

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Am. H. B. No. 461

Representatives Fedor, Galonski

Cosponsors: Representatives Romanchuk, Antonio, Howse, Riedel, Smith, K., Hambley, Cera, Kent, Lepore-Hagan, Miller, Clyde, West, O'Brien, Kelly, Sheehy, Boggs, Carfagna, Scherer, Patterson, Boyd, Celebrezze, Strahorn, Sykes, Ingram, Boccieri, Leland, Sweeney, Rogers, Manning, Anielski, Barnes, Butler, Craig, Cupp, Greenspan, Holmes, Hoops, Hughes, Patton, Ramos, Sprague, Sweeney, B.

A BILL

To amend sections 2152.021, 2905.32, and 2929.01 of	1
the Revised Code to require a juvenile court to	2
hold a delinquency complaint in abeyance if the	3
court has reason to believe that the act charged	4
might be prostitution related or that the child	5
might be a victim of human trafficking and to	6
provide that the same elements for the offense	7
of trafficking in persons that apply to a victim	8
under the age of sixteen also apply to a victim	9
who is age sixteen or seventeen.	10

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

Section 1. That sections 2152.021, 2905.32, and 2929.01 of	11
the Revised Code be amended to read as follows:	12

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this	13
section, any person having knowledge of a child who appears to	14
be a juvenile traffic offender or to be a delinquent child may	15

file a sworn complaint with respect to that child in the 16
juvenile court of the county in which the child has a residence 17
or legal settlement or in which the traffic offense or 18
delinquent act allegedly occurred. The sworn complaint may be 19
upon information and belief, and, in addition to the allegation 20
that the child is a delinquent child or a juvenile traffic 21
offender, the complaint shall allege the particular facts upon 22
which the allegation that the child is a delinquent child or a 23
juvenile traffic offender is based. 24

If a child appears to be a delinquent child who is 25
eligible for a serious youthful offender dispositional sentence 26
under section 2152.11 of the Revised Code and if the prosecuting 27
attorney desires to seek a serious youthful offender 28
dispositional sentence under section 2152.13 of the Revised Code 29
in regard to the child, the prosecuting attorney of the county 30
in which the alleged delinquency occurs may initiate a case in 31
the juvenile court of the county by presenting the case to a 32
grand jury for indictment, by charging the child in a bill of 33
information as a serious youthful offender pursuant to section 34
2152.13 of the Revised Code, by requesting a serious youthful 35
offender dispositional sentence in the original complaint 36
alleging that the child is a delinquent child, or by filing with 37
the juvenile court a written notice of intent to seek a serious 38
youthful offender dispositional sentence. This paragraph does 39
not apply regarding the imposition of a serious youthful 40
offender dispositional sentence pursuant to section 2152.121 of 41
the Revised Code. 42

(2) Any person having knowledge of a child who appears to 43
be a delinquent child for violating a court order regarding the 44
child's adjudication as an unruly child for being an habitual 45
truant, may file a sworn complaint with respect to that child, 46

or with respect to that child and the parent, guardian, or other 47
person having care of the child, in the juvenile court of the 48
county in which the child has a residence or legal settlement or 49
in which the child is supposed to attend public school. The 50
sworn complaint may be upon information and belief and shall 51
allege that the child is a delinquent child for violating a 52
court order regarding the child's prior adjudication as an 53
unruly child for being a habitual truant and, in addition, the 54
particular facts upon which that allegation is based. If the 55
complaint contains allegations regarding the child's parent, 56
guardian, or other person having care of the child, the 57
complaint additionally shall allege that the parent, guardian, 58
or other person having care of the child has failed to cause the 59
child's attendance at school in violation of section 3321.38 of 60
the Revised Code and, in addition, the particular facts upon 61
which that allegation is based. 62

(B) Any person with standing under applicable law may file 63
a complaint for the determination of any other matter over which 64
the juvenile court is given jurisdiction by section 2151.23 of 65
the Revised Code. The complaint shall be filed in the county in 66
which the child who is the subject of the complaint is found or 67
was last known to be found. 68

