescribed in division (B)(1)(a)(v) of this section. If the 6468
prosecutor does not make such a recommendation, the court shall 6469
follow the procedures in division (B)(1)(a)(i) of this section. 6470

(b) The court order for the defendant to undergo treatment 6471
or continuing evaluation and treatment under division (B)(1)(a) 6472
of this section shall specify that the defendant, if determined 6473
to require mental health treatment or continuing evaluation and 6474
treatment, either shall be committed to the department of mental 6475
health and addiction services for treatment or continuing 6476
evaluation and treatment at a hospital, facility, or agency, as 6477
determined to be clinically appropriate by the department of 6478
mental health and addiction services or shall be committed to a 6479
facility certified by the department of mental health and 6480
addiction services as being qualified to treat mental illness, 6481
to a public or community mental health facility, or to a 6482
psychiatrist or another mental health professional for treatment 6483
or continuing evaluation and treatment. Prior to placing the 6484
defendant, the department of mental health and addiction 6485
services shall obtain court approval for that placement 6486
following a hearing. The court order for the defendant to 6487
undergo treatment or continuing evaluation and treatment under 6488
division (B)(1)(a) of this section shall specify that the 6489
defendant, if determined to require treatment or continuing 6490
evaluation and treatment for an intellectual disability, shall 6491

receive treatment or continuing evaluation and treatment at an 6492
institution or facility operated by the department of 6493
developmental disabilities, at a facility certified by the 6494
department of developmental disabilities as being qualified to 6495
treat intellectual disabilities, at a public or private 6496
intellectual disabilities facility, or by a psychiatrist or 6497
another intellectual disabilities professional. In any case, the 6498
order may restrict the defendant's freedom of movement as the 6499
court considers necessary. The prosecutor in the defendant's 6500
case shall send to the chief clinical officer of the hospital, 6501
facility, or agency where the defendant is placed by the 6502
department of mental health and addiction services, or to the 6503
managing officer of the institution, the director of the program 6504
or facility, or the person to which the defendant is committed, 6505
copies of relevant police reports and other background 6506
information that pertains to the defendant and is available to 6507
the prosecutor unless the prosecutor determines that the release 6508
of any of the information in the police reports or any of the 6509
other background information to unauthorized persons would 6510
interfere with the effective prosecution of any person or would 6511
create a substantial risk of harm to any person. 6512

In determining the place of commitment, the court shall 6513
consider the extent to which the person is a danger to the 6514
person and to others, the need for security, the availability of 6515
housing and supportive services, including outpatient mental 6516
health services in the community, and the type of crime involved 6517
and shall order the least restrictive alternative available that 6518
is consistent with public safety and treatment goals. In 6519
weighing these factors, the court shall give preference to 6520
protecting public safety and the availability of housing and 6521
supportive services. 6522

(c) If the defendant is found incompetent to stand trial, 6523
if the chief clinical officer of the hospital, facility, or 6524
agency where the defendant is placed, or the managing officer of 6525
the institution, the director of the program or facility, or the 6526
person to which the defendant is committed for treatment or 6527
continuing evaluation and treatment under division (B)(1)(b) of 6528
this section determines that medication is necessary to restore 6529
the defendant's competency to stand trial, and if the defendant 6530
lacks the capacity to give informed consent or refuses 6531
medication, the chief clinical officer of the hospital, 6532
facility, or agency where the defendant is placed, or the 6533
managing officer of the institution, the director of the program 6534
or facility, or the person to which the defendant is committed 6535
for treatment or continuing evaluation and treatment may 6536
petition the court for authorization for the involuntary 6537
administration of medication. The court shall hold a hearing on 6538
the petition within five days of the filing of the petition if 6539
the petition was filed in a municipal court or a county court 6540
regarding an incompetent defendant charged with a misdemeanor or 6541
within ten days of the filing of the petition if the petition 6542
was filed in a court of common pleas regarding an incompetent 6543
defendant charged with a felony offense. Following the hearing, 6544
the court may authorize the involuntary administration of 6545
medication or may dismiss the petition. 6546

(2) If the court finds that the defendant is incompetent 6547
to stand trial and that, even if the defendant is provided with 6548
a course of treatment, there is not a substantial probability 6549
that the defendant will become competent to stand trial within 6550
one year, the court shall order the discharge of the defendant, 6551
unless upon motion of the prosecutor or on its own motion, the 6552
court either seeks to retain jurisdiction over the defendant 6553

pursuant to section 2945.39 of the Revised Code or files an 6554
affidavit in the probate court for the civil commitment of the 6555
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 6556
alleging that the defendant is a person with a mental illness 6557
subject to court order or a person with an intellectual 6558
disability subject to institutionalization by court order. If an 6559
affidavit is filed in the probate court, the trial court shall 6560
send to the probate court copies of all written reports of the 6561
defendant's mental condition that were prepared pursuant to 6562
section 2945.371 of the Revised Code. 6563

The trial court may issue the temporary order of detention 6564
that a probate court may issue under section 5122.11 or 5123.71 6565
of the Revised Code, to remain in effect until the probable 6566
cause or initial hearing in the probate court. Further 6567
proceedings in the probate court are civil proceedings governed 6568
by Chapter 5122. or 5123. of the Revised Code. 6569

(C) No defendant shall be required to undergo treatment, 6570
including any continuing evaluation and treatment, under 6571
division (B)(1) of this section for longer than whichever of the 6572
following periods is applicable: 6573

(1) One year, if the most serious offense with which the 6574
defendant is charged is one of the following offenses: 6575

(a) Aggravated murder, murder, or an offense of violence 6576
for which a sentence of ~~death or~~ life imprisonment may be 6577
imposed; 6578

(b) An offense of violence that is a felony of the first 6579
or second degree; 6580

(c) A conspiracy to commit, an attempt to commit, or 6581
complicity in the commission of an offense described in division 6582

(C) (1) (a) or (b) of this section if the conspiracy, attempt, or 6583
complicity is a felony of the first or second degree. 6584

(2) Six months, if the most serious offense with which the 6585
defendant is charged is a felony other than a felony described 6586
in division (C) (1) of this section; 6587

(3) Sixty days, if the most serious offense with which the 6588
defendant is charged is a misdemeanor of the first or second 6589
degree; 6590

(4) Thirty days, if the most serious offense with which 6591
the defendant is charged is a misdemeanor of the third or fourth 6592
degree, a minor misdemeanor, or an unclassified misdemeanor. 6593

(D) Any defendant who is committed pursuant to this 6594
section shall not voluntarily admit the defendant or be 6595
voluntarily admitted to a hospital or institution pursuant to 6596
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 6597
Code. 6598

(E) Except as otherwise provided in this division, a 6599
defendant who is charged with an offense and is committed by the 6600
court under this section to the department of mental health and 6601
addiction services or is committed to an institution or facility 6602
for the treatment of intellectual disabilities shall not be 6603
granted unsupervised on-grounds movement, supervised off-grounds 6604
movement, or nonsecured status except in accordance with the 6605
court order. The court may grant a defendant supervised off- 6606
grounds movement to obtain medical treatment or specialized 6607
habilitation treatment services if the person who supervises the 6608
treatment or the continuing evaluation and treatment of the 6609
defendant ordered under division (B) (1) (a) of this section 6610
informs the court that the treatment or continuing evaluation 6611

and treatment cannot be provided at the hospital or facility 6612
where the defendant is placed by the department of mental health 6613
and addiction services or the institution or facility to which 6614
the defendant is committed. The chief clinical officer of the 6615
hospital or facility where the defendant is placed by the 6616
department of mental health and addiction services or the 6617
managing officer of the institution or director of the facility 6618
to which the defendant is committed, or a designee of any of 6619
those persons, may grant a defendant movement to a medical 6620
facility for an emergency medical situation with appropriate 6621
supervision to ensure the safety of the defendant, staff, and 6622
community during that emergency medical situation. The chief 6623
clinical officer of the hospital or facility where the defendant 6624
is placed by the department of mental health and addiction 6625
services or the managing officer of the institution or director 6626
of the facility to which the defendant is committed shall notify 6627
the court within twenty-four hours of the defendant's movement 6628
to the medical facility for an emergency medical situation under 6629
this division. 6630

(F) The person who supervises the treatment or continuing 6631
evaluation and treatment of a defendant ordered to undergo 6632
treatment or continuing evaluation and treatment under division 6633
(B) (1) (a) of this section shall file a written report with the 6634
court at the following times: 6635

(1) Whenever the person believes the defendant is capable 6636
of understanding the nature and objective of the proceedings 6637
against the defendant and of assisting in the defendant's 6638
defense; 6639

(2) For a felony offense, fourteen days before expiration 6640
of the maximum time for treatment as specified in division (C) 6641

of this section and fourteen days before the expiration of the 6642
maximum time for continuing evaluation and treatment as 6643
specified in division (B) (1) (a) of this section, and, for a 6644
misdemeanor offense, ten days before the expiration of the 6645
maximum time for treatment, as specified in division (C) of this 6646
section; 6647

(3) At a minimum, after each six months of treatment; 6648

(4) Whenever the person who supervises the treatment or 6649
continuing evaluation and treatment of a defendant ordered under 6650
division (B) (1) (a) of this section believes that there is not a 6651
substantial probability that the defendant will become capable 6652
of understanding the nature and objective of the proceedings 6653
against the defendant or of assisting in the defendant's defense 6654
even if the defendant is provided with a course of treatment. 6655

(G) A report under division (F) of this section shall 6656
contain the examiner's findings, the facts in reasonable detail 6657
on which the findings are based, and the examiner's opinion as 6658
to the defendant's capability of understanding the nature and 6659
objective of the proceedings against the defendant and of 6660
assisting in the defendant's defense. If, in the examiner's 6661
opinion, the defendant remains incapable of understanding the 6662
nature and objective of the proceedings against the defendant 6663
and of assisting in the defendant's defense and there is a 6664
substantial probability that the defendant will become capable 6665
of understanding the nature and objective of the proceedings 6666
against the defendant and of assisting in the defendant's 6667
defense if the defendant is provided with a course of treatment, 6668
if in the examiner's opinion the defendant continues to have a 6669
mental illness or an intellectual disability, and if the maximum 6670
time for treatment as specified in division (C) of this section 6671

has not expired, the report also shall contain the examiner's 6672
recommendation as to the least restrictive placement or 6673
commitment alternative that is consistent with the defendant's 6674
treatment needs for restoration to competency and with the 6675
safety of the community. The court shall provide copies of the 6676
report to the prosecutor and defense counsel. 6677

(H) If a defendant is committed pursuant to division (B) 6678
(1) of this section, within ten days after the treating 6679
physician of the defendant or the examiner of the defendant who 6680
is employed or retained by the treating facility advises that 6681
there is not a substantial probability that the defendant will 6682
become capable of understanding the nature and objective of the 6683
proceedings against the defendant or of assisting in the 6684
defendant's defense even if the defendant is provided with a 6685
course of treatment, within ten days after the expiration of the 6686
maximum time for treatment as specified in division (C) of this 6687
section, within ten days after the expiration of the maximum 6688
time for continuing evaluation and treatment as specified in 6689
division (B) (1) (a) of this section, within thirty days after a 6690
defendant's request for a hearing that is made after six months 6691
of treatment, or within thirty days after being advised by the 6692
treating physician or examiner that the defendant is competent 6693
to stand trial, whichever is the earliest, the court shall 6694
conduct another hearing to determine if the defendant is 6695
competent to stand trial and shall do whichever of the following 6696
is applicable: 6697

(1) If the court finds that the defendant is competent to 6698
stand trial, the defendant shall be proceeded against as 6699
provided by law. 6700

(2) If the court finds that the defendant is incompetent 6701

to stand trial, but that there is a substantial probability that 6702
the defendant will become competent to stand trial if the 6703
defendant is provided with a course of treatment, and the 6704
maximum time for treatment as specified in division (C) of this 6705
section has not expired, the court, after consideration of the 6706
examiner's recommendation, shall order that treatment be 6707
continued, may change the facility or program at which the 6708
treatment is to be continued, and shall specify whether the 6709
treatment is to be continued at the same or a different facility 6710
or program. 6711

(3) If the court finds that the defendant is incompetent 6712
to stand trial, if the defendant is charged with an offense 6713
listed in division (C)(1) of this section, and if the court 6714
finds that there is not a substantial probability that the 6715
defendant will become competent to stand trial even if the 6716
defendant is provided with a course of treatment, or if the 6717
maximum time for treatment relative to that offense as specified 6718
in division (C) of this section has expired, further proceedings 6719
shall be as provided in sections 2945.39, 2945.401, and 2945.402 6720
of the Revised Code. 6721

(4) If the court finds that the defendant is incompetent 6722
to stand trial, if the most serious offense with which the 6723
defendant is charged is a misdemeanor or a felony other than a 6724
felony listed in division (C)(1) of this section, and if the 6725
court finds that there is not a substantial probability that the 6726
defendant will become competent to stand trial even if the 6727
defendant is provided with a course of treatment, or if the 6728
maximum time for treatment relative to that offense as specified 6729
in division (C) of this section has expired, the court shall 6730
dismiss the indictment, information, or complaint against the 6731
defendant. A dismissal under this division is not a bar to 6732

further prosecution based on the same conduct. The court shall
discharge the defendant unless the court or prosecutor files an
affidavit in probate court for civil commitment pursuant to
Chapter 5122. or 5123. of the Revised Code. If an affidavit for
civil commitment is filed, the court may detain the defendant
for ten days pending civil commitment and shall send to the
probate court copies of all written reports of the defendant's
mental condition prepared pursuant to section 2945.371 of the
Revised Code.

All of the following provisions apply to persons charged
with a misdemeanor or a felony other than a felony listed in
division (C)(1) of this section who are committed by the probate
court subsequent to the court's or prosecutor's filing of an
affidavit for civil commitment under authority of this division:

(a) The chief clinical officer of the entity, hospital, or
facility, the managing officer of the institution, the director
of the program, or the person to which the defendant is
committed or admitted shall do all of the following:

(i) Notify the prosecutor, in writing, of the discharge of
the defendant, send the notice at least ten days prior to the
discharge unless the discharge is by the probate court, and
state in the notice the date on which the defendant will be
discharged;

(ii) Notify the prosecutor, in writing, when the defendant
is absent without leave or is granted unsupervised, off-grounds
movement, and send this notice promptly after the discovery of
the absence without leave or prior to the granting of the
unsupervised, off-grounds movement, whichever is applicable;

(iii) Notify the prosecutor, in writing, of the change of

the defendant's commitment or admission to voluntary status, 6762
send the notice promptly upon learning of the change to 6763
voluntary status, and state in the notice the date on which the 6764
defendant was committed or admitted on a voluntary status. 6765

(b) Upon receiving notice that the defendant will be 6766
granted unsupervised, off-grounds movement, the prosecutor 6767
either shall re-indict the defendant or promptly notify the 6768
court that the prosecutor does not intend to prosecute the 6769
charges against the defendant. 6770

(I) If a defendant is convicted of a crime and sentenced 6771
to a jail or workhouse, the defendant's sentence shall be 6772
reduced by the total number of days the defendant is confined 6773
for evaluation to determine the defendant's competence to stand 6774
trial or treatment under this section and sections 2945.37 and 6775
2945.371 of the Revised Code or by the total number of days the 6776
defendant is confined for evaluation to determine the 6777
defendant's mental condition at the time of the offense charged. 6778

Sec. 2949.02. (A) If a person is convicted of any bailable 6779
offense, including, but not limited to, a violation of an 6780
ordinance of a municipal corporation, in a municipal or county 6781
court or in a court of common pleas and if the person gives to 6782
the trial judge or magistrate a written notice of the person's 6783
intention to file or apply for leave to file an appeal to the 6784
court of appeals, the trial judge or magistrate may suspend, ~~7~~ 6785
~~subject to division (A) (2) (b) of section 2953.09 of the Revised~~ 6786
~~Code,~~ execution of the sentence or judgment imposed for any 6787
fixed time that will give the person time either to prepare and 6788
file, or to apply for leave to file, the appeal. In all bailable 6789
cases, except as provided in division (B) of this section, the 6790
trial judge or magistrate may release the person on bail in 6791

accordance with Criminal Rule 46, and the bail shall at least be 6792
conditioned that the person will appeal without delay and abide 6793
by the judgment and sentence of the court. 6794

(B) Notwithstanding any provision of Criminal Rule 46 to 6795
the contrary, a trial judge of a court of common pleas shall not 6796
release on bail pursuant to division (A) of this section a 6797
person who is convicted of a bailable offense if the person is 6798
sentenced to imprisonment for life or if that offense is a 6799
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6800
2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 6801
2911.02, or 2911.11 of the Revised Code or is felonious sexual 6802
penetration in violation of former section 2907.12 of the 6803
Revised Code. 6804

(C) If a trial judge of a court of common pleas is 6805
prohibited by division (B) of this section from releasing on 6806
bail pursuant to division (A) of this section a person who is 6807
convicted of a bailable offense and not sentenced to 6808
imprisonment for life, the appropriate court of appeals or two 6809
judges of it, upon motion of such a person and for good cause 6810
shown, may release the person on bail in accordance with 6811
Appellate Rule 8 and Criminal Rule 46, and the bail shall at 6812
least be conditioned as described in division (A) of this 6813
section. 6814

Sec. 2949.03. If a judgment of conviction by a court of 6815
common pleas, municipal court, or county court is affirmed by a 6816
court of appeals and remanded to the trial court for execution 6817
of the sentence or judgment imposed, and the person so convicted 6818
gives notice of ~~his~~ the person's intention to file a notice of 6819
appeal to the supreme court, the trial court, on the filing of a 6820
motion by such person within three days after the rendition by 6821

the court of appeals of the judgment of affirmation, may further
suspend, ~~subject to division (A) (2) (b) of section 2953.09 of the~~
~~Revised Code,~~ the execution of the sentence or judgment imposed
for a time sufficient to give such person an opportunity to file
a notice of appeal to the supreme court, but the sentence or
judgment imposed shall not be suspended more than thirty days
for that purpose.

Sec. 2953.02. ~~In a capital case in which a sentence of~~
~~death is imposed for an offense committed before January 1,~~
~~1995, and in any other criminal case, including a conviction for~~
the violation of an ordinance of a municipal corporation, the
judgment or final order of a court of record inferior to the
court of appeals may be reviewed in the court of appeals. A
final order of an administrative officer or agency may be
reviewed in the court of common pleas. A judgment or final order
of the court of appeals involving a question arising under the
Constitution of the United States or of this state may be
appealed to the supreme court as a matter of right. This right
of appeal from judgments and final orders of the court of
appeals shall extend to ~~cases in which a sentence of death is~~
~~imposed for an offense committed before January 1, 1995, and in~~
~~which the death penalty has been affirmed,~~ felony cases in which
the supreme court has directed the court of appeals to certify
its record, and in all other criminal cases of public or general
interest wherein the supreme court has granted a motion to
certify the record of the court of appeals. ~~In a capital case in~~
~~which a sentence of death is imposed for an offense committed on~~
~~or after January 1, 1995, the judgment or final order may be~~
~~appealed from the trial court directly to the supreme court as a~~
~~matter of right.~~ The supreme court in criminal cases shall not
be required to determine as to the weight of the evidence,

~~except that, in cases in which a sentence of death is imposed~~ 6853
~~for an offense committed on or after January 1, 1995, and in~~ 6854
~~which the question of the weight of the evidence to support the~~ 6855
~~judgment has been raised on appeal, the supreme court shall~~ 6856
~~determine as to the weight of the evidence to support the~~ 6857
~~judgment and shall determine as to the weight of the evidence to~~ 6858
~~support the sentence of death as provided in section 2929.05 of~~ 6859
~~the Revised Code.~~ 6860

Sec. 2953.07. ~~(A)~~ Upon the hearing of an appeal other than 6861
an appeal from a mayor's court, the appellate court may affirm 6862
the judgment or reverse it, in whole or in part, or modify it, 6863
and order the accused to be discharged or grant a new trial. The 6864
appellate court may remand the accused for the sole purpose of 6865
correcting a sentence imposed contrary to law, provided that, on 6866
an appeal of a sentence imposed upon a person who is convicted 6867
of or pleads guilty to a felony that is brought under section 6868
2953.08 of the Revised Code, division (G) of that section 6869
applies to the court. If the judgment is reversed, the appellant 6870
shall recover from the appellee all court costs incurred to 6871
secure the reversal, including the cost of transcripts. ~~In~~ 6872
~~capital cases, when the judgment is affirmed and the day fixed~~ 6873
~~for the execution is passed, the appellate court shall appoint a~~ 6874
~~day for it, and the clerk of the appellate court shall issue a~~ 6875
~~warrant under the seal of the appellate court, to the sheriff of~~ 6876
~~the proper county, or the warden of the appropriate state~~ 6877
~~correctional institution, commanding the sheriff or warden to~~ 6878
~~carry the sentence into execution on the day so appointed. The~~ 6879
~~sheriff or warden shall execute and return the warrant as in~~ 6880
~~other cases, and the clerk shall record the warrant and return.~~ 6881

~~(B) As used in this section, "appellate court" means, for~~ 6882
~~a case in which a sentence of death is imposed for an offense~~ 6883

~~committed before January 1, 1995, both the court of appeals and~~ 6884
~~the supreme court, and for a case in which a sentence of death~~ 6885
~~is imposed for an offense committed on or after January 1, 1995,~~ 6886
~~the supreme court.~~ 6887

Sec. 2953.08. (A) In addition to any other right to appeal 6888
and except as provided in division (D) of this section, a 6889
defendant who is convicted of or pleads guilty to a felony may 6890
appeal as a matter of right the sentence imposed upon the 6891
defendant on one of the following grounds: 6892

(1) The sentence consisted of or included the maximum 6893
definite prison term allowed for the offense by division (A) of 6894
section 2929.14 or section 2929.142 of the Revised Code or, with 6895
respect to a non-life felony indefinite prison term, the longest 6896
minimum prison term allowed for the offense by division (A) (1) 6897
(a) or (2) (a) of section 2929.14 of the Revised Code, the 6898
maximum definite prison term or longest minimum prison term was 6899
not required for the offense pursuant to Chapter 2925. or any 6900
other provision of the Revised Code, and the court imposed the 6901
sentence under one of the following circumstances: 6902

(a) The sentence was imposed for only one offense. 6903

(b) The sentence was imposed for two or more offenses 6904
arising out of a single incident, and the court imposed the 6905
maximum definite prison term or longest minimum prison term for 6906
the offense of the highest degree. 6907

(2) The sentence consisted of or included a prison term 6908
and the offense for which it was imposed is a felony of the 6909
fourth or fifth degree or is a felony drug offense that is a 6910
violation of a provision of Chapter 2925. of the Revised Code 6911
and that is specified as being subject to division (B) of 6912

section 2929.13 of the Revised Code for purposes of sentencing. 6913
If the court specifies that it found one or more of the factors 6914
in division (B) (1) (b) of section 2929.13 of the Revised Code to 6915
apply relative to the defendant, the defendant is not entitled 6916
under this division to appeal as a matter of right the sentence 6917
imposed upon the offender. 6918

(3) The person was convicted of or pleaded guilty to a 6919
violent sex offense or a designated homicide, assault, or 6920
kidnapping offense, was adjudicated a sexually violent predator 6921
in relation to that offense, and was sentenced pursuant to 6922
division (A) (3) of section 2971.03 of the Revised Code, if the 6923
minimum term of the indefinite term imposed pursuant to division 6924
(A) (3) of section 2971.03 of the Revised Code is the longest 6925
term available for the offense from among the range of definite 6926
terms listed in section 2929.14 of the Revised Code or, with 6927
respect to a non-life felony indefinite prison term, the longest 6928
minimum prison term allowed for the offense by division (A) (1) 6929
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 6930
this division, "designated homicide, assault, or kidnapping 6931
offense" and "violent sex offense" have the same meanings as in 6932
section 2971.01 of the Revised Code. As used in this division, 6933
"adjudicated a sexually violent predator" has the same meaning 6934
as in section 2929.01 of the Revised Code, and a person is 6935
"adjudicated a sexually violent predator" in the same manner and 6936
the same circumstances as are described in that section. 6937

(4) The sentence is contrary to law. 6938

(5) The sentence consisted of an additional prison term of 6939
ten years imposed pursuant to division (B) (2) (a) of section 6940
2929.14 of the Revised Code. 6941

(B) In addition to any other right to appeal and except as 6942

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

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

(2) The sentence is contrary to law.

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

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave to appeal a sentence imposed upon the defendant on the basis that the sentencing judge has imposed consecutive sentences under division (C)(3) of section 2929.14 of the Revised Code and that the consecutive sentences exceed the maximum definite prison term allowed by division (A) of that section for the most serious offense of which the defendant was convicted or, with respect to a non-life felony indefinite prison term, exceed the longest minimum prison term allowed by division (A)(1)(a) or (2)(a) of that section for the most serious such offense. Upon the filing of a motion under this division, the court of appeals may

grant leave to appeal the sentence if the court determines that 6973
the allegation included as the basis of the motion is true. 6974

(2) A defendant may seek leave to appeal an additional 6975
sentence imposed upon the defendant pursuant to division (B)(2) 6976
(a) or (b) of section 2929.14 of the Revised Code if the 6977
additional sentence is for a definite prison term that is longer 6978
than five years. 6979

(D)(1) A sentence imposed upon a defendant is not subject 6980
to review under this section if the sentence is authorized by 6981
law, has been recommended jointly by the defendant and the 6982
prosecution in the case, and is imposed by a sentencing judge. 6983

(2) Except as provided in division (C)(2) of this section, 6984
a sentence imposed upon a defendant is not subject to review 6985
under this section if the sentence is imposed pursuant to 6986
division (B)(2)(b) of section 2929.14 of the Revised Code. 6987
Except as otherwise provided in this division, a defendant 6988
retains all rights to appeal as provided under this chapter or 6989
any other provision of the Revised Code. A defendant has the 6990
right to appeal under this chapter or any other provision of the 6991
Revised Code the court's application of division (B)(2)(c) of 6992
section 2929.14 of the Revised Code. 6993

(3) A sentence imposed for aggravated murder or murder 6994
pursuant to ~~sections~~section 2929.02 ~~to 2929.06~~ of the Revised 6995
Code is not subject to review under this section. 6996

(E) A defendant, prosecuting attorney, city director of 6997
law, village solicitor, or chief municipal legal officer shall 6998
file an appeal of a sentence under this section to a court of 6999
appeals within the time limits specified in Rule 4(B) of the 7000
Rules of Appellate Procedure, provided that if the appeal is 7001

pursuant to division (B)(3) of this section, the time limits 7002
specified in that rule shall not commence running until the 7003
court grants the motion that makes the sentence modification in 7004
question. A sentence appeal under this section shall be 7005
consolidated with any other appeal in the case. If no other 7006
appeal is filed, the court of appeals may review only the 7007
portions of the trial record that pertain to sentencing. 7008

(F) On the appeal of a sentence under this section, the 7009
record to be reviewed shall include all of the following, as 7010
applicable: 7011

(1) Any presentence, psychiatric, or other investigative 7012
report that was submitted to the court in writing before the 7013
sentence was imposed. An appellate court that reviews a 7014
presentence investigation report prepared pursuant to section 7015
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 7016
connection with the appeal of a sentence under this section 7017
shall comply with division (D)(3) of section 2951.03 of the 7018
Revised Code when the appellate court is not using the 7019
presentence investigation report, and the appellate court's use 7020
of a presentence investigation report of that nature in 7021
connection with the appeal of a sentence under this section does 7022
not affect the otherwise confidential character of the contents 7023
of that report as described in division (D)(1) of section 7024
2951.03 of the Revised Code and does not cause that report to 7025
become a public record, as defined in section 149.43 of the 7026
Revised Code, following the appellate court's use of the report. 7027

(2) The trial record in the case in which the sentence was 7028
imposed; 7029

(3) Any oral or written statements made to or by the court 7030
at the sentencing hearing at which the sentence was imposed; 7031

(4) Any written findings that the court was required to 7032
make in connection with the modification of the sentence 7033
pursuant to a judicial release under division (I) of section 7034
2929.20 of the Revised Code. 7035

(G) (1) If the sentencing court was required to make the 7036
findings required by division (B) or (D) of section 2929.13 or 7037
division (I) of section 2929.20 of the Revised Code, or to state 7038
the findings of the trier of fact required by division (B) (2) (e) 7039
of section 2929.14 of the Revised Code, relative to the 7040
imposition or modification of the sentence, and if the 7041
sentencing court failed to state the required findings on the 7042
record, the court hearing an appeal under division (A), (B), or 7043
(C) of this section shall remand the case to the sentencing 7044
court and instruct the sentencing court to state, on the record, 7045
the required findings. 7046

(2) The court hearing an appeal under division (A), (B), 7047
or (C) of this section shall review the record, including the 7048
findings underlying the sentence or modification given by the 7049
sentencing court. 7050

The appellate court may increase, reduce, or otherwise 7051
modify a sentence that is appealed under this section or may 7052
vacate the sentence and remand the matter to the sentencing 7053
court for resentencing. The appellate court's standard for 7054
review is not whether the sentencing court abused its 7055
discretion. The appellate court may take any action authorized 7056
by this division if it clearly and convincingly finds either of 7057
the following: 7058

(a) That the record does not support the sentencing 7059
court's findings under division (B) or (D) of section 2929.13, 7060
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 7061

of section 2929.20 of the Revised Code, whichever, if any, is 7062
relevant; 7063

(b) That the sentence is otherwise contrary to law. 7064

(H) A judgment or final order of a court of appeals under 7065
this section may be appealed, by leave of court, to the supreme 7066
court. 7067

(I) As used in this section, "non-life felony indefinite 7068
prison term" has the same meaning as in section 2929.01 of the 7069
Revised Code. 7070

Sec. 2953.09. (A) (1) Upon filing an appeal in the supreme 7071
court, the execution of the sentence or judgment imposed in 7072
cases of felony is suspended. 7073

(2) ~~(a)~~ If a notice of appeal is filed pursuant to the 7074
Rules of Appellate Procedure by a defendant who is convicted in 7075
a municipal or county court or a court of common pleas of a 7076
felony or misdemeanor under the Revised Code or an ordinance of 7077
a municipal corporation, the filing of the notice of appeal does 7078
not suspend execution of the sentence or judgment imposed. 7079
However, consistent with divisions ~~(A) (2) (b)~~, ~~(B)~~, and (C) of 7080
this section, Appellate Rule 8, and Criminal Rule 46, the 7081
municipal or county court, court of common pleas, or court of 7082
appeals may suspend execution of the sentence or judgment 7083
imposed during the pendency of the appeal and shall determine 7084
whether that defendant is entitled to bail and the amount and 7085
nature of any bail that is required. The bail shall at least be 7086
conditioned that the defendant will prosecute the appeal without 7087
delay and abide by the judgment and sentence of the court. 7088

~~(b) (i) A court of common pleas or court of appeals may 7089
suspend the execution of a sentence of death imposed for an 7090~~

~~offense committed before January 1, 1995, only if no date for~~ 7091
~~execution has been set by the supreme court, good cause is shown~~ 7092
~~for the suspension, the defendant files a motion requesting the~~ 7093
~~suspension, and notice has been given to the prosecuting~~ 7094
~~attorney of the appropriate county.~~ 7095

~~(ii) A court of common pleas may suspend the execution of~~ 7096
~~a sentence of death imposed for an offense committed on or after~~ 7097
~~January 1, 1995, only if no date for execution has been set by~~ 7098
~~the supreme court, good cause is shown, the defendant files a~~ 7099
~~motion requesting the suspension, and notice has been given to~~ 7100
~~the prosecuting attorney of the appropriate county.~~ 7101

~~(iii) A court of common pleas or court of appeals may~~ 7102
~~suspend the execution of the sentence or judgment imposed for a~~ 7103
~~felony in a capital case in which a sentence of death is not~~ 7104
~~imposed only if no date for execution of the sentence has been~~ 7105
~~set by the supreme court, good cause is shown for the~~ 7106
~~suspension, the defendant files a motion requesting the~~ 7107
~~suspension, and only after notice has been given to the~~ 7108
~~prosecuting attorney of the appropriate county.~~ 7109

(B) Notwithstanding any provision of Criminal Rule 46 to 7110
the contrary, a trial judge of a court of common pleas shall not 7111
release on bail pursuant to division (A)(2)(a) of this section a 7112
defendant who is convicted of a bailable offense if the 7113
defendant is sentenced to imprisonment for life or if that 7114
offense is a violation of section 2903.01, 2903.02, 2903.03, 7115
2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 7116
2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious 7117
sexual penetration in violation of former section 2907.12 of the 7118
Revised Code. 7119

(C) If a trial judge of a court of common pleas is 7120

prohibited by division (B) of this section from releasing on 7121
bail pursuant to division (A) (2) ~~(a)~~ of this section a defendant 7122
who is convicted of a bailable offense and not sentenced to 7123
imprisonment for life, the appropriate court of appeals or two 7124
judges of it, upon motion of the defendant and for good cause 7125
shown, may release the defendant on bail in accordance with 7126
division (A) (2) of this section. 7127

Sec. 2953.10. When an appeal is taken from a court of 7128
appeals to the supreme court, the supreme court has the same 7129
power and authority to suspend the execution of sentence during 7130
the pendency of the appeal and admit the defendant to bail as 7131
does the court of appeals unless another section of the Revised 7132
Code or the Rules of Practice of the Supreme Court specify a 7133
distinct bail or suspension of sentence authority. 7134

~~When an appeal in a case in which a sentence of death is~~ 7135
~~imposed for an offense committed on or after January 1, 1995, is~~ 7136
~~taken directly from the trial court to the supreme court, the~~ 7137
~~supreme court has the same power and authority to suspend the~~ 7138
~~execution of the sentence during the pendency of the appeal and~~ 7139
~~admit the defendant to bail as does the court of appeals for~~ 7140
~~cases in which a sentence of death is imposed for an offense~~ 7141
~~committed before January 1, 1995, unless another section of the~~ 7142
~~Revised Code or the Rules of Practice of the Supreme Court~~ 7143
~~specify a distinct bail or suspension of sentence authority.~~ 7144

Sec. 2953.21. (A) (1) (a) A person in ~~any~~ either of the 7145
following categories may file a petition in the court that 7146
imposed sentence, stating the grounds for relief relied upon, 7147
and asking the court to vacate or set aside the judgment or 7148
sentence or to grant other appropriate relief: 7149

(i) Any person who has been convicted of a criminal 7150

offense or adjudicated a delinquent child and who claims that 7151
there was such a denial or infringement of the person's rights 7152
as to render the judgment void or voidable under the Ohio 7153
Constitution or the Constitution of the United States; 7154

~~(ii) Any person who has been convicted of a criminal 7155
offense and sentenced to death and who claims that there was a 7156
denial or infringement of the person's rights under either of 7157
those Constitutions that creates a reasonable probability of an 7158
altered verdict; 7159~~

~~(iii) Any person who has been convicted of a criminal 7160
offense that is a felony and who is an offender for whom DNA 7161
testing that was performed under sections 2953.71 to 2953.81 of 7162
the Revised Code or under former section 2953.82 of the Revised 7163
Code and analyzed in the context of and upon consideration of 7164
all available admissible evidence related to the person's case 7165
as described in division (D) of section 2953.74 of the Revised 7166
Code provided results that establish, by clear and convincing 7167
evidence, actual innocence of that felony offense ~~or, if the 7168
person was sentenced to death, establish, by clear and 7169
convincing evidence, actual innocence of the aggravating 7170
circumstance or circumstances the person was found guilty of 7171
committing and that is or are the basis of that sentence of 7172
death; 7173~~~~

~~(iv) Any person who has been convicted of aggravated 7174
murder and sentenced to death for the offense and who claims 7175
that the person had a serious mental illness at the time of the 7176
commission of the offense and that as a result the court should 7177
render void the sentence of death, with the filing of the 7178
petition constituting the waiver described in division (A) (3) (b) 7179
of this section. 7180~~

(b) A petitioner under division (A) (1) (a) of this section 7181
may file a supporting affidavit and other documentary evidence 7182
in support of the claim for relief. 7183

(c) As used in division (A) (1) (a) of this section: 7184

(i) "Actual innocence" means that, had the results of the 7185
DNA testing conducted under sections 2953.71 to 2953.81 of the 7186
Revised Code or under former section 2953.82 of the Revised Code 7187
been presented at trial, and had those results been analyzed in 7188
the context of and upon consideration of all available 7189
admissible evidence related to the person's case as described in 7190
division (D) of section 2953.74 of the Revised Code, no 7191
reasonable factfinder would have found the petitioner guilty of 7192
the offense of which the petitioner was convicted, ~~or, if the~~ 7193
~~person was sentenced to death, no reasonable factfinder would~~ 7194
~~have found the petitioner guilty of the aggravating circumstance~~ 7195
~~or circumstances the petitioner was found guilty of committing~~ 7196
~~and that is or are the basis of that sentence of death.~~ 7197

(ii) "Serious mental illness" has the same meaning as in 7198
section 2929.025 of the Revised Code. 7199

(d) As used in divisions (A) (1) (a) and (c) of this 7200
section, "former section 2953.82 of the Revised Code" means 7201
section 2953.82 of the Revised Code as it existed prior to July 7202
6, 2010. 7203

~~(e) At any time in conjunction with the filing of a~~ 7204
~~petition for postconviction relief under division (A) of this~~ 7205
~~section by a person who has been sentenced to death, or with the~~ 7206
~~litigation of a petition so filed, the court, for good cause~~ 7207
~~shown, may authorize the petitioner in seeking the~~ 7208
~~postconviction relief and the prosecuting attorney of the county~~ 7209

~~served by the court in defending the proceeding, to take~~ 7210
~~depositions and to issue subpoenas and subpoenas duces tecum in~~ 7211
~~accordance with divisions (A) (1) (e), (A) (1) (f), and (C) of this~~ 7212
~~section, and to any other form of discovery as in a civil action~~ 7213
~~that the court in its discretion permits. The court may limit~~ 7214
~~the extent of discovery under this division. In addition to~~ 7215
~~discovery that is relevant to the claim and was available under~~ 7216
~~Criminal Rule 16 through conclusion of the original criminal~~ 7217
~~trial, the court, for good cause shown, may authorize the~~ 7218
~~petitioner or prosecuting attorney to take depositions and issue~~ 7219
~~subpoenas and subpoenas duces tecum in either of the following~~ 7220
~~circumstances:~~ 7221