(C) Within ten days after the filing of a complaint or the 69
issuance of an indictment, the court shall give written notice 70
of the filing of the complaint or the issuance of an indictment 71
and of the substance of the complaint or indictment to the 72
superintendent of a city, local, exempted village, or joint 73
vocational school district if the complaint or indictment 74
alleges that a child committed an act that would be a criminal 75
offense if committed by an adult, that the child was sixteen 76
years of age or older at the time of the commission of the 77

alleged act, and that the alleged act is any of the following: 78

(1) A violation of section 2923.122 of the Revised Code 79
that relates to property owned or controlled by, or to an 80
activity held under the auspices of, the board of education of 81
that school district; 82

(2) A violation of section 2923.12 of the Revised Code, of 83
a substantially similar municipal ordinance, or of section 84
2925.03 of the Revised Code that was committed on property owned 85
or controlled by, or at an activity held under the auspices of, 86
the board of education of that school district; 87

(3) A violation of section 2925.11 of the Revised Code 88
that was committed on property owned or controlled by, or at an 89
activity held under the auspices of, the board of education of 90
that school district, other than a violation of that section 91
that would be a minor drug possession offense if committed by an 92
adult; 93

(4) A violation of section 2903.01, 2903.02, 2903.03, 94
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 95
Code, or a violation of former section 2907.12 of the Revised 96
Code, that was committed on property owned or controlled by, or 97
at an activity held under the auspices of, the board of 98
education of that school district, if the victim at the time of 99
the commission of the alleged act was an employee of the board 100
of education of that school district; 101

(5) Complicity in any violation described in division (C) 102
(1), (2), (3), or (4) of this section that was alleged to have 103
been committed in the manner described in division (C) (1), (2), 104
(3), or (4) of this section, regardless of whether the act of 105
complicity was committed on property owned or controlled by, or 106

at an activity held under the auspices of, the board of 107
education of that school district. 108

(D) A public children services agency, acting pursuant to 109
a complaint or an action on a complaint filed under this 110
section, is not subject to the requirements of section 3127.23 111
of the Revised Code. 112

(E) For purposes of the record to be maintained by the 113
clerk under division (B) of section 2152.71 of the Revised Code, 114
when a complaint is filed that alleges that a child is a 115
delinquent child, the court shall determine if the victim of the 116
alleged delinquent act was sixty-five years of age or older or 117
permanently and totally disabled at the time of the alleged 118
commission of the act. 119

(F)(1) At any time after the filing of a complaint 120
alleging that a child is a delinquent child and before 121
adjudication, the court ~~may hold a hearing to determine whether~~ 122
~~to hold the complaint in abeyance pending the child's successful~~ 123
~~completion of actions that constitute a method to divert the~~ 124
~~child from the juvenile court system shall promptly appoint for~~ 125
~~the child a guardian ad litem who is not the child's attorney if~~ 126
~~the child agrees to the hearing and the court has reason to~~ 127
~~believe that~~ either of the following ~~applies~~ might apply: 128

(a) The act charged would be a violation of section 129
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 130
were an adult. 131

(b) The ~~court has reason to believe that the~~ child is a 132
victim of a violation of section 2905.32 of the Revised Code, 133
regardless of whether any person has been convicted of a 134
violation of that section or of any other section for 135

victimizing the child, ~~and the act charged is related to the~~ 136
~~child's victimization.~~ 137

(2) The child, the child's attorney, the child's guardian 138
ad litem, or the prosecuting attorney may petition the court to 139
hold the complaint in abeyance if either of the following 140
applies and, upon such a petition, the court may grant the 141
petition without a hearing, provided the prosecuting attorney 142
consents: 143

(a) Division (F)(1)(a) of this section applies; 144

(b) Division (F)(1)(b) of this section applies and the act 145
charged in the complaint is related to the child's 146
victimization. 147