~~(i) For any witness who testified at trial or who was~~ 7222
~~disclosed by the state prior to trial, except as otherwise~~ 7223
~~provided in this division, the petitioner or prosecuting~~ 7224
~~attorney shows clear and convincing evidence that the witness is~~ 7225
~~material and that a deposition of the witness or the issuing of~~ 7226
~~a subpoena or subpoena duces tecum is of assistance in order to~~ 7227
~~substantiate or refute the petitioner's claim that there is a~~ 7228
~~reasonable probability of an altered verdict. This division does~~ 7229
~~not apply if the witness was unavailable for trial or would not~~ 7230
~~voluntarily be interviewed by the defendant or prosecuting~~ 7231
~~attorney.~~ 7232

~~(ii) For any witness with respect to whom division (A) (1)~~ 7233
~~(e) (i) of this section does not apply, the petitioner or~~ 7234
~~prosecuting attorney shows good cause that the witness is~~ 7235
~~material and that a deposition of the witness or the issuing of~~ 7236
~~a subpoena or subpoena duces tecum is of assistance in order to~~ 7237
~~substantiate or refute the petitioner's claim that there is a~~ 7238
~~reasonable probability of an altered verdict.~~ 7239

~~(f) If a person who has been sentenced to death and who
files a petition for postconviction relief under division (A) of
this section requests postconviction discovery as described in
division (A) (1) (e) of this section or if the prosecuting
attorney of the county served by the court requests
postconviction discovery as described in that division, within
ten days after the docketing of the request, or within any other
time that the court sets for good cause shown, the prosecuting
attorney shall respond by answer or motion to the petitioner's
request or the petitioner shall respond by answer or motion to
the prosecuting attorney's request, whichever is applicable.~~

~~(g) If a person who has been sentenced to death and who
files a petition for postconviction relief under division (A) of
this section requests postconviction discovery as described in
division (A) (1) (e) of this section or if the prosecuting
attorney of the county served by the court requests
postconviction discovery as described in that division, upon
motion by the petitioner, the prosecuting attorney, or the
person from whom discovery is sought, and for good cause shown,
the court in which the action is pending may make any order that
justice requires to protect a party or person from oppression or
undue burden or expense, including but not limited to the orders
described in divisions (A) (1) (h) (i) to (viii) of this section.
The court also may make any such order if, in its discretion, it
determines that the discovery sought would be irrelevant to the
claims made in the petition; and if the court makes any such
order on that basis, it shall explain in the order the reasons
why the discovery would be irrelevant.~~

~~(h) If a petitioner, prosecuting attorney, or person from
whom discovery is sought makes a motion for an order under
division (A) (1) (g) of this section and the order is denied in~~

~~whole or in part, the court, on terms and conditions as are~~ 7271
~~just, may order that any party or person provide or permit~~ 7272
~~discovery as described in division (A) (1) (c) of this section.~~ 7273
~~The provisions of Civil Rule 37 (A) (4) apply to the award of~~ 7274
~~expenses incurred in relation to the motion, except that in no~~ 7275
~~case shall a court require a petitioner who is indigent to pay~~ 7276
~~expenses under those provisions.~~ 7277

~~Before any person moves for an order under division (A) (1)~~ 7278
~~(g) of this section, that person shall make a reasonable effort~~ 7279
~~to resolve the matter through discussion with the petitioner or~~ 7280
~~prosecuting attorney seeking discovery. A motion for an order~~ 7281
~~under division (A) (1) (g) of this section shall be accompanied by~~ 7282
~~a statement reciting the effort made to resolve the matter in~~ 7283
~~accordance with this paragraph.~~ 7284

~~The orders that may be made under division (A) (1) (g) of~~ 7285
~~this section include, but are not limited to, any of the~~ 7286
~~following:~~ 7287

~~(i) That the discovery not be had;~~ 7288

~~(ii) That the discovery may be had only on specified terms~~ 7289
~~and conditions, including a designation of the time or place;~~ 7290

~~(iii) That the discovery may be had only by a method of~~ 7291
~~discovery other than that selected by the party seeking~~ 7292
~~discovery;~~ 7293

~~(iv) That certain matters not be inquired into or that the~~ 7294
~~scope of the discovery be limited to certain matters;~~ 7295

~~(v) That discovery be conducted with no one present except~~ 7296
~~persons designated by the court;~~ 7297

~~(vi) That a deposition after being sealed be opened only~~ 7298

~~by order of the court;~~ 7299

~~(vii) That a trade secret or other confidential research,~~ 7300
~~development, or commercial information not be disclosed or be~~ 7301
~~disclosed only in a designated way;~~ 7302

~~(viii) That the parties simultaneously file specified~~ 7303
~~documents or information enclosed in sealed envelopes to be~~ 7304
~~opened as directed by the court.~~ 7305

~~(i) Any postconviction discovery authorized under division~~ 7306
~~(A) (1) (e) of this section shall be completed not later than~~ 7307
~~eighteen months after the start of the discovery proceedings~~ 7308
~~unless, for good cause shown, the court extends that period for~~ 7309
~~completing the discovery.~~ 7310

~~(j) Nothing in division (A) (1) (e) of this section~~ 7311
~~authorizes, or shall be construed as authorizing, the~~ 7312
~~relitigation, or discovery in support of relitigation, of any~~ 7313
~~matter barred by the doctrine of res judicata.~~ 7314

~~(k) Division (A) (1) of this section does not apply to any~~ 7315
~~person who has been convicted of a criminal offense and~~ 7316
~~sentenced to death and who has unsuccessfully raised the same~~ 7317
~~claims in a petition for postconviction relief.~~ 7318

(2) (a) Except as otherwise provided in section 2953.23 of 7319
the Revised Code, a petition under division ~~(A) (1) (a) (i), (ii),~~ 7320
~~or (iii)~~ (A) (1) (a) of this section shall be filed no later than 7321
three hundred sixty-five days after the date on which the trial 7322
transcript is filed in the court of appeals in the direct appeal 7323
of the judgment of conviction or adjudication ~~or, if the direct~~ 7324
~~appeal involves a sentence of death, the date on which the trial~~ 7325
~~transcript is filed in the supreme court.~~ If no appeal is taken, 7326
except as otherwise provided in section 2953.23 of the Revised 7327

Code, the petition shall be filed no later than three hundred 7328
sixty-five days after the expiration of the time for filing the 7329
appeal. 7330

(b) Except as otherwise provided in section 2953.23 of the 7331
Revised Code, a petition under division (A) (1) (a) (iv) of this 7332
section shall be filed not later than three hundred sixty-five 7333
days after ~~the effective date of this amendment~~ April 12, 2021. 7334

~~(3) (a) In a petition filed under division (A) (1) (a) (i),~~ 7335
~~(ii), or (iii) of this section, a person who has been sentenced~~ 7336
~~to death may ask the court to render void or voidable the~~ 7337
~~judgment with respect to the conviction of aggravated murder or~~ 7338
~~the specification of an aggravating circumstance or the sentence~~ 7339
~~of death.~~ 7340

~~(b) A person sentenced to death who files a petition under~~ 7341
~~division (A) (1) (a) (iv) of this section may ask the court to~~ 7342
~~render void the sentence of death and to order the resentencing~~ 7343
~~of the person under division (A) of section 2929.06 of the~~ 7344
~~Revised Code. If a person sentenced to death files such a~~ 7345
~~petition and asks the court to render void the sentence of death~~ 7346
~~and to order the resentencing of the person under division (A)~~ 7347
~~of section 2929.06 of the Revised Code, the act of filing the~~ 7348
~~petition constitutes a waiver of any right to be sentenced under~~ 7349
~~the law that existed at the time the offense was committed and~~ 7350
~~constitutes consent to be sentenced to life imprisonment without~~ 7351
~~parole under division (A) of section 2929.06 of the Revised~~ 7352
~~Code.~~ 7353

~~(4)~~ A petitioner shall state in the original or amended 7354
petition filed under division (A) of this section all grounds 7355
for relief claimed by the petitioner. Except as provided in 7356
section 2953.23 of the Revised Code, any ground for relief that 7357

is not so stated in the petition is waived.

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~~(5)~~ (4) If the petitioner in a petition filed under
division ~~(A)(1)(a)(i), (ii), or (iii)~~ (A)(1)(a) of this section
was convicted of or pleaded guilty to a felony, the petition may
include a claim that the petitioner was denied the equal
protection of the laws in violation of the Ohio Constitution or
the United States Constitution because the sentence imposed upon
the petitioner for the felony was part of a consistent pattern
of disparity in sentencing by the judge who imposed the
sentence, with regard to the petitioner's race, gender, ethnic
background, or religion. If the supreme court adopts a rule
requiring a court of common pleas to maintain information with
regard to an offender's race, gender, ethnic background, or
religion, the supporting evidence for the petition shall
include, but shall not be limited to, a copy of that type of
information relative to the petitioner's sentence and copies of
that type of information relative to sentences that the same
judge imposed upon other persons.

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~~(6) Notwithstanding any law or court rule to the contrary,
there is no limit on the number of pages in, or on the length
of, a petition filed under division (A)(1)(a)(i), (ii), (iii),
or (iv) of this section by a person who has been sentenced to
death. If any court rule specifies a limit on the number of
pages in, or on the length of, a petition filed under division
(A)(1)(a)(i), (ii), (iii), or (iv) of this section or on a
prosecuting attorney's response to such a petition by answer or
motion and a person who has been sentenced to death files a
petition that exceeds the limit specified for the petition, the
prosecuting attorney may respond by an answer or motion that
exceeds the limit specified for the response.~~

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(B) The clerk of the court in which the petition for 7388
postconviction relief ~~and, if applicable, a request for~~ 7389
~~postconviction discovery described in division (A) (1) (e) of this~~ 7390
~~section is~~ filed shall docket the petition ~~and the request~~ and 7391
bring ~~them~~ it promptly to the attention of the court. The clerk 7392
of the court in which the petition for postconviction relief 7393
~~and, if applicable, a request for postconviction discovery~~ 7394
~~described in division (A) (1) (e) of this section is~~ filed 7395
immediately shall forward a copy of the petition ~~and a copy of~~ 7396
~~the request if filed by the petitioner~~ to the prosecuting 7397
attorney of the county served by the court. ~~If the request for~~ 7398
~~postconviction discovery is filed by the prosecuting attorney,~~ 7399
~~the clerk of the court immediately shall forward a copy of the~~ 7400
~~request to the petitioner or the petitioner's counsel.~~ 7401

(C) ~~If a person who has been sentenced to death and who~~ 7402
~~files a petition for postconviction relief under division (A) (1)~~ 7403
~~(a) (i), (ii), (iii), or (iv) of this section requests a~~ 7404
~~deposition or the prosecuting attorney in the case requests a~~ 7405
~~deposition, and if the court grants the request under division~~ 7406
~~(A) (1) (e) of this section, the court shall notify the petitioner~~ 7407
~~or the petitioner's counsel and the prosecuting attorney. The~~ 7408
~~deposition shall be conducted pursuant to divisions (B), (D),~~ 7409
~~and (E) of Criminal Rule 15. Notwithstanding division (C) of~~ 7410
~~Criminal Rule 15, the petitioner is not entitled to attend the~~ 7411
~~deposition. The prosecuting attorney shall be permitted to~~ 7412
~~attend and participate in any deposition.~~ 7413

~~(D)~~ The court shall consider a petition that is timely 7414
filed within the period specified in division (A) (2) of this 7415
section even if a direct appeal of the judgment is pending. 7416
Before granting a hearing on a petition filed under division (A) 7417
(1) (a) (i), (ii), (iii), or (iv) of this section, the court shall 7418

determine whether there are substantive grounds for relief. In 7419
making such a determination, the court shall consider, in 7420
addition to the petition, the supporting affidavits, and the 7421
documentary evidence, all the files and records pertaining to 7422
the proceedings against the petitioner, including, but not 7423
limited to, the indictment, the court's journal entries, the 7424
journalized records of the clerk of the court, and the court 7425
reporter's transcript. The court reporter's transcript, if 7426
ordered and certified by the court, shall be taxed as court 7427
costs. If the court dismisses the petition, it shall make and 7428
file findings of fact and conclusions of law with respect to 7429
such dismissal. ~~If the petition was filed by a person who has~~ 7430
~~been sentenced to death, the findings of fact and conclusions of~~ 7431
~~law shall state specifically the reasons for the dismissal of~~ 7432
~~the petition and of each claim it contains.~~ 7433

~~(E)~~ (D) Within ten days after the docketing of the 7434
petition, or within any further time that the court may fix for 7435
good cause shown, the prosecuting attorney shall respond by 7436
answer or motion. ~~Division (A) (6) of this section applies with~~ 7437
~~respect to the prosecuting attorney's response.~~ Within twenty 7438
days from the date the issues are raised, either party may move 7439
for summary judgment. The right to summary judgment shall appear 7440
on the face of the record. 7441

~~(F)~~ (E) Unless the petition and the files and records of 7442
the case show the petitioner is not entitled to relief, the 7443
court shall proceed to a prompt hearing on the issues even if a 7444
direct appeal of the case is pending. If the court notifies the 7445
parties that it has found grounds for granting relief, either 7446
party may request an appellate court in which a direct appeal of 7447
the judgment is pending to remand the pending case to the court. 7448

~~With respect to a petition filed under division (A) (1) (a) (iv) of this section, the procedures and rules regarding introduction of evidence and burden of proof at the pretrial hearing that are set forth in divisions (C), (D), and (F) of section 2929.025 of the Revised Code apply in considering the petition. With respect to such a petition, the grounds for granting relief are that the person has been diagnosed with one or more of the conditions set forth in division (A) (1) (a) of section 2929.025 of the Revised Code and that, at the time of the aggravated murder that was the basis of the sentence of death, the condition or conditions significantly impaired the person's capacity in a manner described in division (A) (1) (b) of that section.~~

~~(G) A petitioner who files a petition under division (A) (1) (a) (i), (ii), (iii), or (iv) of this section may amend the petition as follows:~~

~~(1) If the petition was filed by a person who has been sentenced to death, at any time that is not later than one hundred eighty days after the petition is filed, the petitioner may amend the petition with or without leave or prejudice to the proceedings.~~

~~(2) If division (G) (1) of this section does not apply, at (F) At any time before the answer or motion is filed, the petitioner may amend the petition with or without leave or prejudice to the proceedings.~~

~~(3) The petitioner may amend the petition with leave of court at any time after the expiration of the applicable period specified in division (G) (1) or (2) of this section~~thereafter.

~~(H) (G)~~ If the court does not find grounds for granting

relief, it shall make and file findings of fact and conclusions 7478
of law and shall enter judgment denying relief on the petition. 7479
~~If the petition was filed by a person who has been sentenced to~~ 7480
~~death, the findings of fact and conclusions of law shall state~~ 7481
~~specifically the reasons for the denial of relief on the~~ 7482
~~petition and of each claim it contains.~~ If no direct appeal of 7483
the case is pending and the court finds grounds for relief or if 7484
a pending direct appeal of the case has been remanded to the 7485
court pursuant to a request made pursuant to division ~~(F)~~ (E) of 7486
this section and the court finds grounds for granting relief, it 7487
shall make and file findings of fact and conclusions of law and 7488
shall enter a judgment that vacates and sets aside the judgment 7489
in question, and, in the case of a petitioner who is a prisoner 7490
in custody, except as otherwise described in this division, 7491
shall discharge or resentence the petitioner or grant a new 7492
trial as the court determines appropriate. ~~If the court finds~~ 7493
~~grounds for relief in the case of a petitioner who filed a~~ 7494
~~petition under division (A) (1) (a) (iv) of this section, the court~~ 7495
~~shall render void the sentence of death and order the~~ 7496
~~resentencing of the offender under division (A) of section~~ 7497
~~2929.06 of the Revised Code. If the petitioner has been~~ 7498
~~sentenced to death, the findings of fact and conclusions of law~~ 7499
~~shall state specifically the reasons for the finding of grounds~~ 7500
~~for granting the relief, with respect to each claim contained in~~ 7501
~~the petition.~~ The court also may make supplementary orders to 7502
the relief granted, concerning such matters as rearraignment, 7503
retrial, custody, and bail. If the trial court's order granting 7504
the petition is reversed on appeal and if the direct appeal of 7505
the case has been remanded from an appellate court pursuant to a 7506
request under division ~~(F)~~ (E) of this section, the appellate 7507
court reversing the order granting the petition shall notify the 7508
appellate court in which the direct appeal of the case was 7509

pending at the time of the remand of the reversal and remand of 7510
the trial court's order. Upon the reversal and remand of the 7511
trial court's order granting the petition, regardless of whether 7512
notice is sent or received, the direct appeal of the case that 7513
was remanded is reinstated. 7514

~~(I) Upon the filing of a petition pursuant to division (A)~~ 7515
~~(1) (a) (i), (ii), (iii), or (iv) of this section by a person~~ 7516
~~sentenced to death, only the supreme court may stay execution of~~ 7517
~~the sentence of death.~~ 7518

~~(J) (1) If a person sentenced to death intends to file a~~ 7519
~~petition under this section, the court shall appoint counsel to~~ 7520
~~represent the person upon a finding that the person is indigent~~ 7521
~~and that the person either accepts the appointment of counsel or~~ 7522
~~is unable to make a competent decision whether to accept or~~ 7523
~~reject the appointment of counsel. The court may decline to~~ 7524
~~appoint counsel for the person only upon a finding, after a~~ 7525
~~hearing if necessary, that the person rejects the appointment of~~ 7526
~~counsel and understands the legal consequences of that decision~~ 7527
~~or upon a finding that the person is not indigent.~~ 7528

~~(2) The court shall not appoint as counsel under division~~ 7529
~~(J) (1) of this section an attorney who represented the~~ 7530
~~petitioner at trial in the case to which the petition relates~~ 7531
~~unless the person and the attorney expressly request the~~ 7532
~~appointment. The court shall appoint as counsel under division~~ 7533
~~(J) (1) of this section only an attorney who is certified under~~ 7534
~~Rule 20 of the Rules of Superintendence for the Courts of Ohio~~ 7535
~~to represent indigent defendants charged with or convicted of an~~ 7536
~~offense for which the death penalty can be or has been imposed.~~ 7537
~~The ineffectiveness or incompetence of counsel during~~ 7538
~~proceedings under this section does not constitute grounds for~~ 7539

~~relief in a proceeding under this section, in an appeal of any~~ 7540
~~action under this section, or in an application to reopen a~~ 7541
~~direct appeal.~~ 7542

~~(3) Division (J) of this section does not preclude~~ 7543
~~attorneys who represent the state of Ohio from invoking the~~ 7544
~~provisions of 28 U.S.C. 154 with respect to capital cases that~~ 7545
~~were pending in federal habeas corpus proceedings prior to July~~ 7546
~~1, 1996, insofar as the petitioners in those cases were~~ 7547
~~represented in proceedings under this section by one or more~~ 7548
~~counsel appointed by the court under this section or section~~ 7549
~~120.06, 120.16, 120.26, or 120.33 of the Revised Code and those~~ 7550
~~appointed counsel meet the requirements of division (J) (2) of~~ 7551
~~this section.~~ 7552

~~(K)~~ (H) Subject to the appeal of a sentence for a felony 7553
that is authorized by section 2953.08 of the Revised Code, the 7554
remedy set forth in this section is the exclusive remedy by 7555
which a person may bring a collateral challenge to the validity 7556
of a conviction or sentence in a criminal case or to the 7557
validity of an adjudication of a child as a delinquent child for 7558
the commission of an act that would be a criminal offense if 7559
committed by an adult or the validity of a related order of 7560
disposition. 7561

Sec. 2953.23. (A) Whether a hearing is or is not held on a 7562
petition filed pursuant to section 2953.21 of the Revised Code, 7563
a court may not entertain a petition filed after the expiration 7564
of the period prescribed in division (A) of that section or a 7565
second petition or successive petitions for similar relief on 7566
behalf of a petitioner unless division (A) (1) or (2) of this 7567
section applies: 7568

(1) Both of the following apply: 7569

(a) Either the petitioner shows that the petitioner was 7570
unavoidably prevented from discovery of the facts upon which the 7571
petitioner must rely to present the claim for relief, or, 7572
subsequent to the period prescribed in division (A) (2) of 7573
section 2953.21 of the Revised Code or to the filing of an 7574
earlier petition, the United States Supreme Court recognized a 7575
new federal or state right that applies retroactively to persons 7576
in the petitioner's situation, and the petition asserts a claim 7577
based on that right. 7578

(b) The petitioner shows by clear and convincing evidence 7579
that, but for constitutional error at trial, no reasonable 7580
factfinder would have found the petitioner guilty of the offense 7581
of which the petitioner was convicted ~~or, if the claim~~ 7582
~~challenges a sentence of death that, but for constitutional~~ 7583
~~error at the sentencing hearing, no reasonable factfinder would~~ 7584
~~have found the petitioner eligible for the death sentence.~~ 7585

(2) The petitioner was convicted of a felony, the 7586
petitioner is an offender for whom DNA testing was performed 7587
under sections 2953.71 to 2953.81 of the Revised Code or under 7588
former section 2953.82 of the Revised Code and analyzed in the 7589
context of and upon consideration of all available admissible 7590
evidence related to the inmate's case as described in division 7591
(D) of section 2953.74 of the Revised Code, and the results of 7592
the DNA testing establish, by clear and convincing evidence, 7593
actual innocence of that felony offense ~~or, if the person was~~ 7594
~~sentenced to death, establish, by clear and convincing evidence,~~ 7595
~~actual innocence of the aggravating circumstance or~~ 7596
~~circumstances the person was found guilty of committing and that~~ 7597
~~is or are the basis of that sentence of death.~~ 7598

As used in this division, "actual innocence" has the same 7599

meaning as in division (A) (1) (c) of section 2953.21 of the 7600
Revised Code, and "former section 2953.82 of the Revised Code" 7601
has the same meaning as in division (A) (1) (d) of section 2953.21 7602
of the Revised Code. 7603

(B) An order awarding or denying relief sought in a 7604
petition filed pursuant to section 2953.21 of the Revised Code 7605
is a final judgment and may be appealed pursuant to Chapter 7606
2953. of the Revised Code. 7607

~~If a petition filed pursuant to section 2953.21 of the 7608
Revised Code by a person who has been sentenced to death is 7609
denied and the person appeals the judgment, notwithstanding any 7610
law or court rule to the contrary, there is no limit on the 7611
number of pages in, or on the length of, a notice of appeal or 7612
briefs related to an appeal filed by the person. If any court 7613
rule specifies a limit on the number of pages in, or on the 7614
length of, a notice of appeal or briefs described in this 7615
division or on a prosecuting attorney's response or briefs with 7616
respect to such an appeal and a person who has been sentenced to 7617
death files a notice of appeal or briefs that exceed the limit 7618
specified for the petition, the prosecuting attorney may file a 7619
response or briefs that exceed the limit specified for the 7620
answer or briefs. 7621~~

Sec. 2953.71. As used in sections 2953.71 to 2953.83 of 7622
the Revised Code: 7623

(A) "Application" or "application for DNA testing" means a 7624
request through postconviction relief for the state to do DNA 7625
testing on biological material from the case in which the 7626
offender was convicted of the offense for which the offender is 7627
an eligible offender and is requesting the DNA testing under 7628
sections 2953.71 to 2953.81 of the Revised Code. 7629

(B) "Biological material" means any product of a human 7630
body containing DNA. 7631

(C) "Chain of custody" means a record or other evidence 7632
that tracks a subject sample of biological material from the 7633
time the biological material was first obtained until the time 7634
it currently exists in its place of storage and, in relation to 7635
a DNA sample, a record or other evidence that tracks the DNA 7636
sample from the time it was first obtained until it currently 7637
exists in its place of storage. For purposes of this division, 7638
examples of when biological material or a DNA sample is first 7639
obtained include, but are not limited to, obtaining the material 7640
or sample at the scene of a crime, from a victim, from an 7641
offender, or in any other manner or time as is appropriate in 7642
the facts and circumstances present. 7643

(D) "Custodial agency" means the group or entity that has 7644
the responsibility to maintain biological material in question. 7645

(E) "Custodian" means the person who is the primary 7646
representative of a custodial agency. 7647

(F) "Eligible offender" means an offender who is eligible 7648
under division (C) of section 2953.72 of the Revised Code to 7649
request DNA testing to be conducted under sections 2953.71 to 7650
2953.81 of the Revised Code. 7651

(G) "Exclusion" or "exclusion result" means a result of 7652
DNA testing that scientifically precludes or forecloses the 7653
subject offender as a contributor of biological material 7654
recovered from the crime scene or victim in question, in 7655
relation to the offense for which the offender is an eligible 7656
offender and for which the ~~sentence of death or prison~~ term was 7657
imposed upon the offender. 7658

(H) "Extracting personnel" means medically approved 7659
personnel who are employed to physically obtain an offender's 7660
DNA specimen for purposes of DNA testing under sections 2953.71 7661
to 2953.81 of the Revised Code. 7662

(I) "Inclusion" or "inclusion result" means a result of 7663
DNA testing that scientifically cannot exclude, or that holds 7664
accountable, the subject offender as a contributor of biological 7665
material recovered from the crime scene or victim in question, 7666
in relation to the offense for which the offender is an eligible 7667
offender and for which the ~~sentence of death or prison~~ term was 7668
imposed upon the offender. 7669

(J) "Inconclusive" or "inconclusive result" means a result 7670
of DNA testing that is rendered when a scientifically 7671
appropriate and definitive DNA analysis or result, or both, 7672
cannot be determined. 7673

(K) "Offender" means a criminal offender who was sentenced 7674
by a court, or by a jury and a court, of this state. 7675

(L) "Outcome determinative" means that had the results of 7676
DNA testing of the subject offender been presented at the trial 7677
of the subject offender requesting DNA testing and been found 7678
relevant and admissible with respect to the felony offense for 7679
which the offender is an eligible offender and is requesting the 7680
DNA testing, and had those results been analyzed in the context 7681
of and upon consideration of all available admissible evidence 7682
related to the offender's case as described in division (D) of 7683
section 2953.74 of the Revised Code, there is a strong 7684
probability that no reasonable factfinder would have found the 7685
offender guilty of that offense ~~or, if the offender was~~ 7686
~~sentenced to death relative to that offense, would have found~~ 7687
~~the offender guilty of the aggravating circumstance or~~ 7688

~~circumstances the offender was found guilty of committing and~~ 7689
~~that is or are the basis of that sentence of death.~~ 7690

(M) "Parent sample" means the biological material first 7691
obtained from a crime scene or a victim of an offense for which 7692
an offender is an eligible offender, and from which a sample 7693
will be presently taken to do a DNA comparison to the DNA of the 7694
subject offender under sections 2953.71 to 2953.81 of the 7695
Revised Code. 7696

(N) "Prison" and "community control sanction" have the 7697
same meanings as in section 2929.01 of the Revised Code. 7698

(O) "Prosecuting attorney" means the prosecuting attorney 7699
who, or whose office, prosecuted the case in which the subject 7700
offender was convicted of the offense for which the offender is 7701
an eligible offender and is requesting the DNA testing. 7702

(P) "Prosecuting authority" means the prosecuting attorney 7703
or the attorney general. 7704

(Q) "Reasonable diligence" means a degree of diligence 7705
that is comparable to the diligence a reasonable person would 7706
employ in searching for information regarding an important 7707
matter in the person's own life. 7708

(R) "Testing authority" means a laboratory at which DNA 7709
testing will be conducted under sections 2953.71 to 2953.81 of 7710
the Revised Code. 7711

(S) "Parole" and "post-release control" have the same 7712
meanings as in section 2967.01 of the Revised Code. 7713

(T) "Sexually oriented offense" and "child-victim oriented 7714
offense" have the same meanings as in section 2950.01 of the 7715
Revised Code. 7716

(U) "Definitive DNA test" means a DNA test that clearly 7717
establishes that biological material from the perpetrator of the 7718
crime was recovered from the crime scene and also clearly 7719
establishes whether or not the biological material is that of 7720
the eligible offender. A prior DNA test is not definitive if the 7721
eligible offender proves by a preponderance of the evidence that 7722
because of advances in DNA technology there is a possibility of 7723
discovering new biological material from the perpetrator that 7724
the prior DNA test may have failed to discover. Prior testing 7725
may have been a prior "definitive DNA test" as to some 7726
biological evidence but may not have been a prior "definitive 7727
DNA test" as to other biological evidence. 7728

Sec. 2953.72. (A) Any eligible offender who wishes to 7729
request DNA testing under sections 2953.71 to 2953.81 of the 7730
Revised Code shall submit an application for the testing to the 7731
court of common pleas specified in section 2953.73 of the 7732
Revised Code, on a form prescribed by the attorney general for 7733
this purpose. The eligible offender shall submit the application 7734
in accordance with the procedures set forth in section 2953.73 7735
of the Revised Code. The eligible offender shall specify on the 7736
application the offense or offenses for which the offender is an 7737
eligible offender and is requesting the DNA testing. Along with 7738
the application, the eligible offender shall submit an 7739
acknowledgment that is on a form prescribed by the attorney 7740
general for this purpose and that is signed by the offender. The 7741
acknowledgment shall set forth all of the following: 7742

(1) That sections 2953.71 to 2953.81 of the Revised Code 7743
contemplate applications for DNA testing of an eligible offender 7744
at a stage of a prosecution or case after the offender has been 7745
sentenced, that any exclusion or inclusion result of DNA testing 7746
rendered pursuant to those sections may be used by a party in 7747

any proceeding as described in section 2953.81 of the Revised 7748
Code, and that all requests for any DNA testing made at trial 7749
will continue to be handled by the prosecuting attorney in the 7750
case; 7751

(2) That the process of conducting postconviction DNA 7752
testing for an eligible offender under sections 2953.71 to 7753
2953.81 of the Revised Code begins when the offender submits an 7754
application under section 2953.73 of the Revised Code and the 7755
acknowledgment described in this section; 7756

(3) That the eligible offender must submit the application 7757
and acknowledgment to the court of common pleas that heard the 7758
case in which the offender was convicted of the offense for 7759
which the offender is an eligible offender and is requesting the 7760
DNA testing; 7761

(4) That the state has established a set of criteria set 7762
forth in section 2953.74 of the Revised Code by which eligible 7763
offender applications for DNA testing will be screened and that 7764
a judge of a court of common pleas upon receipt of a properly 7765
filed application and accompanying acknowledgment will apply 7766
those criteria to determine whether to accept or reject the 7767
application; 7768

(5) That the results of DNA testing conducted under 7769
sections 2953.71 to 2953.81 of the Revised Code will be provided 7770
as described in section 2953.81 of the Revised Code to all 7771
parties in the postconviction proceedings and will be reported 7772
to various courts; 7773

(6) That, if DNA testing is conducted with respect to an 7774
offender under sections 2953.71 to 2953.81 of the Revised Code, 7775
the state will not offer the offender a retest if an inclusion 7776

result is achieved relative to the testing and that, if the 7777
state were to offer a retest after an inclusion result, the 7778
policy would create an atmosphere in which endless testing could 7779
occur and in which postconviction proceedings could be stalled 7780
for many years; 7781

(7) That, if the court rejects an eligible offender's 7782
application for DNA testing because the offender does not 7783
satisfy the acceptance criteria described in division (A) (4) of 7784
this section, the court will not accept or consider subsequent 7785
applications; 7786

(8) That the acknowledgment memorializes the provisions of 7787
sections 2953.71 to 2953.81 of the Revised Code with respect to 7788
the application of postconviction DNA testing to offenders, that 7789
those provisions do not give any offender any additional 7790
constitutional right that the offender did not already have, 7791
that the court has no duty or obligation to provide 7792
postconviction DNA testing to offenders, that the court of 7793
common pleas has the sole discretion subject to an appeal as 7794
described in this division to determine whether an offender is 7795
an eligible offender and whether an eligible offender's 7796
application for DNA testing satisfies the acceptance criteria 7797
described in division (A) (4) of this section and whether the 7798
application should be accepted or rejected, that if the court of 7799
common pleas rejects an eligible offender's application, the 7800
offender may ~~seek leave of the supreme court to appeal the~~ 7801
~~rejection to that court if the offender was sentenced to death~~ 7802
~~for the offense for which the offender is requesting the DNA~~ 7803
~~testing and, if the offender was not sentenced to death for that~~ 7804
~~offense, may appeal the rejection to the court of appeals, and~~ 7805
that no determination otherwise made by the court of common 7806
pleas in the exercise of its discretion regarding the 7807

eligibility of an offender or regarding postconviction DNA 7808
testing under those provisions is reviewable by or appealable to 7809
any court; 7810

(9) That the manner in which sections 2953.71 to 2953.81 7811
of the Revised Code with respect to the offering of 7812
postconviction DNA testing to offenders are carried out does not 7813
confer any constitutional right upon any offender, that the 7814
state has established guidelines and procedures relative to 7815
those provisions to ensure that they are carried out with both 7816
justice and efficiency in mind, and that an offender who 7817
participates in any phase of the mechanism contained in those 7818
provisions, including, but not limited to, applying for DNA 7819
testing and being rejected, having an application for DNA 7820
testing accepted and not receiving the test, or having DNA 7821
testing conducted and receiving unfavorable results, does not 7822
gain as a result of the participation any constitutional right 7823
to challenge, or, except as provided in division (A)(8) of this 7824
section, any right to any review or appeal of, the manner in 7825
which those provisions are carried out; 7826

(10) That the most basic aspect of sections 2953.71 to 7827
2953.81 of the Revised Code is that, in order for DNA testing to 7828
occur, there must be an offender sample against which other 7829
evidence may be compared, that, if an eligible offender's 7830
application is accepted but the offender subsequently refuses to 7831
submit to the collection of the sample of biological material 7832
from the offender or hinders the state from obtaining a sample 7833
of biological material from the offender, the goal of those 7834
provisions will be frustrated, and that an offender's refusal or 7835
hindrance shall cause the court to rescind its prior acceptance 7836
of the application for DNA testing for the offender and deny the 7837
application. 7838

(B) The attorney general shall prescribe a form to be used 7839
to make an application for DNA testing under division (A) of 7840
this section and section 2953.73 of the Revised Code and a form 7841
to be used to provide the acknowledgment described in division 7842
(A) of this section. The forms shall include all information 7843
described in division (A) of this section, spaces for an 7844
offender to insert all information necessary to complete the 7845
forms, including, but not limited to, specifying the offense or 7846
offenses for which the offender is an eligible offender and is 7847
requesting the DNA testing, and any other information or 7848
material the attorney general determines is necessary or 7849
relevant. The attorney general shall distribute copies of the 7850
prescribed forms to the department of rehabilitation and 7851
correction, the department shall ensure that each prison in 7852
which offenders are housed has a supply of copies of the forms, 7853
and the department shall ensure that copies of the forms are 7854
provided free of charge to any offender who requests them. 7855

(C) (1) An offender is eligible to request DNA testing to 7856
be conducted under sections 2953.71 to 2953.81 of the Revised 7857
Code only if all of the following apply: 7858

(a) The offense for which the offender claims to be an 7859
eligible offender is a felony, and the offender was convicted by 7860
a judge or jury of that offense. 7861

(b) One of the following applies: 7862

(i) The offender was sentenced to a prison term ~~or~~ 7863
~~sentence of death~~ for the felony described in division (C) (1) (a) 7864
of this section, and the offender is in prison serving that 7865
prison term ~~or under that sentence of death~~, has been paroled or 7866
is on probation regarding that felony, is under post-release 7867
control regarding that felony, or has been released from that 7868

prison term and is under a community control sanction regarding 7869
that felony. 7870

(ii) The offender was not sentenced to a prison term ~~or~~ 7871
~~sentence of death~~ for the felony described in division (C) (1) (a) 7872
of this section, but was sentenced to a community control 7873
sanction for that felony and is under that community control 7874
sanction. 7875

(iii) The felony described in division (C) (1) (a) of this 7876
section was a sexually oriented offense or child-victim oriented 7877
offense, and the offender has a duty to comply with sections 7878
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 7879
relative to that felony. 7880

(2) An offender is not an eligible offender under division 7881
(C) (1) of this section regarding any offense to which the 7882
offender pleaded guilty or no contest. 7883

(3) An offender is not an eligible offender under division 7884
(C) (1) of this section regarding any offense if the offender 7885
dies prior to submitting an application for DNA testing related 7886
to that offense under section 2953.73 of the Revised Code. 7887

Sec. 2953.73. (A) An eligible offender who wishes to 7888
request DNA testing to be conducted under sections 2953.71 to 7889
2953.81 of the Revised Code shall submit an application for DNA 7890
testing on a form prescribed by the attorney general for this 7891
purpose and shall submit the form to the court of common pleas 7892
that sentenced the offender for the offense for which the 7893
offender is an eligible offender and is requesting DNA testing. 7894

(B) If an eligible offender submits an application for DNA 7895
testing under division (A) of this section, upon the submission 7896
of the application, all of the following apply: 7897

(1) The eligible offender shall serve a copy of the 7898
application on the prosecuting attorney and the attorney 7899
general. 7900

(2) The application shall be assigned to the judge of that 7901
court of common pleas who was the trial judge in the case in 7902
which the eligible offender was convicted of the offense for 7903
which the offender is requesting DNA testing, or, if that judge 7904
no longer is a judge of that court, it shall be assigned 7905
according to court rules. The judge to whom the application is 7906
assigned shall decide the application. The application shall 7907
become part of the file in the case. 7908

(C) If an eligible offender submits an application for DNA 7909
testing under division (A) of this section, regardless of 7910
whether the offender has commenced any federal habeas corpus 7911
proceeding relative to the case in which the offender was 7912
convicted of the offense for which the offender is an eligible 7913
offender and is requesting DNA testing, any response to the 7914
application by the prosecuting attorney or the attorney general 7915
shall be filed not later than forty-five days after the date on 7916
which the eligible offender submits the application. The 7917
prosecuting attorney or the attorney general, or both, may, but 7918
are not required to, file a response to the application. If the 7919
prosecuting attorney or the attorney general files a response 7920
under this division, the prosecuting attorney or attorney 7921
general, whoever filed the response, shall serve a copy of the 7922
response on the eligible offender. 7923

(D) If an eligible offender submits an application for DNA 7924
testing under division (A) of this section, the court shall make 7925
the determination as to whether the application should be 7926
accepted or rejected. The court shall expedite its review of the 7927

application. The court shall make the determination in 7928
accordance with the criteria and procedures set forth in 7929
sections 2953.74 to 2953.81 of the Revised Code and, in making 7930
the determination, shall consider the application, the 7931
supporting affidavits, and the documentary evidence and, in 7932
addition to those materials, shall consider all the files and 7933
records pertaining to the proceedings against the applicant, 7934
including, but not limited to, the indictment, the court's 7935
journal entries, the journalized records of the clerk of the 7936
court, and the court reporter's transcript and all responses to 7937
the application filed under division (C) of this section by a 7938
prosecuting attorney or the attorney general, unless the 7939
application and the files and records show the applicant is not 7940
entitled to DNA testing, in which case the application may be 7941
denied. The court is not required to conduct an evidentiary 7942
hearing in conducting its review of, and in making its 7943
determination as to whether to accept or reject, the 7944
application. Upon making its determination, the court shall 7945
enter a judgment and order that either accepts or rejects the 7946
application and that includes within the judgment and order the 7947
reasons for the acceptance or rejection as applied to the 7948
criteria and procedures set forth in sections 2953.71 to 2953.81 7949
of the Revised Code. The court shall send a copy of the judgment 7950
and order to the eligible offender who filed it, the prosecuting 7951
attorney, and the attorney general. 7952

(E) A judgment and order of a court entered under division 7953
(D) of this section is appealable only as provided in this 7954
division. If an eligible offender submits an application for DNA 7955
testing under section 2953.73 of the Revised Code and the court 7956
of common pleas rejects the application under division (D) of 7957
this section, ~~one of the following applies:~~ 7958

~~(1) If the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the offender may seek leave of the supreme court to appeal the rejection to the supreme court. Courts of appeals do not have jurisdiction to review any rejection if the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing.~~

~~(2) If the offender was not sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the rejection is a final~~
appealable order, and the offender may appeal it to the court of appeals of the district in which is located that court of common pleas.