(3) If the prosecuting attorney does not consent to 148
holding the complaint in abeyance, the court shall hold a 149
hearing on that issue. The court may order the child to complete 150
a forensic interview or other clinical assessment to assist the 151
court in making its findings or in imposing conditions of 152
abeyance under division (F)(4) of this section. The prosecuting 153
attorney has the right to participate in ~~any the hearing held~~ 154
~~under division (F)(1) of this section, to object to holding the~~ 155
~~complaint that is the subject of the hearing in abeyance, and to~~ 156
~~make recommendations related to diversion actions. No statement~~ 157
made by a child at a hearing held under this division ~~(F)(1) of~~ 158
~~this section~~ is admissible in any subsequent proceeding against 159
the child. 160

~~(3) If either division (F)(1)(a) or (b) of this section~~ 161
~~applies, the court shall promptly appoint a guardian ad litem~~ 162
~~for the child. The court shall not appoint the child's attorney~~ 163
~~as guardian ad litem. If the court decides to hold the complaint~~ 164

~~in abeyance, the guardian ad litem shall make recommendations~~ 165
~~that are in the best interest of the child to the court.~~ 166

(4) If after a hearing the court ~~decides to~~ finds by a 167
preponderance of the evidence that division (F)(1)(a) of this 168
section applies, or that division (F)(1)(b) of this section 169
applies and the act charged in the complaint is related to the 170
child's victimization, or if the court grants the petition 171
without a hearing, the court shall hold the complaint in 172
abeyance, the. The guardian ad litem shall make recommendations 173
that are in the best interest of the child. A psychiatrist, 174
psychologist, licensed professional clinical counselor, or other 175
clinician selected by the court under division (F)(3) of this 176
section, who has assessed the child, may make recommendations 177
that are in the best interest of the child. The prosecuting 178
attorney may make recommendations related to diversion actions. 179
The court may make any orders regarding placement, services, 180
supervision, diversion actions, and conditions of abeyance, 181
including, but not limited to, engagement in trauma-based 182
behavioral health services or education activities, that the 183
court considers appropriate and in the best interest of the 184
child. The court may hold the complaint in abeyance for up to 185
ninety days while the child engages in diversion actions. If the 186
child violates the conditions of abeyance or does not complete 187
the diversion actions to the court's satisfaction within ninety 188
days, the court may extend the period of abeyance for not more 189
than two additional ninety-day periods. 190

(5) If the court holds the complaint in abeyance and the 191
child complies with the conditions of abeyance and completes the 192
diversion actions to the court's satisfaction, the court shall 193
dismiss the complaint and order that the records pertaining to 194
the case be expunged immediately. If the child fails to complete 195

the diversion actions to the court's satisfaction, the court 196
shall proceed upon the complaint. 197

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 198
entice, isolate, harbor, transport, provide, obtain, or 199
maintain, or knowingly attempt to recruit, lure, entice, 200
isolate, harbor, transport, provide, obtain, or maintain, 201
another person if ~~any~~either of the following applies: 202

(1) The offender knows that the other person will be 203
subjected to involuntary servitude or be compelled to engage in 204
sexual activity for hire, engage in a performance that is 205
obscene, sexually oriented, or nudity oriented, or be a model or 206
participant in the production of material that is obscene, 207
sexually oriented, or nudity oriented. 208

(2) The other person is less than ~~sixteen~~eighteen years 209
of age or is a person with a developmental disability whom the 210
offender knows or has reasonable cause to believe is a person 211
with a developmental disability, and either the offender knows 212
that the other person will be subjected to involuntary servitude 213
or the offender's knowing recruitment, luring, enticement, 214
isolation, harboring, transportation, provision, obtaining, or 215
maintenance of the other person or knowing attempt to recruit, 216
lure, entice, isolate, harbor, transport, provide, obtain, or 217
maintain the other person is for any of the following purposes: 218

(a) To engage in sexual activity for hire; 219

(b) To engage in a performance for hire that is obscene, 220
sexually oriented, or nudity oriented; 221

(c) To be a model or participant for hire in the 222
production of material that is obscene, sexually oriented, or 223
nudity oriented. 224