(F) Notwithstanding any provision of law regarding fees and costs, no filing fee shall be required of, and no court costs shall be assessed against, an eligible offender who is indigent and who submits an application under this section.

(G) If a court rejects an eligible offender's application for DNA testing under division (D) of this section, unless the rejection is overturned on appeal, no court shall require the state to administer a DNA test under sections 2953.71 to 2953.81 of the Revised Code on the eligible offender.

Sec. 2953.81. If an eligible offender submits an application for DNA testing under section 2953.73 of the Revised Code and if DNA testing is performed based on that application, upon completion of the testing, all of the following apply:

(A) The court or a designee of the court shall require the state to maintain the results of the testing and to maintain and

preserve both the parent sample of the biological material used 7988
and the offender sample of the biological material used. The 7989
testing authority may be designated as the person to maintain 7990
the results of the testing or to maintain and preserve some or 7991
all of the samples, or both. The results of the testing remain 7992
state's evidence. The samples shall be preserved during the 7993
entire period of time for which the offender is imprisoned or 7994
confined relative to the sentence in question, is on parole or 7995
probation relative to that sentence, is under post-release 7996
control or a community control sanction relative to that 7997
sentence, or has a duty to comply with sections 2950.04, 7998
2950.041, 2950.05, and 2950.06 of the Revised Code relative to 7999
that sentence. Additionally, if the prison term or confinement 8000
under the sentence in question expires,~~if the sentence in~~ 8001
~~question is a sentence of death and the offender is executed,~~ or 8002
if the parole or probation period, the period of post-release 8003
control, the community control sanction, or the duty to comply 8004
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8005
Revised Code under the sentence in question ends, the samples 8006
shall be preserved for a reasonable period of time of not less 8007
than twenty-four months after the term or confinement expires,~~7~~ 8008
~~the offender is executed,~~ or the parole or probation period, the 8009
period of post-release control, the community control sanction, 8010
or the duty to comply with sections 2950.04, 2950.041, 2950.05, 8011
and 2950.06 of the Revised Code ends, whichever is applicable. 8012
The court shall determine the period of time that is reasonable 8013
for purposes of this division, provided that the period shall 8014
not be less than twenty-four months after the term or 8015
confinement expires,~~the offender is executed,~~ or the parole or 8016
probation period, the period of post-release control, the 8017
community control sanction, or the duty to comply with sections 8018
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 8019

ends, whichever is applicable. 8020

(B) The results of the testing are a public record. 8021

(C) The court or the testing authority shall provide a 8022
copy of the results of the testing to the prosecuting attorney, 8023
the attorney general, and the subject offender. 8024

(D) If the postconviction proceeding in question is 8025
pending at that time in a court of this state, the court of 8026
common pleas that decided the DNA application or the testing 8027
authority shall provide a copy of the results of the testing to 8028
any court of this state, and, if it is pending in a federal 8029
court, the court of common pleas that decided the DNA 8030
application or the testing authority shall provide a copy of the 8031
results of the testing to that federal court. 8032

(E) The testing authority shall provide a copy of the 8033
results of the testing to the court of common pleas that decided 8034
the DNA application. 8035

(F) The offender or the state may enter the results of the 8036
testing into any proceeding. 8037

Sec. 2967.05. (A) As used in this section: 8038

(1) "Imminent danger of death" means that the inmate has a 8039
medically diagnosable condition that will cause death to occur 8040
within a short period of time. 8041

As used in division (A) (1) of this section, "within a 8042
short period of time" means generally within six months. 8043

(2) (a) "Medically incapacitated" means any diagnosable 8044
medical condition, including mental dementia and severe, 8045
permanent medical or cognitive disability, that prevents the 8046
inmate from completing activities of daily living without 8047

significant assistance, that incapacitates the inmate to the 8048
extent that institutional confinement does not offer additional 8049
restrictions, that is likely to continue throughout the entire 8050
period of parole, and that is unlikely to improve noticeably. 8051

(b) "Medically incapacitated" does not include conditions 8052
related solely to mental illness unless the mental illness is 8053
accompanied by injury, disease, or organic defect. 8054

(3) (a) "Terminal illness" means a condition that satisfies 8055
all of the following criteria: 8056

(i) The condition is irreversible and incurable and is 8057
caused by disease, illness, or injury from which the inmate is 8058
unlikely to recover. 8059

(ii) In accordance with reasonable medical standards and a 8060
reasonable degree of medical certainty, the condition is likely 8061
to cause death to the inmate within twelve months. 8062

(iii) Institutional confinement of the inmate does not 8063
offer additional protections for public safety or against the 8064
inmate's risk to reoffend. 8065

(b) The department of rehabilitation and correction shall 8066
adopt rules pursuant to Chapter 119. of the Revised Code to 8067
implement the definition of "terminal illness" in division (A) 8068
(3) (a) of this section. 8069

(B) Upon the recommendation of the director of 8070
rehabilitation and correction, accompanied by a certificate of 8071
the attending physician that an inmate is terminally ill, 8072
medically incapacitated, or in imminent danger of death, the 8073
governor may order the inmate's release as if on parole, 8074
reserving the right to return the inmate to the institution 8075
pursuant to this section. If, subsequent to the inmate's 8076

release, the inmate's health improves so that the inmate is no 8077
longer terminally ill, medically incapacitated, or in imminent 8078
danger of death, the inmate shall be returned, by order of the 8079
governor, to the institution from which the inmate was released. 8080
If the inmate violates any rules or conditions applicable to the 8081
inmate, the inmate may be returned to an institution under the 8082
control of the department of rehabilitation and correction. The 8083
governor may direct the adult parole authority to investigate or 8084
cause to be investigated the inmate and make a recommendation. 8085
An inmate released under this section shall be subject to 8086
supervision by the adult parole authority in accordance with any 8087
recommendation of the adult parole authority that is approved by 8088
the governor. The adult parole authority shall adopt rules 8089
pursuant to section 119.03 of the Revised Code to establish the 8090
procedure for medical release of an inmate when an inmate is 8091
terminally ill, medically incapacitated, or in imminent danger 8092
of death. 8093

(C) No inmate is eligible for release under this section 8094
if the inmate is serving ~~a death sentence,~~ a sentence of life 8095
without parole, a sentence under Chapter 2971. of the Revised 8096
Code for a felony of the first or second degree, a sentence for 8097
aggravated murder or murder, or a mandatory prison term for an 8098
offense of violence or any specification described in Chapter 8099
2941. of the Revised Code. 8100

Sec. 2967.12. (A) Except as provided in division (G) of 8101
this section, at least sixty days before the adult parole 8102
authority recommends any pardon or commutation of sentence, or 8103
grants any parole, the authority shall provide a notice of the 8104
pendency of the pardon, commutation, or parole, setting forth 8105
the name of the person on whose behalf it is made, the offense 8106
of which the person was convicted or to which the person pleaded 8107

guilty, the time of conviction or the guilty plea, and the term 8108
of the person's sentence, to the prosecuting attorney and the 8109
judge of the court of common pleas of the county in which the 8110
indictment against the person was found. If there is more than 8111
one judge of that court of common pleas, the authority shall 8112
provide the notice to the presiding judge. Upon the request of 8113
the prosecuting attorney or of any law enforcement agency, the 8114
authority shall provide to the requesting prosecuting attorney 8115
and law enforcement agencies an institutional summary report 8116
that covers the subject person's participation while confined in 8117
a state correctional institution in training, work, and other 8118
rehabilitative activities and any disciplinary action taken 8119
against the person while so confined. The department of 8120
rehabilitation and correction may utilize electronic means to 8121
provide this notice. The department of rehabilitation and 8122
correction, at the same time that it provides the notice to the 8123
prosecuting attorney and judge under this division, also shall 8124
post on the database it maintains pursuant to section 5120.66 of 8125
the Revised Code the offender's name and all of the information 8126
specified in division (A) (1) (c) (iii) of that section. 8127

(B) If a request for notification has been made pursuant 8128
to section 2930.16 of the Revised Code or if division (H) of 8129
this section applies, the office of victim services or the adult 8130
parole authority also shall provide notice to the victim or the 8131
victim's representative at least sixty days prior to 8132
recommending any pardon or commutation of sentence for, or 8133
granting any parole to, the person. The notice shall include the 8134
information required by division (A) of this section and may be 8135
provided by telephone or through electronic means. The notice 8136
also shall inform the victim or the victim's representative that 8137
the victim or representative may send a written statement 8138

relative to the victimization and the pending action to the 8139
adult parole authority and that, if the authority receives any 8140
written statement prior to recommending a pardon or commutation 8141
or granting a parole for a person, the authority will consider 8142
the statement before it recommends a pardon or commutation or 8143
grants a parole. If the person is being considered for parole, 8144
the notice shall inform the victim or the victim's 8145
representative that a full board hearing of the parole board may 8146
be held and that the victim or victim's representative may 8147
contact the office of victims' services for further information. 8148
If the person being considered for parole was convicted of or 8149
pleaded guilty to a violation of section 2903.01 or 2903.02 of 8150
the Revised Code, an offense of violence that is a felony of the 8151
first, second, or third degree, or an offense punished by a 8152
sentence of life imprisonment, the notice shall inform the 8153
victim of that offense, the victim's representative, or a member 8154
of the victim's immediate family that the victim, the victim's 8155
representative, and the victim's immediate family have the right 8156
to give testimony at a full board hearing of the parole board 8157
and that the victim or victim's representative may contact the 8158
office of victims' services for further information. 8159

(C) When notice of the pendency of any pardon, commutation 8160
of sentence, or parole has been provided to a judge or 8161
prosecutor or posted on the database as required in division (A) 8162
of this section and a hearing on the pardon, commutation, or 8163
parole is continued to a date certain, the authority shall 8164
provide notice of the further consideration of the pardon, 8165
commutation, or parole at least sixty days before the further 8166
consideration. The notice of the further consideration shall be 8167
provided to the proper judge and prosecuting attorney at least 8168
sixty days before the further consideration, and may be provided 8169

using electronic means, and, if the initial notice was posted on 8170
the database as provided in division (A) of this section, the 8171
notice of the further consideration shall be posted on the 8172
database at least sixty days before the further consideration. 8173
If the prosecuting attorney or a law enforcement agency was 8174
provided a copy of the institutional summary report relative to 8175
the subject person under division (A) of this section, the 8176
authority shall include with the notice of the further 8177
consideration sent to the prosecuting attorney any new 8178
information with respect to the person that relates to 8179
activities and actions of the person that are of a type covered 8180
by the report and shall send to the law enforcement agency a 8181
report that provides notice of the further consideration and 8182
includes any such new information with respect to the person. 8183
When notice of the pendency of any pardon, commutation, or 8184
parole has been given as provided in division (B) of this 8185
section and the hearing on it is continued to a date certain, 8186
the authority shall give notice of the further consideration to 8187
the victim or the victim's representative in accordance with 8188
section 2930.03 of the Revised Code. 8189

(D) In case of an application for the pardon or 8190
commutation of sentence of a person sentenced to capital 8191
punishment prior to the effective date of this amendment, the 8192
governor may modify the requirements of notification and 8193
publication if there is not sufficient time for compliance with 8194
the requirements before the date fixed for the execution of 8195
sentence. 8196

(E) If an offender is serving a prison term imposed under 8197
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 8198
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8199
Code and if the parole board terminates its control over the 8200

offender's service of that term pursuant to section 2971.04 of 8201
the Revised Code, the parole board immediately shall provide 8202
written notice of its termination of control or the transfer of 8203
control to the entities and persons specified in section 2971.04 8204
of the Revised Code. 8205

(F) The failure of the adult parole authority to comply 8206
with the notice or posting provisions of division (A), (B), or 8207
(C) of this section or the failure of the parole board to comply 8208
with the notice provisions of division (E) of this section do 8209
not give any rights or any grounds for appeal or post-conviction 8210
relief to the person serving the sentence. 8211

(G) Divisions (A), (B), and (C) of this section do not 8212
apply to any release of a person that is of the type described 8213
in division (B) (2) (b) of section 5120.031 of the Revised Code. 8214

(H) If a defendant is incarcerated for the commission of 8215
aggravated murder, murder, or an offense of violence that is a 8216
felony of the first, second, or third degree or is under a 8217
sentence of life imprisonment, except as otherwise provided in 8218
this division, the notice described in division (B) of this 8219
section shall be given to the victim or victim's representative 8220
regardless of whether the victim or victim's representative has 8221
made a request for notification. The notice described in 8222
division (B) of this section shall not be given under this 8223
division to a victim or victim's representative if the victim or 8224
victim's representative has requested pursuant to division (B) 8225
(2) of section 2930.03 of the Revised Code that the victim or 8226
the victim's representative not be provided the notice. The 8227
notice described in division (B) of this section does not have 8228
to be given under this division to a victim or victim's 8229
representative if notice was given to the victim or victim's 8230

representative with respect to at least two prior considerations 8231
of pardon, commutation, or parole of a person and the victim or 8232
victim's representative did not provide any written statement 8233
relative to the victimization and the pending action, did not 8234
attend any hearing conducted relative to the pending action, and 8235
did not otherwise respond to the office with respect to the 8236
pending action. Regardless of whether the victim or victim's 8237
representative has requested that the notice described in 8238
division (B) of this section be provided or not be provided, the 8239
office of victim services or adult parole authority shall give 8240
similar notice to the law enforcement agency that arrested the 8241
defendant if any officer of that agency was a victim of the 8242
offense and to any member of the victim's immediate family who 8243
requests notification. If notice is to be given under this 8244
division, the office or authority may give the notice by any 8245
reasonable means, including regular mail, telephone, and 8246
electronic mail, in accordance with division (D) (1) of section 8247
2930.16 of the Revised Code. If the notice is based on an 8248
offense committed prior to March 22, 2013, the notice to the 8249
victim or victim's representative also shall include the opt-out 8250
information described in division (D) (1) of section 2930.16 of 8251
the Revised Code. The office or authority, in accordance with 8252
division (D) (2) of section 2930.16 of the Revised Code, shall 8253
keep a record of all attempts to provide the notice, and of all 8254
notices provided, under this division. 8255

Division (H) of this section, and the notice-related 8256
provisions of divisions (E) (2) and (K) of section 2929.20, 8257
division (D) (1) of section 2930.16, division (E) (1) (b) of 8258
section 2967.19 as it existed prior to ~~the effective date of~~ 8259
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 8260
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 8261

of section 5149.101 of the Revised Code enacted in the act in 8262
which division (H) of this section was enacted, shall be known 8263
as "Roberta's Law." 8264

(I) In addition to and independent of the right of a 8265
victim to make a statement as described in division (A) of this 8266
section or pursuant to section 2930.17 of the Revised Code or to 8267
otherwise make a statement, the authority for a judge or 8268
prosecuting attorney to furnish statements and information, make 8269
recommendations, and give testimony as described in division (A) 8270
of this section, the right of a prosecuting attorney, judge, or 8271
victim to give testimony or submit a statement at a full parole 8272
board hearing pursuant to section 5149.101 of the Revised Code, 8273
and any other right or duty of a person to present information 8274
or make a statement, any person may send to the adult parole 8275
authority at any time prior to the authority's recommending a 8276
pardon or commutation or granting a parole for the offender a 8277
written statement relative to the offense and the pending 8278
action. 8279

(J) As used in this section, "victim's immediate family" 8280
means the mother, father, spouse, sibling, or child of the 8281
victim, provided that in no case does "victim's immediate 8282
family" include the offender with respect to whom the notice in 8283
question applies. 8284

Sec. 2967.13. (A) Except as provided in division (G) of 8285
this section or section 2967.132 of the Revised Code, a prisoner 8286
serving a sentence of imprisonment for life for an offense 8287
committed on or after July 1, 1996, is not entitled to any 8288
earned credit under division (A) (2) or (3) of section 2967.193 8289
or 2967.194 of the Revised Code and becomes eligible for parole 8290
as follows: 8291

(1) If a sentence of imprisonment for life was imposed for 8292
the offense of murder, at the expiration of the prisoner's 8293
minimum term; 8294

(2) If a sentence of imprisonment for life with parole 8295
eligibility after serving twenty years of imprisonment was 8296
imposed pursuant to section 2929.02 or former section 2929.022 8297
or 2929.03 of the Revised Code, after serving a term of twenty 8298
years; 8299

(3) If a sentence of imprisonment for life with parole 8300
eligibility after serving twenty-five full years of imprisonment 8301
was imposed pursuant to section 2929.02 or former section 8302
2929.022 or 2929.03 of the Revised Code, after serving a term of 8303
twenty-five full years; 8304

(4) If a sentence of imprisonment for life with parole 8305
eligibility after serving thirty full years of imprisonment was 8306
imposed pursuant to section 2929.02 or former section 2929.022 8307
or 2929.03 of the Revised Code, after serving a term of thirty 8308
full years; 8309

(5) If a sentence of imprisonment for life was imposed for 8310
rape, after serving a term of ten full years' imprisonment; 8311

(6) If a sentence of imprisonment for life with parole 8312
eligibility after serving fifteen years of imprisonment was 8313
imposed for a violation of section 2927.24 of the Revised Code, 8314
after serving a term of fifteen years. 8315

(B) Except as provided in division (G) of this section or 8316
section 2967.132 of the Revised Code, a prisoner serving a 8317
sentence of imprisonment for life with parole eligibility after 8318
serving twenty years of imprisonment or a sentence of 8319
imprisonment for life with parole eligibility after serving 8320

twenty-five full years or thirty full years of imprisonment 8321
imposed pursuant to section 2929.02 or former section 2929.022 8322
or 2929.03 of the Revised Code for an offense committed on or 8323
after July 1, 1996, consecutively to any other term of 8324
imprisonment, becomes eligible for parole after serving twenty 8325
years, twenty full years, or thirty full years, as applicable, 8326
as to each such sentence of life imprisonment, which shall not 8327
be reduced for earned credits under division (A) (2) or (3) of 8328
section 2967.193 or 2967.194 of the Revised Code, plus the term 8329
or terms of the other sentences consecutively imposed or, if one 8330
of the other sentences is another type of life sentence with 8331
parole eligibility, the number of years before parole 8332
eligibility for that sentence. 8333

(C) Except as provided in division (G) of this section or 8334
section 2967.132 of the Revised Code, a prisoner serving 8335
consecutively two or more sentences in which an indefinite term 8336
of imprisonment is imposed becomes eligible for parole upon the 8337
expiration of the aggregate of the minimum terms of the 8338
sentences. 8339

(D) Except as provided in division (G) of this section or 8340
section 2967.132 of the Revised Code, a prisoner serving a term 8341
of imprisonment who is described in division (A) of section 8342
2967.021 of the Revised Code becomes eligible for parole as 8343
described in that division or, if the prisoner is serving a 8344
definite term of imprisonment, shall be released as described in 8345
that division. 8346

(E) Except as provided in section 2967.132 of the Revised 8347
Code, a prisoner serving a sentence of life imprisonment without 8348
parole imposed pursuant to section 2907.02 or section 2929.02 or 8349
former section 2929.03 or 2929.06 of the Revised Code is not 8350

eligible for parole and shall be imprisoned until death. 8351

(F) A prisoner serving a stated prison term that is a non- 8352
life felony indefinite prison term shall be released in 8353
accordance with sections 2967.271 and 2967.28 of the Revised 8354
Code. A prisoner serving a stated prison term of any other 8355
nature shall be released in accordance with section 2967.28 of 8356
the Revised Code. 8357

(G) Except as provided in section 2967.132 of the Revised 8358
Code, a prisoner serving a prison term or term of life 8359
imprisonment without parole imposed pursuant to section 2971.03 8360
of the Revised Code never becomes eligible for parole during 8361
that term of imprisonment. 8362

Sec. 2967.193. (A) (1) The provisions of this section shall 8363
apply, until the date that is one year after the effective date 8364
of this amendment, April 4, 2023, to persons confined in a state 8365
correctional institution or in the substance use disorder 8366
treatment program. 8367

(2) Except as provided in division (C) of this section and 8368
subject to the maximum aggregate total specified in division (A) 8369
(4) of this section, a person confined in a state correctional 8370
institution or placed in the substance use disorder treatment 8371
program may provisionally earn one day or five days of credit, 8372
based on the category set forth in division (D) (1), (2), (3), 8373
(4), or (5) of this section in which the person is included, 8374
toward satisfaction of the person's stated prison term, as 8375
described in division (F) of this section, for each completed 8376
month during which the person, if confined in a state 8377
correctional institution, productively participates in an 8378
education program, vocational training, employment in prison 8379
industries, treatment for substance abuse, or any other 8380

constructive program developed by the department of 8381
rehabilitation and correction with specific standards for 8382
performance by prisoners or during which the person, if placed 8383
in the substance use disorder treatment program, productively 8384
participates in the program. Except as provided in division (C) 8385
of this section and subject to the maximum aggregate total 8386
specified in division (A) (4) of this section, a person so 8387
confined in a state correctional institution who successfully 8388
completes two programs or activities of that type may, in 8389
addition, provisionally earn up to five days of credit toward 8390
satisfaction of the person's stated prison term, as described in 8391
division (F) of this section, for the successful completion of 8392
the second program or activity. The person shall not be awarded 8393
any provisional days of credit for the successful completion of 8394
the first program or activity or for the successful completion 8395
of any program or activity that is completed after the second 8396
program or activity. At the end of each calendar month in which 8397
a person productively participates in a program or activity 8398
listed in this division or successfully completes a program or 8399
activity listed in this division, the department of 8400
rehabilitation and correction shall determine and record the 8401
total number of days credit that the person provisionally earned 8402
in that calendar month. If the person in a state correctional 8403
institution violates prison rules or the person in the substance 8404
use disorder treatment program violates program or department 8405
rules, the department may deny the person a credit that 8406
otherwise could have been provisionally awarded to the person or 8407
may withdraw one or more credits previously provisionally earned 8408
by the person. Days of credit provisionally earned by a person 8409
shall be finalized and awarded by the department subject to 8410
administrative review by the department of the person's conduct. 8411

(3) Unless a person is serving a mandatory prison term or 8412
a prison term for an offense of violence or a sexually oriented 8413
offense, and notwithstanding the maximum aggregate total 8414
specified in division (A) (4) of this section, a person who 8415
successfully completes any of the following shall earn ninety 8416
days of credit toward satisfaction of the person's stated prison 8417
term or a ten per cent reduction of the person's stated prison 8418
term, whichever is less: 8419

(a) An Ohio high school diploma or Ohio certificate of 8420
high school equivalence certified by the Ohio central school 8421
system; 8422

(b) A therapeutic drug community program; 8423

(c) All three phases of the department of rehabilitation 8424
and correction's intensive outpatient drug treatment program; 8425

(d) A career technical vocational school program; 8426

(e) A college certification program; 8427

(f) The criteria for a certificate of achievement and 8428
employability as specified in division (A) (1) of section 2961.22 8429
of the Revised Code. 8430

(4) Except for persons described in division (A) (3) of 8431
this section, the aggregate days of credit provisionally earned 8432
by a person for program or activity participation and program 8433
and activity completion under this section and the aggregate 8434
days of credit finally credited to a person under this section 8435
shall not exceed eight per cent of the total number of days in 8436
the person's stated prison term. 8437

(B) The department of rehabilitation and correction shall 8438
adopt rules that specify the programs or activities for which 8439

credit may be earned under this section, the criteria for 8440
determining productive participation in, or completion of, the 8441
programs or activities and the criteria for awarding credit, 8442
including criteria for awarding additional credit for successful 8443
program or activity completion, and the criteria for denying or 8444
withdrawing previously provisionally earned credit as a result 8445
of a violation of prison rules, or program or department rules, 8446
whichever is applicable. 8447

(C) No person confined in a state correctional institution 8448
or placed in a substance use disorder treatment program to whom 8449
any of the following applies shall be awarded any days of credit 8450
under division (A) of this section: 8451

(1) The person is serving a prison term that section 8452
2929.13 or section 2929.14 of the Revised Code specifies cannot 8453
be reduced pursuant to this section or this chapter or is 8454
serving a sentence for which section 2967.13 or division (B) of 8455
section 2929.143 of the Revised Code specifies that the person 8456
is not entitled to any earned credit under this section. 8457

(2) The person is ~~sentenced to death or is~~ serving a 8458
prison term or a term of life imprisonment for aggravated 8459
murder, murder, or a conspiracy or attempt to commit, or 8460
complicity in committing, aggravated murder or murder. 8461

(3) The person is serving a sentence of life imprisonment 8462
without parole imposed pursuant to section 2929.02 or former 8463
section 2929.03 or 2929.06 of the Revised Code, a prison term or 8464
a term of life imprisonment without parole imposed pursuant to 8465
section 2971.03 of the Revised Code, or a sentence for a 8466
sexually oriented offense that was committed on or after 8467
September 30, 2011. 8468

(D) This division does not apply to a determination of 8469
whether a person confined in a state correctional institution or 8470
placed in a substance use disorder treatment program may earn 8471
any days of credit under division (A) of this section for 8472
successful completion of a second program or activity. The 8473
determination of whether a person confined in a state 8474
correctional institution may earn one day of credit or five days 8475
of credit under division (A) of this section for each completed 8476
month during which the person productively participates in a 8477
program or activity specified under that division shall be made 8478
in accordance with the following: 8479

(1) The offender may earn one day of credit under division 8480
(A) of this section, except as provided in division (C) of this 8481
section, if the most serious offense for which the offender is 8482
confined is any of the following that is a felony of the first 8483
or second degree: 8484

(a) A violation of division (A) of section 2903.04 or of 8485
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 8486
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 8487
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 8488
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 8489
or 2927.24 of the Revised Code; 8490

(b) A conspiracy or attempt to commit, or complicity in 8491
committing, any other offense for which the maximum penalty is 8492
imprisonment for life or any offense listed in division (D)(1) 8493
(a) of this section. 8494

(2) The offender may earn one day of credit under division 8495
(A) of this section, except as provided in division (C) of this 8496
section, if the offender is serving a stated prison term that 8497
includes a prison term imposed for a sexually oriented offense 8498

that the offender committed prior to September 30, 2011. 8499

(3) The offender may earn one day of credit under division 8500
(A) of this section, except as provided in division (C) of this 8501
section, if the offender is serving a stated prison term that 8502
includes a prison term imposed for a felony other than carrying 8503
a concealed weapon an essential element of which is any conduct 8504
or failure to act expressly involving any deadly weapon or 8505
dangerous ordnance. 8506

(4) Except as provided in division (C) of this section, if 8507
the most serious offense for which the offender is confined is a 8508
felony of the first or second degree and divisions (D)(1), (2), 8509
and (3) of this section do not apply to the offender, the 8510
offender may earn one day of credit under division (A) of this 8511
section if the offender committed that offense prior to 8512
September 30, 2011, and the offender may earn five days of 8513
credit under division (A) of this section if the offender 8514
committed that offense on or after September 30, 2011. 8515

(5) Except as provided in division (C) of this section, if 8516
the most serious offense for which the offender is confined is a 8517
felony of the third, fourth, or fifth degree or an unclassified 8518
felony and neither division (D)(2) nor (3) of this section 8519
applies to the offender, the offender may earn one day of credit 8520
under division (A) of this section if the offender committed 8521
that offense prior to September 30, 2011, and the offender may 8522
earn five days of credit under division (A) of this section if 8523
the offender committed that offense on or after September 30, 8524
2011. 8525

(E) The department annually shall seek and consider the 8526
written feedback of the Ohio prosecuting attorneys association, 8527
the Ohio judicial conference, the Ohio public defender, the Ohio 8528

association of criminal defense lawyers, and other organizations 8529
and associations that have an interest in the operation of the 8530
corrections system and the earned credits program under this 8531
section as part of its evaluation of the program and in 8532
determining whether to modify the program. 8533

(F) Days of credit awarded under this section shall be 8534
applied toward satisfaction of a person's stated prison term as 8535
follows: 8536

(1) Toward the definite prison term of a prisoner serving 8537
a definite prison term as a stated prison term; 8538

(2) Toward the minimum and maximum terms of a prisoner 8539
serving an indefinite prison term imposed under division (A) (1) 8540
(a) or (2) (a) of section 2929.14 of the Revised Code for a 8541
felony of the first or second degree committed on or after March 8542
22, 2019. 8543

(G) As used in this section: 8544

(1) "Sexually oriented offense" has the same meaning as in 8545
section 2950.01 of the Revised Code. 8546

(2) "Substance use disorder treatment program" means the 8547
substance use disorder treatment program established by the 8548
department of rehabilitation and correction under section 8549
5120.035 of the Revised Code. 8550

Sec. 2967.194. (A) (1) Beginning one year after ~~the~~ 8551
~~effective date of this section~~ April 4, 2023, the provisions of 8552
this section shall apply, in the manner described in division 8553
(G) of this section, to persons confined in a state correctional 8554
institution or in the substance use disorder treatment program. 8555

(2) Except as provided in division (C) of this section and 8556

subject to the maximum aggregate total specified in division (A) 8557
(4) of this section, a person confined in a state correctional 8558
institution or placed in the substance use disorder treatment 8559
program may provisionally earn one day or five days of credit, 8560
based on the category set forth in division (D)(1) or (2) of 8561
this section in which the person is included, toward 8562
satisfaction of the person's stated prison term, as described in 8563
division (F) of this section, for each completed month during 8564
which the person, if confined in a state correctional 8565
institution, productively participates in an education program, 8566
vocational training, employment in prison industries, treatment 8567
for substance abuse, or any other constructive program developed 8568
by the department of rehabilitation and correction with specific 8569
standards for performance by prisoners or during which the 8570
person, if placed in the substance use disorder treatment 8571
program, productively participates in the program. Except as 8572
provided in division (C) of this section and subject to the 8573
maximum aggregate total specified in division (A)(4) of this 8574
section, a person so confined in a state correctional 8575
institution who successfully completes two programs or 8576
activities of that type may, in addition, provisionally earn up 8577
to five days of credit toward satisfaction of the person's 8578
stated prison term, as described in division (F) of this 8579
section, for the successful completion of the second program or 8580
activity. The person shall not be awarded any provisional days 8581
of credit for the successful completion of the first program or 8582
activity or for the successful completion of any program or 8583
activity that is completed after the second program or activity. 8584
At the end of each calendar month in which a person productively 8585
participates in a program or activity listed in this division or 8586
successfully completes a program or activity listed in this 8587
division, the department of rehabilitation and correction shall 8588

determine and record the total number of days credit that the 8589
person provisionally earned in that calendar month. If the 8590
person in a state correctional institution violates prison rules 8591
or the person in the substance use disorder treatment program 8592
violates program or department rules, the department may deny 8593
the person a credit that otherwise could have been provisionally 8594
awarded to the person or may withdraw one or more credits 8595
previously provisionally earned by the person. Days of credit 8596
provisionally earned by a person shall be finalized and awarded 8597
by the department subject to administrative review by the 8598
department of the person's conduct. 8599

(3) Except as provided in division (C) of this section, 8600
unless a person is serving a mandatory prison term or a prison 8601
term for an offense of violence or a sexually oriented offense, 8602
and notwithstanding the maximum aggregate total specified in 8603
division (A)(4) of this section, a person who successfully 8604
completes any diploma, equivalence, program, or criteria 8605
identified in divisions (A)(3)(a) to (g) of this section shall 8606
earn ninety days of credit toward satisfaction of the person's 8607
stated prison term or a ten per cent reduction of the person's 8608
stated prison term, whichever is less, for each such diploma, 8609
equivalence, program, or criteria successfully completed. The 8610
diplomas, equivalences, programs, and criteria for which credit 8611
shall be granted under this division, upon successful 8612
completion, are: 8613

(a) An Ohio high school diploma or Ohio certificate of 8614
high school equivalence certified by the Ohio central school 8615
system; 8616

(b) A therapeutic drug community program; 8617

(c) All three phases of the department of rehabilitation 8618

and correction's intensive outpatient drug treatment program; 8619

(d) A career technical vocational school program; 8620

(e) A college certification program; 8621

(f) The criteria for a certificate of achievement and 8622
employability as specified in division (A)(1) of section 2961.22 8623
of the Revised Code; 8624

(g) Any other constructive program developed by the 8625
department of rehabilitation and correction with specific 8626
standards for performance by prisoners. 8627

(4) Except for persons described in division (A)(3) of 8628
this section, the aggregate days of credit provisionally earned 8629
by a person for program or activity participation and program 8630
and activity completion under this section and the aggregate 8631
days of credit finally credited to a person under this section 8632
shall not exceed fifteen per cent of the total number of days in 8633
the person's stated prison term. 8634

(B) The department of rehabilitation and correction shall 8635
adopt rules that specify the programs or activities for which 8636
credit may be earned under this section, the criteria for 8637
determining productive participation in, or completion of, the 8638
programs or activities and the criteria for awarding credit, 8639
including criteria for awarding additional credit for successful 8640
program or activity completion, and the criteria for denying or 8641
withdrawing previously provisionally earned credit as a result 8642
of a violation of prison rules, or program or department rules, 8643
whichever is applicable. 8644

(C) No person confined in a state correctional institution 8645
or placed in a substance use disorder treatment program to whom 8646
any of the following applies shall be awarded any days of credit 8647

under division (A) (2) or (3) of this section: 8648

(1) The person is serving a prison term that section 8649
2929.13 or section 2929.14 of the Revised Code specifies cannot 8650
be reduced pursuant to this section or this chapter or is 8651
serving a sentence for which section 2967.13 or division (B) of 8652
section 2929.143 of the Revised Code specifies that the person 8653
is not entitled to any earned credit under this section. 8654

(2) The person is sentenced to death or is serving a 8655
prison term or a term of life imprisonment for aggravated 8656
murder, murder, or a conspiracy or attempt to commit, or 8657
complicity in committing, aggravated murder or murder. 8658

(3) The person is serving a sentence of life imprisonment 8659
without parole imposed pursuant to section 2929.03 or former 8660
section 2929.06 of the Revised Code, a prison term or a term of 8661
life imprisonment without parole imposed pursuant to section 8662
2971.03 of the Revised Code, or a sentence for a sexually 8663
oriented offense that was committed on or after September 30, 8664
2011. 8665

(D) This division does not apply to a determination of 8666
whether a person confined in a state correctional institution or 8667
placed in a substance use disorder treatment program may earn 8668
any days of credit under division (A) (2) of this section for 8669
successful completion of a second program or activity. The 8670
determination of whether a person confined in a state 8671
correctional institution may earn one day of credit or five days 8672
of credit under division (A) (2) of this section for each 8673
completed month during which the person productively 8674
participates in a program or activity specified under that 8675
division shall be made in accordance with the following: 8676

(1) The offender may earn one day of credit under division (A) (2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(2) Except as provided in division (C) of this section, if division (D) (1) of this section does not apply to the offender, the offender may earn five days of credit under division (A) (2) of this section.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019.

(G) The provisions of this section apply to persons confined in a state correctional institution or in the substance

use disorder treatment program on or after the date that is one
year after ~~the effective date of this section~~ April 4, 2023, as
follows:

(1) Subject to division (G)(2) of this section, the
provisions apply to a person so confined regardless of whether
the person committed the offense for which the person is
confined in the institution or was placed in the program prior
to, on, or after the date that is one year after ~~the effective~~
~~date of this section~~ April 4, 2023, and regardless of whether
the person was convicted of or pleaded guilty to that offense
prior to, on, or after the date that is one year after ~~the~~
~~effective date of this section~~ April 4, 2023.

(2) The provisions apply to a person so confined only with
respect to the time that the person is so confined on and after
the date that is one year after ~~the effective date of this~~
~~section~~ April 4, 2023, and the provisions of section 2967.193 of
the Revised Code that were in effect prior to the date that is
one year after ~~the effective date of this section~~ April 4, 2023,
and that applied to the person prior to that date apply to the
person with respect to the time that the person was so confined
prior to the date that is one year after ~~that effective date~~
April 4, 2023.

(H) As used in this section:

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

(2) "Substance use disorder treatment program" means the
substance use disorder treatment program established by the
department of rehabilitation and correction under section
5120.035 of the Revised Code.