~~(3) The other person is sixteen or seventeen years of age, 225~~
~~either the offender knows that the other person will be 226~~
~~subjected to involuntary servitude or the offender's knowing 227~~
~~recruitment, luring, enticement, isolation, harboring, 228~~
~~transportation, provision, obtaining, or maintenance of the 229~~
~~other person or knowing attempt to recruit, lure, entice, 230~~
~~isolate, harbor, transport, provide, obtain, or maintain the 231~~
~~other person is for any purpose described in divisions (A) (2) (a) 232~~
~~to (c) of this section, and the circumstances described in 233~~
~~division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 234~~
~~of section 2907.03 of the Revised Code apply with respect to the 235~~
~~offender and the other person. 236~~

(B) For a prosecution under division (A) (1) of this 237
section, the element "compelled" does not require that the 238
compulsion be openly displayed or physically exerted. The 239
element "compelled" has been established if the state proves 240
that the victim's will was overcome by force, fear, duress, 241
intimidation, or fraud. 242

(C) In a prosecution under this section, proof that the 243
defendant engaged in sexual activity with any person, or 244
solicited sexual activity with any person, whether or not for 245
hire, without more, does not constitute a violation of this 246
section. 247

(D) A prosecution for a violation of this section does not 248
preclude a prosecution of a violation of any other section of 249
the Revised Code. One or more acts, a series of acts, or a 250
course of behavior that can be prosecuted under this section or 251
any other section of the Revised Code may be prosecuted under 252
this section, the other section of the Revised Code, or both 253
sections. However, if an offender is convicted of or pleads 254

guilty to a violation of this section and also is convicted of 255
or pleads guilty to a violation of section 2907.21 of the 256
Revised Code based on the same conduct involving the same victim 257
that was the basis of the violation of this section, or is 258
convicted of or pleads guilty to any other violation of Chapter 259
2907. of the Revised Code based on the same conduct involving 260
the same victim that was the basis of the violation of this 261
section, the two offenses are allied offenses of similar import 262
under section 2941.25 of the Revised Code. 263

(E) Whoever violates this section is guilty of trafficking 264
in persons, a felony of the first degree. Notwithstanding 265
division (A)(1) of section 2929.14 of the Revised Code, the 266
court shall sentence the offender to a definite prison term of 267
ten, eleven, twelve, thirteen, fourteen, or fifteen years. 268

(F) As used in this section: 269

(1) "Person with a developmental disability" means a 270
person whose ability to resist or consent to an act is 271
substantially impaired because of a mental or physical condition 272
or because of advanced age. 273

(2) "Sexual activity for hire," "performance for hire," 274
and "model or participant for hire" mean an implicit or explicit 275
agreement to provide sexual activity, engage in an obscene, 276
sexually oriented, or nudity oriented performance, or be a model 277
or participant in the production of obscene, sexually oriented, 278
or nudity oriented material, whichever is applicable, in 279
exchange for anything of value paid to any of the following: 280

(a) The person engaging in such sexual activity, 281
performance, or modeling or participation; 282

(b) Any person who recruits, lures, entices, isolates, 283

harbors, transports, provides, obtains, or maintains, or 284
attempts to recruit, lure, entice, isolate, harbor, transport, 285
provide, obtain, or maintain the person described in division 286
(F) (2) (a) of this section; 287

(c) Any person associated with a person described in 288
division (F) (2) (a) or (b) of this section. 289

(3) "Material that is obscene, sexually oriented, or 290
nudity oriented" and "performance that is obscene, sexually 291
oriented, or nudity oriented" have the same meanings as in 292
section 2929.01 of the Revised Code. 293

Sec. 2929.01. As used in this chapter: 294

(A) (1) "Alternative residential facility" means, subject 295
to division (A) (2) of this section, any facility other than an 296
offender's home or residence in which an offender is assigned to 297
live and that satisfies all of the following criteria: 298

(a) It provides programs through which the offender may 299
seek or maintain employment or may receive education, training, 300
treatment, or habilitation. 301

(b) It has received the appropriate license or certificate 302
for any specialized education, training, treatment, 303
habilitation, or other service that it provides from the 304
government agency that is responsible for licensing or 305
certifying that type of education, training, treatment, 306
habilitation, or service. 307

(2) "Alternative residential facility" does not include a 308
community-based correctional facility, jail, halfway house, or 309
prison. 310