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 8735
section 2929.14, section 2929.02, ~~2929.03, 2929.06,~~ 2929.13, or 8736
another section of the Revised Code, other than divisions (B) 8737
and (C) of section 2929.14 of the Revised Code, that authorizes 8738
or requires a specified prison term or a mandatory prison term 8739
for a person who is convicted of or pleads guilty to a felony or 8740
that specifies the manner and place of service of a prison term 8741
or term of imprisonment, the court shall impose a sentence upon 8742
a person who is convicted of or pleads guilty to a violent sex 8743
offense and who also is convicted of or pleads guilty to a 8744
sexually violent predator specification that was included in the 8745
indictment, count in the indictment, or information charging 8746
that offense, and upon a person who is convicted of or pleads 8747
guilty to a designated homicide, assault, or kidnapping offense 8748
and also is convicted of or pleads guilty to both a sexual 8749
motivation specification and a sexually violent predator 8750
specification that were included in the indictment, count in the 8751
indictment, or information charging that offense, as follows: 8752

(1) Except as provided in division (A) (5) of this section, 8753
if the offense for which the sentence is being imposed is 8754
aggravated murder ~~and if the court does not impose upon the~~ 8755
~~offender a sentence of death,~~ it shall impose upon the offender 8756
a term of life imprisonment without parole. ~~If the court~~ 8757
~~sentences the offender to death and the sentence of death is~~ 8758
~~vacated, overturned, or otherwise set aside, the court shall~~ 8759
~~impose upon the offender a term of life imprisonment without~~ 8760
~~parole.~~ 8761

(2) Except as provided in division (A) (5) of this section, 8762
if the offense for which the sentence is being imposed is 8763
murder; or if the offense is rape committed in violation of 8764
division (A) (1) (b) of section 2907.02 of the Revised Code when 8765

the offender purposely compelled the victim to submit by force 8766
or threat of force, when the victim was less than ten years of 8767
age, when the offender previously has been convicted of or 8768
pleaded guilty to either rape committed in violation of that 8769
division or a violation of an existing or former law of this 8770
state, another state, or the United States that is substantially 8771
similar to division (A) (1) (b) of section 2907.02 of the Revised 8772
Code, or when the offender during or immediately after the 8773
commission of the rape caused serious physical harm to the 8774
victim; or if the offense is an offense other than aggravated 8775
murder or murder for which a term of life imprisonment may be 8776
imposed, it shall impose upon the offender a term of life 8777
imprisonment without parole. 8778

(3) (a) Except as otherwise provided in division (A) (3) (b), 8779
(c), (d), or (e) or (A) (4) of this section, if the offense for 8780
which the sentence is being imposed is an offense other than 8781
aggravated murder, murder, or rape and other than an offense for 8782
which a term of life imprisonment may be imposed, it shall 8783
impose an indefinite prison term consisting of a minimum term 8784
fixed by the court as described in this division, but not less 8785
than two years, and a maximum term of life imprisonment. Except 8786
as otherwise specified in this division, the minimum term shall 8787
be fixed by the court from among the range of terms available as 8788
a definite term for the offense. If the offense is a felony of 8789
the first or second degree committed on or after March 22, 2019, 8790
the minimum term shall be fixed by the court from among the 8791
range of terms available as a minimum term for the offense under 8792
division (A) (1) (a) or (2) (a) of that section. 8793

(b) Except as otherwise provided in division (A) (4) of 8794
this section, if the offense for which the sentence is being 8795
imposed is kidnapping that is a felony of the first degree, it 8796

shall impose an indefinite prison term as follows: 8797

(i) If the kidnapping is committed on or after January 1, 8798
2008, and the victim of the offense is less than thirteen years 8799
of age, except as otherwise provided in this division, it shall 8800
impose an indefinite prison term consisting of a minimum term of 8801
fifteen years and a maximum term of life imprisonment. If the 8802
kidnapping is committed on or after January 1, 2008, the victim 8803
of the offense is less than thirteen years of age, and the 8804
offender released the victim in a safe place unharmed, it shall 8805
impose an indefinite prison term consisting of a minimum term of 8806
ten years and a maximum term of life imprisonment. 8807

(ii) If the kidnapping is committed prior to January 1, 8808
2008, or division (A) (3) (b) (i) of this section does not apply, 8809
it shall impose an indefinite term consisting of a minimum term 8810
fixed by the court that is not less than ten years and a maximum 8811
term of life imprisonment. 8812

(c) Except as otherwise provided in division (A) (4) of 8813
this section, if the offense for which the sentence is being 8814
imposed is kidnapping that is a felony of the second degree, it 8815
shall impose an indefinite prison term consisting of a minimum 8816
term fixed by the court that is not less than eight years, and a 8817
maximum term of life imprisonment. 8818

(d) Except as otherwise provided in division (A) (4) of 8819
this section, if the offense for which the sentence is being 8820
imposed is rape for which a term of life imprisonment is not 8821
imposed under division (A) (2) of this section or division (B) of 8822
section 2907.02 of the Revised Code, it shall impose an 8823
indefinite prison term as follows: 8824

(i) If the rape is committed on or after January 2, 2007, 8825

in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(ii) If the rape is committed prior to January 2, 2007, or the rape is committed on or after January 2, 2007, other than in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the

Revised Code, it shall impose an indefinite prison term 8855
consisting of a minimum term of ten years and a maximum of life 8856
imprisonment. 8857

(iv) If the attempted rape for which sentence is being 8858
imposed was committed on or after January 2, 2007, and if the 8859
offender also is convicted of or pleads guilty to a 8860
specification of the type described in section 2941.1420 of the 8861
Revised Code, it shall impose an indefinite prison term 8862
consisting of a minimum term of fifteen years and a maximum of 8863
life imprisonment. 8864

(4) Except as provided in division (A) (5) of this section, 8865
for any offense for which the sentence is being imposed, if the 8866
offender previously has been convicted of or pleaded guilty to a 8867
violent sex offense and also to a sexually violent predator 8868
specification that was included in the indictment, count in the 8869
indictment, or information charging that offense, or previously 8870
has been convicted of or pleaded guilty to a designated 8871
homicide, assault, or kidnapping offense and also to both a 8872
sexual motivation specification and a sexually violent predator 8873
specification that were included in the indictment, count in the 8874
indictment, or information charging that offense, it shall 8875
impose upon the offender a term of life imprisonment without 8876
parole. 8877

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 8878
section, the court shall not impose a sentence of life 8879
imprisonment without parole upon any person for an offense that 8880
was committed when the person was under eighteen years of age. 8881
In any case described in division (A) (1), (2), or (4) of this 8882
section, if the offense was committed when the person was under 8883
eighteen years of age, the court shall impose an indefinite 8884

prison term consisting of a minimum term of thirty years and a 8885
maximum term of life imprisonment. 8886

(B) (1) Notwithstanding section 2929.13, division (A) or 8887
(D) of section 2929.14, or another section of the Revised Code 8888
other than division (B) of section 2907.02 or divisions (B) and 8889
(C) of section 2929.14 of the Revised Code that authorizes or 8890
requires a specified prison term or a mandatory prison term for 8891
a person who is convicted of or pleads guilty to a felony or 8892
that specifies the manner and place of service of a prison term 8893
or term of imprisonment, if a person is convicted of or pleads 8894
guilty to a violation of division (A) (1) (b) of section 2907.02 8895
of the Revised Code committed on or after January 2, 2007, if 8896
division (A) of this section does not apply regarding the 8897
person, and if the court does not impose a sentence of life 8898
without parole when authorized pursuant to division (B) of 8899
section 2907.02 of the Revised Code, the court shall impose upon 8900
the person an indefinite prison term consisting of one of the 8901
following: 8902

(a) Except as otherwise required in division (B) (1) (b) or 8903
(c) of this section, a minimum term of ten years and a maximum 8904
term of life imprisonment. 8905

(b) If the victim was less than ten years of age, a 8906
minimum term of fifteen years and a maximum of life 8907
imprisonment. 8908

(c) If the offender purposely compels the victim to submit 8909
by force or threat of force, or if the offender previously has 8910
been convicted of or pleaded guilty to violating division (A) (1) 8911
(b) of section 2907.02 of the Revised Code or to violating an 8912
existing or former law of this state, another state, or the 8913
United States that is substantially similar to division (A) (1) 8914

(b) of that section, or if the offender during or immediately 8915
after the commission of the offense caused serious physical harm 8916
to the victim, a minimum term of twenty-five years and a maximum 8917
of life imprisonment. 8918

(2) Notwithstanding section 2929.13, division (A) or (D) 8919
of section 2929.14, or another section of the Revised Code other 8920
than divisions (B) and (C) of section 2929.14 of the Revised 8921
Code that authorizes or requires a specified prison term or a 8922
mandatory prison term for a person who is convicted of or pleads 8923
guilty to a felony or that specifies the manner and place of 8924
service of a prison term or term of imprisonment and except as 8925
otherwise provided in division (B) of section 2907.02 of the 8926
Revised Code, if a person is convicted of or pleads guilty to 8927
attempted rape committed on or after January 2, 2007, and if 8928
division (A) of this section does not apply regarding the 8929
person, the court shall impose upon the person an indefinite 8930
prison term consisting of one of the following: 8931

(a) If the person also is convicted of or pleads guilty to 8932
a specification of the type described in section 2941.1418 of 8933
the Revised Code, the court shall impose upon the person an 8934
indefinite prison term consisting of a minimum term of five 8935
years and a maximum term of twenty-five years. 8936

(b) If the person also is convicted of or pleads guilty to 8937
a specification of the type described in section 2941.1419 of 8938
the Revised Code, the court shall impose upon the person an 8939
indefinite prison term consisting of a minimum term of ten years 8940
and a maximum term of life imprisonment. 8941

(c) If the person also is convicted of or pleads guilty to 8942
a specification of the type described in section 2941.1420 of 8943
the Revised Code, the court shall impose upon the person an 8944

indefinite prison term consisting of a minimum term of fifteen 8945
years and a maximum term of life imprisonment. 8946

(3) Notwithstanding section 2929.13, division (A) or (D) 8947
of section 2929.14, or another section of the Revised Code other 8948
than divisions (B) and (C) of section 2929.14 of the Revised 8949
Code that authorizes or requires a specified prison term or a 8950
mandatory prison term for a person who is convicted of or pleads 8951
guilty to a felony or that specifies the manner and place of 8952
service of a prison term or term of imprisonment, if a person is 8953
convicted of or pleads guilty to an offense described in 8954
division (B) (3) (a), (b), (c), or (d) of this section committed 8955
on or after January 1, 2008, if the person also is convicted of 8956
or pleads guilty to a sexual motivation specification that was 8957
included in the indictment, count in the indictment, or 8958
information charging that offense, and if division (A) of this 8959
section does not apply regarding the person, the court shall 8960
impose upon the person an indefinite prison term consisting of 8961
one of the following: 8962

(a) An indefinite prison term consisting of a minimum of 8963
ten years and a maximum term of life imprisonment if the offense 8964
for which the sentence is being imposed is kidnapping, the 8965
victim of the offense is less than thirteen years of age, and 8966
the offender released the victim in a safe place unharmed; 8967

(b) An indefinite prison term consisting of a minimum of 8968
fifteen years and a maximum term of life imprisonment if the 8969
offense for which the sentence is being imposed is kidnapping 8970
when the victim of the offense is less than thirteen years of 8971
age and division (B) (3) (a) of this section does not apply; 8972

(c) An indefinite term consisting of a minimum of thirty 8973
years and a maximum term of life imprisonment if the offense for 8974

which the sentence is being imposed is aggravated murder, when 8975
the victim of the offense is less than thirteen years of age, a 8976
sentence of ~~death or~~ life imprisonment without parole is not 8977
imposed for the offense, and division ~~(A) (2) (b) (ii) of section~~ 8978
~~2929.022, division (A) (1) (c), (C) (1) (a) (v), (C) (2) (a) (ii), (D)~~ 8979
~~(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or~~ 8980
~~division (A) or (B) (C) of section 2929.06-2929.02~~ of the 8981
Revised Code requires that the sentence for the offense be 8982
imposed pursuant to this division; 8983

(d) An indefinite prison term consisting of a minimum of 8984
thirty years and a maximum term of life imprisonment if the 8985
offense for which the sentence is being imposed is murder when 8986
the victim of the offense is less than thirteen years of age. 8987

(C) (1) If the offender is sentenced to a prison term 8988
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 8989
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 8990
parole board shall have control over the offender's service of 8991
the term during the entire term unless the parole board 8992
terminates its control in accordance with section 2971.04 of the 8993
Revised Code. 8994

(2) Except as provided in division (C) (3) or (G) of this 8995
section, an offender sentenced to a prison term or term of life 8996
imprisonment without parole pursuant to division (A) of this 8997
section shall serve the entire prison term or term of life 8998
imprisonment in a state correctional institution. The offender 8999
is not eligible for judicial release under section 2929.20 of 9000
the Revised Code. 9001

(3) For a prison term imposed pursuant to division (A) (3), 9002
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 9003
(b), (c), or (d) of this section, subject to the application of 9004

division (G) of this section, the court, in accordance with 9005
section 2971.05 of the Revised Code, may terminate the prison 9006
term or modify the requirement that the offender serve the 9007
entire term in a state correctional institution if all of the 9008
following apply: 9009

(a) The offender has served at least the minimum term 9010
imposed as part of that prison term. 9011

(b) The parole board, pursuant to section 2971.04 of the 9012
Revised Code, has terminated its control over the offender's 9013
service of that prison term. 9014

(c) The court has held a hearing and found, by clear and 9015
convincing evidence, one of the following: 9016

(i) In the case of termination of the prison term, that 9017
the offender is unlikely to commit a sexually violent offense in 9018
the future; 9019

(ii) In the case of modification of the requirement, that 9020
the offender does not represent a substantial risk of physical 9021
harm to others. 9022

(4) Except as provided in division (G) of this section, an 9023
offender who has been sentenced to a term of life imprisonment 9024
without parole pursuant to division (A)(1), (2), or (4) of this 9025
section shall not be released from the term of life imprisonment 9026
or be permitted to serve a portion of it in a place other than a 9027
state correctional institution. 9028

(D) If a court sentences an offender to a prison term or 9029
term of life imprisonment without parole pursuant to division 9030
(A) of this section and the court also imposes on the offender 9031
one or more additional prison terms pursuant to division (B) of 9032
section 2929.14 of the Revised Code, all of the additional 9033

prison terms shall be served consecutively with, and prior to, 9034
the prison term or term of life imprisonment without parole 9035
imposed upon the offender pursuant to division (A) of this 9036
section. 9037

(E) If the offender is convicted of or pleads guilty to 9038
two or more offenses for which a prison term or term of life 9039
imprisonment without parole is required to be imposed pursuant 9040
to division (A) of this section, divisions (A) to (D) of this 9041
section shall be applied for each offense. All minimum terms 9042
imposed upon the offender pursuant to division (A) (3) or (B) of 9043
this section for those offenses shall be aggregated and served 9044
consecutively, as if they were a single minimum term imposed 9045
under that division. 9046

(F) (1) If an offender is convicted of or pleads guilty to 9047
a violent sex offense and also is convicted of or pleads guilty 9048
to a sexually violent predator specification that was included 9049
in the indictment, count in the indictment, or information 9050
charging that offense, or is convicted of or pleads guilty to a 9051
designated homicide, assault, or kidnapping offense and also is 9052
convicted of or pleads guilty to both a sexual motivation 9053
specification and a sexually violent predator specification that 9054
were included in the indictment, count in the indictment, or 9055
information charging that offense, the conviction of or plea of 9056
guilty to the offense and the sexually violent predator 9057
specification automatically classifies the offender as a tier 9058
III sex offender/child-victim offender for purposes of Chapter 9059
2950. of the Revised Code. 9060

(2) If an offender is convicted of or pleads guilty to 9061
committing on or after January 2, 2007, a violation of division 9062
(A) (1) (b) of section 2907.02 of the Revised Code and either the 9063

offender is sentenced under section 2971.03 of the Revised Code 9064
or a sentence of life without parole is imposed under division 9065
(B) of section 2907.02 of the Revised Code, the conviction of or 9066
plea of guilty to the offense automatically classifies the 9067
offender as a tier III sex offender/child-victim offender for 9068
purposes of Chapter 2950. of the Revised Code. 9069

(3) If a person is convicted of or pleads guilty to 9070
committing on or after January 2, 2007, attempted rape and also 9071
is convicted of or pleads guilty to a specification of the type 9072
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9073
Revised Code, the conviction of or plea of guilty to the offense 9074
and the specification automatically classify the offender as a 9075
tier III sex offender/child-victim offender for purposes of 9076
Chapter 2950. of the Revised Code. 9077

(4) If a person is convicted of or pleads guilty to one of 9078
the offenses described in division (B) (3) (a), (b), (c), or (d) 9079
of this section and a sexual motivation specification related to 9080
the offense and the victim of the offense is less than thirteen 9081
years of age, the conviction of or plea of guilty to the offense 9082
automatically classifies the offender as a tier III sex 9083
offender/child-victim offender for purposes of Chapter 2950. of 9084
the Revised Code. 9085

(G) Notwithstanding divisions (A) to (E) of this section, 9086
if an offender receives or received a sentence of life 9087
imprisonment without parole, a definite sentence, or a sentence 9088
to an indefinite prison term under this chapter for an offense 9089
committed when the offender was under eighteen years of age, the 9090
offender is eligible for parole and the offender's parole 9091
eligibility shall be determined under section 2967.132 of the 9092
Revised Code. 9093

Sec. 2971.07. (A) This chapter does not apply to any 9094
offender unless the offender is one of the following: 9095

(1) The offender is convicted of or pleads guilty to a 9096
violent sex offense and also is convicted of or pleads guilty to 9097
a sexually violent predator specification that was included in 9098
the indictment, count in the indictment, or information charging 9099
that offense. 9100

(2) The offender is convicted of or pleads guilty to a 9101
designated homicide, assault, or kidnapping offense and also is 9102
convicted of or pleads guilty to both a sexual motivation 9103
specification and a sexually violent predator specification that 9104
were included in the indictment, count in the indictment, or 9105
information charging that offense. 9106

(3) The offender is convicted of or pleads guilty to a 9107
violation of division (A) (1) (b) of section 2907.02 of the 9108
Revised Code committed on or after January 2, 2007, and the 9109
court does not sentence the offender to a term of life without 9110
parole pursuant to division (B) of section 2907.02 of the 9111
Revised Code or division (B) of that section prohibits the court 9112
from sentencing the offender pursuant to section 2971.03 of the 9113
Revised Code. 9114

(4) The offender is convicted of or pleads guilty to 9115
attempted rape committed on or after January 2, 2007, and also 9116
is convicted of or pleads guilty to a specification of the type 9117
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9118
Revised Code. 9119

(5) The offender is convicted of or pleads guilty to a 9120
violation of section 2905.01 of the Revised Code and also is 9121
convicted of or pleads guilty to a sexual motivation 9122

specification that was included in the indictment, count in the
indictment, or information charging that offense, and that
section requires a court to sentence the offender pursuant to
section 2971.03 of the Revised Code.

(6) The offender is convicted of or pleads guilty to
aggravated murder and also is convicted of or pleads guilty to a
sexual motivation specification that was included in the
indictment, count in the indictment, or information charging
that offense, and ~~division (A) (2) (b) (ii) of section 2929.022,~~
~~division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D)~~
~~(3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A)~~
~~or (B) (C) of section 2929.06-2929.02~~ of the Revised Code
requires a court to sentence the offender pursuant to division
(B) (3) of section 2971.03 of the Revised Code.

(7) The offender is convicted of or pleads guilty to
murder and also is convicted of or pleads guilty to a sexual
motivation specification that was included in the indictment,
count in the indictment, or information charging that offense,
and ~~division (B) (2)~~ division (C) (1) of section 2929.02 of the Revised
Code requires a court to sentence the offender pursuant to
section 2971.03 of the Revised Code.

(B) This chapter does not limit or affect a court in
imposing upon an offender described in divisions (A) (1) to (9)
of this section any financial sanction under section 2929.18 or
any other section of the Revised Code, or, except as
specifically provided in this chapter, any other sanction that
is authorized or required for the offense or violation by any
other provision of law.

(C) If an offender is sentenced to a prison term under
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c),

or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9153
Code and if, pursuant to section 2971.05 of the Revised Code, 9154
the court modifies the requirement that the offender serve the 9155
entire prison term in a state correctional institution or places 9156
the offender on conditional release that involves the placement 9157
of the offender under the supervision of the adult parole 9158
authority, authorized field officers of the authority who are 9159
engaged within the scope of their supervisory duties or 9160
responsibilities may search, with or without a warrant, the 9161
person of the offender, the place of residence of the offender, 9162
and a motor vehicle, another item of tangible or intangible 9163
personal property, or any other real property in which the 9164
offender has the express or implied permission of a person with 9165
a right, title, or interest to use, occupy, or possess if the 9166
field officer has reasonable grounds to believe that the 9167
offender is not abiding by the law or otherwise is not complying 9168
with the terms and conditions of the offender's modification or 9169
release. The authority shall provide each offender with a 9170
written notice that informs the offender that authorized field 9171
officers of the authority who are engaged within the scope of 9172
their supervisory duties or responsibilities may conduct those 9173
types of searches during the period of the modification or 9174
release if they have reasonable grounds to believe that the 9175
offender is not abiding by the law or otherwise is not complying 9176
with the terms and conditions of the offender's modification or 9177
release. 9178

Sec. 5120.113. (A) For each inmate committed to the 9179
department of rehabilitation and correction, except as provided 9180
in division (B) of this section, the department shall prepare a 9181
written reentry plan for the inmate to help guide the inmate's 9182
rehabilitation program during imprisonment, to assist in the 9183

inmate's reentry into the community, and to assess the inmate's 9184
needs upon release. 9185

(B) Division (A) of this section does not apply to an 9186
inmate who has been sentenced to life imprisonment without 9187
parole or ~~who has been sentenced to death~~ before the effective 9188
date of this amendment. Division (A) of this section does not 9189
apply to any inmate who is expected to be imprisoned for thirty 9190
days or less, but the department may prepare a written reentry 9191
plan of the type described in that division if the department 9192
determines that the plan is needed. 9193

(C) The department may collect, if available, any social 9194
and other information that will aid in the preparation of 9195
reentry plans under this section. 9196

(D) In the event the department does not prepare a written 9197
reentry plan as specified in division (A) of this section, or 9198
makes a decision to not prepare a written reentry plan under 9199
division (B) of this section or to not collect information under 9200
division (C) of this section, that fact does not give rise to a 9201
claim for damages against the state, the department, the 9202
director of the department, or any employee of the department. 9203

Sec. 5120.53. (A) If a treaty between the United States 9204
and a foreign country provides for the transfer or exchange, 9205
from one of the signatory countries to the other signatory 9206
country, of convicted offenders who are citizens or nationals of 9207
the other signatory country, the governor, subject to and in 9208
accordance with the terms of the treaty, may authorize the 9209
director of rehabilitation and correction to allow the transfer 9210
or exchange of convicted offenders and to take any action 9211
necessary to initiate participation in the treaty. If the 9212
governor grants the director the authority described in this 9213

division, the director may take the necessary action to initiate 9214
participation in the treaty and, subject to and in accordance 9215
with division (B) of this section and the terms of the treaty, 9216
may allow the transfer or exchange to a foreign country that has 9217
signed the treaty of any convicted offender who is a citizen or 9218
national of that signatory country. 9219

(B) (1) No convicted offender who is serving a term of 9220
imprisonment in this state for aggravated murder, murder, or a 9221
felony of the first or second degree, who is serving a mandatory 9222
prison term imposed under section 2925.03 or 2925.11 of the 9223
Revised Code in circumstances in which the court was required to 9224
impose as the mandatory prison term the maximum definite prison 9225
term or longest minimum prison term authorized for the degree of 9226
offense committed, or who is serving a term of imprisonment in 9227
this state imposed for an offense committed prior to July 1, 9228
1996, that was an aggravated felony of the first or second 9229
degree or that was aggravated trafficking in violation of 9230
division (A) (9) or (10) of section 2925.03 of the Revised Code, ~~7-~~ 9231
~~or who has been sentenced to death in this state~~ shall be 9232
transferred or exchanged to another country pursuant to a treaty 9233
of the type described in division (A) of this section. 9234

(2) If a convicted offender is serving a term of 9235
imprisonment in this state and the offender is a citizen or 9236
national of a foreign country that has signed a treaty of the 9237
type described in division (A) of this section, if the governor 9238
has granted the director of rehabilitation and correction the 9239
authority described in that division, and if the transfer or 9240
exchange of the offender is not barred by division (B) (1) of 9241
this section, the director or the director's designee may 9242
approve the offender for transfer or exchange pursuant to the 9243
treaty if the director or the designee, after consideration of 9244

the factors set forth in the rules adopted by the department 9245
under division (D) of this section and all other relevant 9246
factors, determines that the transfer or exchange of the 9247
offender is appropriate. 9248

(C) Notwithstanding any provision of the Revised Code 9249
regarding the parole eligibility of, or the duration or 9250
calculation of a sentence of imprisonment imposed upon, an 9251
offender, if a convicted offender is serving a term of 9252
imprisonment in this state and the offender is a citizen or 9253
national of a foreign country that has signed a treaty of the 9254
type described in division (A) of this section, if the offender 9255
is serving an indefinite term of imprisonment, if the offender 9256
is barred from being transferred or exchanged pursuant to the 9257
treaty due to the indefinite nature of the offender's term of 9258
imprisonment, and if in accordance with division (B) (2) of this 9259
section the director of rehabilitation and correction or the 9260
director's designee approves the offender for transfer or 9261
exchange pursuant to the treaty, the parole board, pursuant to 9262
rules adopted by the director, shall set a date certain for the 9263
release of the offender. To the extent possible, the date 9264
certain that is set shall be reasonably proportionate to the 9265
indefinite term of imprisonment that the offender is serving. 9266
The date certain that is set for the release of the offender 9267
shall be considered only for purposes of facilitating the 9268
international transfer or exchange of the offender, shall not be 9269
viable or actionable for any other purpose, and shall not create 9270
any expectation or guarantee of release. If an offender for whom 9271
a date certain for release is set under this division is not 9272
transferred to or exchanged with the foreign country pursuant to 9273
the treaty, the date certain is null and void, and the 9274
offender's release shall be determined pursuant to the laws and 9275

rules of this state pertaining to parole eligibility and the 9276
duration and calculation of an indefinite sentence of 9277
imprisonment. 9278

(D) If the governor, pursuant to division (A) of this 9279
section, authorizes the director of rehabilitation and 9280
correction to allow any transfer or exchange of convicted 9281
offenders as described in that division, the director shall 9282
adopt rules under Chapter 119. of the Revised Code to implement 9283
the provisions of this section. The rules shall include a rule 9284
that requires the director or the director's designee, in 9285
determining whether to approve a convicted offender who is 9286
serving a term of imprisonment in this state for transfer or 9287
exchange pursuant to a treaty of the type described in division 9288
(A) of this section, to consider all of the following factors: 9289

(1) The nature of the offense for which the offender is 9290
serving the term of imprisonment in this state; 9291

(2) The likelihood that, if the offender is transferred or 9292
exchanged to a foreign country pursuant to the treaty, the 9293
offender will serve a shorter period of time in imprisonment in 9294
the foreign country than the offender would serve if the 9295
offender is not transferred or exchanged to the foreign country 9296
pursuant to the treaty; 9297

(3) The likelihood that, if the offender is transferred or 9298
exchanged to a foreign country pursuant to the treaty, the 9299
offender will return or attempt to return to this state after 9300
the offender has been released from imprisonment in the foreign 9301
country; 9302

(4) The degree of any shock to the conscience of justice 9303
and society that will be experienced in this state if the 9304

offender is transferred or exchanged to a foreign country 9305
pursuant to the treaty; 9306

(5) All other factors that the department determines are 9307
relevant to the determination. 9308

Sec. 5120.61. (A) (1) Not later than ninety days after 9309
January 1, 1997, the department of rehabilitation and correction 9310
shall adopt standards that it will use under this section to 9311
assess the following criminal offenders and may periodically 9312
revise the standards: 9313

(a) A criminal offender who is convicted of or pleads 9314
guilty to a violent sex offense or designated homicide, assault, 9315
or kidnapping offense and is adjudicated a sexually violent 9316
predator in relation to that offense; 9317

(b) A criminal offender who is convicted of or pleads 9318
guilty to a violation of division (A) (1) (b) of section 2907.02 9319
of the Revised Code committed on or after January 2, 2007, and 9320
either who is sentenced under section 2971.03 of the Revised 9321
Code or upon whom a sentence of life without parole is imposed 9322
under division (B) of section 2907.02 of the Revised Code; 9323

(c) A criminal offender who is convicted of or pleads 9324
guilty to attempted rape committed on or after January 2, 2007, 9325
and a specification of the type described in section 2941.1418, 9326
2941.1419, or 2941.1420 of the Revised Code; 9327

(d) A criminal offender who is convicted of or pleads 9328
guilty to a violation of section 2905.01 of the Revised Code and 9329
also is convicted of or pleads guilty to a sexual motivation 9330
specification that was included in the indictment, count in the 9331
indictment, or information charging that offense, and who is 9332
sentenced pursuant to section 2971.03 of the Revised Code; 9333

(e) A criminal offender who is convicted of or pleads 9334
guilty to aggravated murder and also is convicted of or pleads 9335
guilty to a sexual motivation specification that was included in 9336
the indictment, count in the indictment, or information charging 9337
that offense, and who pursuant to division ~~(A) (2) (b) (ii) of~~ 9338
~~section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a)~~ 9339
~~(ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section~~ 9340
~~2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ 9341
of the Revised Code is sentenced pursuant to division (B) (3) of 9342
section 2971.03 of the Revised Code; 9343

(f) A criminal offender who is convicted of or pleads 9344
guilty to murder and also is convicted of or pleads guilty to a 9345
sexual motivation specification that was included in the 9346
indictment, count in the indictment, or information charging 9347
that offense, and who pursuant to division ~~(B) (2) (C) (1)~~ of 9348
section 2929.02 of the Revised Code is sentenced pursuant to 9349
section 2971.03 of the Revised Code. 9350

(2) When the department is requested by the parole board 9351
or the court to provide a risk assessment report of the offender 9352
under section 2971.04 or 2971.05 of the Revised Code, it shall 9353
assess the offender and complete the assessment as soon as 9354
possible after the offender has commenced serving the prison 9355
term or term of life imprisonment without parole imposed under 9356
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 9357
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9358
Code. Thereafter, the department shall update a risk assessment 9359
report pertaining to an offender as follows: 9360

(a) Periodically, in the discretion of the department, 9361
provided that each report shall be updated no later than two 9362
years after its initial preparation or most recent update; 9363

(b) Upon the request of the parole board for use in 9364
determining pursuant to section 2971.04 of the Revised Code 9365
whether it should terminate its control over an offender's 9366
service of a prison term imposed upon the offender under 9367
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 9368
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9369
Code; 9370

(c) Upon the request of the court. 9371

(3) After the department of rehabilitation and correction 9372
assesses an offender pursuant to division (A) (2) of this 9373
section, it shall prepare a report that contains its risk 9374
assessment for the offender or, if a risk assessment report 9375
previously has been prepared, it shall update the risk 9376
assessment report. 9377

(4) The department of rehabilitation and correction shall 9378
provide each risk assessment report that it prepares or updates 9379
pursuant to this section regarding an offender to all of the 9380
following: 9381

(a) The parole board for its use in determining pursuant 9382
to section 2971.04 of the Revised Code whether it should 9383
terminate its control over an offender's service of a prison 9384
term imposed upon the offender under division (A) (3), (B) (1) (a), 9385
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 9386
(d) of section 2971.03 of the Revised Code, if the parole board 9387
has not terminated its control over the offender; 9388

(b) The court for use in determining, pursuant to section 9389
2971.05 of the Revised Code, whether to modify the requirement 9390
that the offender serve the entire prison term imposed upon the 9391
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 9392

(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 9393
2971.03 of the Revised Code in a state correctional institution, 9394
whether to revise any modification previously made, or whether 9395
to terminate the prison term; 9396

(c) The prosecuting attorney who prosecuted the case, or 9397
the successor in office to that prosecuting attorney; 9398

(d) The offender. 9399

(B) When the department of rehabilitation and correction 9400
provides a risk assessment report regarding an offender to the 9401
parole board or court pursuant to division (A) (4) (a) or (b) of 9402
this section, the department, prior to the parole board's or 9403
court's hearing, also shall provide to the offender or to the 9404
offender's attorney of record a copy of the report and a copy of 9405
any other relevant documents the department possesses regarding 9406
the offender that the department does not consider to be 9407
confidential. 9408

(C) As used in this section: 9409

(1) "Adjudicated a sexually violent predator" has the same 9410
meaning as in section 2929.01 of the Revised Code, and a person 9411
is "adjudicated a sexually violent predator" in the same manner 9412
and the same circumstances as are described in that section. 9413

(2) "Designated homicide, assault, or kidnapping offense" 9414
and "violent sex offense" have the same meanings as in section 9415
2971.01 of the Revised Code. 9416

Sec. 5139.04. The department of youth services shall do 9417
all of the following: 9418

(A) Support service districts through a central 9419
administrative office that shall have as its administrative head 9420

a deputy director who shall be appointed by the director of the 9421
department. When a vacancy occurs in the office of that deputy 9422
director, an assistant deputy director shall act as that deputy 9423
director until the vacancy is filled. The position of deputy 9424
director and assistant deputy director described in this 9425
division shall be in the unclassified civil service of the 9426
state. 9427

(B) Receive custody of all children committed to it under 9428
Chapter 2152. of the Revised Code, cause a study to be made of 9429
those children, and issue any orders, as it considers best 9430
suited to the needs of any of those children and the interest of 9431
the public, for the treatment of each of those children; 9432

(C) Obtain personnel necessary for the performance of its 9433
duties; 9434

(D) Adopt rules that regulate its organization and 9435
operation, that implement sections 5139.34 and 5139.41 to 9436
5139.43 of the Revised Code, and that pertain to the 9437
administration of other sections of this chapter; 9438

(E) Submit reports of its operations to the governor and 9439
the general assembly by the thirty-first day of January of each 9440
odd-numbered year; 9441

(F) Conduct a program of research in diagnosis, training, 9442
and treatment of delinquent children to evaluate the 9443
effectiveness of the department's services and to develop more 9444
adequate methods; 9445

(G) Develop a standard form for the disposition 9446
investigation report that a juvenile court is required pursuant 9447
to section 2152.18 of the Revised Code to complete and provide 9448
to the department when the court commits a child to the legal 9449

custody of the department; 9450

(H) Provide the state public defender the reasonable 9451
access authorized under division ~~(I)~~ (H) of section 120.06 of 9452
the Revised Code in order to fulfill the department's 9453
constitutional obligation to provide juveniles who have been 9454
committed to the department's care access to the courts. 9455

(I) Do all other acts necessary or desirable to carry out 9456
this chapter. 9457

Sec. 5919.16. (A) Commissioned and warrant officers in the 9458
Ohio national guard shall be discharged by the adjutant general 9459
upon either of the following: 9460

(1) The officer's resignation; 9461

(2) Approval of a board's recommendation for withdrawal of 9462
federal recognition by the chief of the national guard bureau. 9463

(B) An officer also may be discharged under any of the 9464
following circumstances: 9465

(1) Pursuant to other federal regulations; 9466

(2) If absent without leave for three months, upon 9467
recommendation of an efficiency board; 9468

(3) Pursuant to sentence by court-martial; 9469

(4) If the officer has been convicted of a crime 9470
classified as a felony as described in division (C) or (D) ~~or~~ 9471
~~(E)~~ of section 2901.02 of the Revised Code. 9472

Section 2. That existing sections 9.07, 120.03, 120.041, 9473
120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 9474
120.34, 149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 9475
2307.60, 2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 9476

2929.13, 2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 9477
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 9478
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 9479
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 9480
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 9481
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 9482
and 5919.16 of the Revised Code are hereby repealed. 9483

Section 3. That sections 109.97, 120.35, 2725.19, 9484
2929.021, 2929.022, 2929.023, 2929.024, 2929.025, 2929.03, 9485
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 9486
2949.221, 2949.222, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 9487
2949.29, 2949.31, and 2967.08 of the Revised Code are hereby 9488
repealed. 9489

Section 4. (A) An offender whose sentence of death has 9490
been set aside, nullified, or vacated pursuant to section 9491
2929.06 of the Revised Code as it existed immediately before the 9492
effective date of this section but who has not been resentenced 9493
under that section as of the effective date of this section 9494
shall be resentenced in accordance with that section as it 9495
existed immediately before the effective date of this section. 9496

(B) Nothing in this act is intended to nullify or mitigate 9497
the sentence of an offender who was sentenced to death before 9498
the effective date of this section. An offender who was 9499
sentenced to death before the effective date of this section has 9500
the same rights to appeal and to postconviction remedies as the 9501
offender had under the provisions of Chapter 2953. of the 9502
Revised Code as those provisions existed immediately before the 9503
effective date of this section or as those provisions may 9504
hereafter be amended, and courts have the same powers and duties 9505
with respect to those offenders under those provisions as courts 9506

had before the effective date of this section. 9507

(C) All reports and payments relating to capital cases 9508
that were required to be made under any provision of Chapter 9509
120. or section 109.97 of the Revised Code as those provisions 9510
existed immediately before the effective date of this section 9511
shall be made each calendar or fiscal year, as applicable, in 9512
accordance with those provisions as they existed immediately 9513
before the effective date of this section, and the Capital Case 9514
Attorney Fee Council created under section 120.33 of the Revised 9515
Code shall continue under the provisions of that section as it 9516
existed immediately before the effective date of this section, 9517
until each case in which a defendant was sentenced to death 9518
before the effective date of this section is finally resolved. 9519

(D) In an action in which an offender was sentenced to 9520
death before the effective date of this section, a court of 9521
common pleas shall preserve the records of the action as 9522
required by section 2301.20 of the Revised Code as it existed 9523
immediately before the effective date of this section. 9524

Section 5. Attorneys appointed to represent indigent 9525
defendants in postconviction relief proceedings in cases in 9526
which the defendant was sentenced to death before the effective 9527
date of this section shall be certified under the Rules for 9528
Appointment of Counsel in Capital Cases in the same manner as 9529
those certifications were required under Rule 20 of the Rules of 9530
Superintendence for the Courts of Ohio by sections 120.06, 9531
120.14, 120.26, and 120.33 of the Revised Code as those sections 9532
existed immediately before the effective date of this section. 9533

Section 6. The General Assembly, applying the principle 9534
stated in division (B) of section 1.52 of the Revised Code that 9535
amendments are to be harmonized if reasonably capable of 9536

simultaneous operation, finds that the following sections, 9537
presented in this act as composites of the sections as amended 9538
by the acts indicated, are the resulting versions of the 9539
sections in effect prior to the effective date of the sections 9540
as presented in this act: 9541

Section 149.43 of the Revised Code as amended by H.B. 45, 9542
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 9543
134th General Assembly. 9544

Section 2929.02 of the Revised Code as amended by both 9545
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9546

Section 2945.38 of the Revised Code as amended by both 9547
H.B. 281 and S.B. 2 of the 134th General Assembly. 9548

Section 2953.07 of the Revised Code as amended by both 9549
S.B. 2 and S.B. 4 of the 121st General Assembly. 9550

Section 2971.03 of the Revised Code as amended by both 9551
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9552

Section 7. All items in this act are hereby appropriated 9553
as designated out of any moneys in the state treasury to the 9554
credit of the designated fund. For all operating appropriations 9555
made in this act, those in the first column are for fiscal year 9556
2024 and those in the second column are for fiscal year 2025. 9557
The operating appropriations made in this act are in addition to 9558
any other operating appropriations made for these fiscal years. 9559

Section 8. 9560

9561

A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055441	Victims of Crime	\$10,000,000	\$0
D	TOTAL GRF General Revenue Fund			\$10,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$10,000,000	\$0

Section 9. Within the limits set forth in this act, the 9562
Director of Budget and Management shall establish accounts 9563
indicating the source and amount of funds for each appropriation 9564
made in this act, and shall determine the manner in which 9565
appropriation accounts shall be maintained. Expenditures from 9566
operating appropriations contained in this act shall be 9567
accounted for as though made in, and are subject to all 9568
applicable provisions of, the main operating appropriations act 9569
of the 135th General Assembly. 9570