(B) "Basic probation supervision" means a requirement that 311

the offender maintain contact with a person appointed to 312
supervise the offender in accordance with sanctions imposed by 313
the court or imposed by the parole board pursuant to section 314
2967.28 of the Revised Code. "Basic probation supervision" 315
includes basic parole supervision and basic post-release control 316
supervision. 317

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 318
the same meanings as in section 2925.01 of the Revised Code. 319

(D) "Community-based correctional facility" means a 320
community-based correctional facility and program or district 321
community-based correctional facility and program developed 322
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 323

(E) "Community control sanction" means a sanction that is 324
not a prison term and that is described in section 2929.15, 325
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 326
that is not a jail term and that is described in section 327
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 328
control sanction" includes probation if the sentence involved 329
was imposed for a felony that was committed prior to July 1, 330
1996, or if the sentence involved was imposed for a misdemeanor 331
that was committed prior to January 1, 2004. 332

(F) "Controlled substance," "marihuana," "schedule I," and 333
"schedule II" have the same meanings as in section 3719.01 of 334
the Revised Code. 335

(G) "Curfew" means a requirement that an offender during a 336
specified period of time be at a designated place. 337

(H) "Day reporting" means a sanction pursuant to which an 338
offender is required each day to report to and leave a center or 339
other approved reporting location at specified times in order to 340

participate in work, education or training, treatment, and other 341
approved programs at the center or outside the center. 342

(I) "Deadly weapon" has the same meaning as in section 343
2923.11 of the Revised Code. 344

(J) "Drug and alcohol use monitoring" means a program 345
under which an offender agrees to submit to random chemical 346
analysis of the offender's blood, breath, or urine to determine 347
whether the offender has ingested any alcohol or other drugs. 348

(K) "Drug treatment program" means any program under which 349
a person undergoes assessment and treatment designed to reduce 350
or completely eliminate the person's physical or emotional 351
reliance upon alcohol, another drug, or alcohol and another drug 352
and under which the person may be required to receive assessment 353
and treatment on an outpatient basis or may be required to 354
reside at a facility other than the person's home or residence 355
while undergoing assessment and treatment. 356

(L) "Economic loss" means any economic detriment suffered 357
by a victim as a direct and proximate result of the commission 358
of an offense and includes any loss of income due to lost time 359
at work because of any injury caused to the victim, and any 360
property loss, medical cost, or funeral expense incurred as a 361
result of the commission of the offense. "Economic loss" does 362
not include non-economic loss or any punitive or exemplary 363
damages. 364

(M) "Education or training" includes study at, or in 365
conjunction with a program offered by, a university, college, or 366
technical college or vocational study and also includes the 367
completion of primary school, secondary school, and literacy 368
curricula or their equivalent. 369

(N) "Firearm" has the same meaning as in section 2923.11 370
of the Revised Code. 371

(O) "Halfway house" means a facility licensed by the 372
division of parole and community services of the department of 373
rehabilitation and correction pursuant to section 2967.14 of the 374
Revised Code as a suitable facility for the care and treatment 375
of adult offenders. 376

(P) "House arrest" means a period of confinement of an 377
offender that is in the offender's home or in other premises 378
specified by the sentencing court or by the parole board 379
pursuant to section 2967.28 of the Revised Code and during which 380
all of the following apply: 381

(1) The offender is required to remain in the offender's 382
home or other specified premises for the specified period of 383
confinement, except for periods of time during which the 384
offender is at the offender's place of employment or at other 385
premises as authorized by the sentencing court or by the parole 386
board. 387

(2) The offender is required to report periodically to a 388
person designated by the court or parole board. 389

(3) The offender is subject to any other restrictions and 390
requirements that may be imposed by the sentencing court or by 391
the parole board. 392

(Q) "Intensive probation supervision" means a requirement 393
that an offender maintain frequent contact with a person 394
appointed by the court, or by the parole board pursuant to 395
section 2967.28 of the Revised Code, to supervise the offender 396
while the offender is seeking or maintaining necessary 397
employment and participating in training, education, and 398

treatment programs as required in the court's or parole board's 399
order. "Intensive probation supervision" includes intensive 400
parole supervision and intensive post-release control 401
supervision. 402

(R) "Jail" means a jail, workhouse, minimum security jail, 403
or other residential facility used for the confinement of 404
alleged or convicted offenders that is operated by a political 405
subdivision or a combination of political subdivisions of this 406
state. 407

(S) "Jail term" means the term in a jail that a sentencing 408
court imposes or is authorized to impose pursuant to section 409
2929.24 or 2929.25 of the Revised Code or pursuant to any other 410
provision of the Revised Code that authorizes a term in a jail 411
for a misdemeanor conviction. 412

(T) "Mandatory jail term" means the term in a jail that a 413
sentencing court is required to impose pursuant to division (G) 414
of section 1547.99 of the Revised Code, division (E) of section 415
2903.06 or division (D) of section 2903.08 of the Revised Code, 416
division (E) or (G) of section 2929.24 of the Revised Code, 417
division (B) of section 4510.14 of the Revised Code, or division 418
(G) of section 4511.19 of the Revised Code or pursuant to any 419
other provision of the Revised Code that requires a term in a 420
jail for a misdemeanor conviction. 421

(U) "Delinquent child" has the same meaning as in section 422
2152.02 of the Revised Code. 423

(V) "License violation report" means a report that is made 424
by a sentencing court, or by the parole board pursuant to 425
section 2967.28 of the Revised Code, to the regulatory or 426
licensing board or agency that issued an offender a professional 427

license or a license or permit to do business in this state and 428
that specifies that the offender has been convicted of or 429
pleaded guilty to an offense that may violate the conditions 430
under which the offender's professional license or license or 431
permit to do business in this state was granted or an offense 432
for which the offender's professional license or license or 433
permit to do business in this state may be revoked or suspended. 434

(W) "Major drug offender" means an offender who is 435
convicted of or pleads guilty to the possession of, sale of, or 436
offer to sell any drug, compound, mixture, preparation, or 437
substance that consists of or contains at least one thousand 438
grams of hashish; at least one hundred grams of cocaine; at 439
least one thousand unit doses or one hundred grams of heroin; at 440
least five thousand unit doses of L.S.D. or five hundred grams 441
of L.S.D. in a liquid concentrate, liquid extract, or liquid 442
distillate form; at least fifty grams of a controlled substance 443
analog; or at least one hundred times the amount of any other 444
schedule I or II controlled substance other than marihuana that 445
is necessary to commit a felony of the third degree pursuant to 446
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 447
Code that is based on the possession of, sale of, or offer to 448
sell the controlled substance. 449

(X) "Mandatory prison term" means any of the following: 450

(1) Subject to division (X)(2) of this section, the term 451
in prison that must be imposed for the offenses or circumstances 452
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 453
section 2929.13 and division (B) of section 2929.14 of the 454
Revised Code. Except as provided in sections 2925.02, 2925.03, 455
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 456
maximum or another specific term is required under section 457

2929.14 or 2929.142 of the Revised Code, a mandatory prison term 458
described in this division may be any prison term authorized for 459
the level of offense. 460

(2) The term of sixty or one hundred twenty days in prison 461
that a sentencing court is required to impose for a third or 462
fourth degree felony OVI offense pursuant to division (G)(2) of 463
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 464
of the Revised Code or the term of one, two, three, four, or 465
five years in prison that a sentencing court is required to 466
impose pursuant to division (G)(2) of section 2929.13 of the 467
Revised Code. 468

(3) The term in prison imposed pursuant to division (A) of 469
section 2971.03 of the Revised Code for the offenses and in the 470
circumstances described in division (F)(11) of section 2929.13 471
of the Revised Code or pursuant to division (B)(1)(a), (b), or 472
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 473
section 2971.03 of the Revised Code and that term as modified or 474
terminated pursuant to section 2971.05 of the Revised Code. 475

(Y) "Monitored time" means a period of time during which 476
an offender continues to be under the control of the sentencing 477
court or parole board, subject to no conditions other than 478
leading a law-abiding life. 479

(Z) "Offender" means a person who, in this state, is 480
convicted of or pleads guilty to a felony or a misdemeanor. 481

(AA) "Prison" means a residential facility used for the 482
confinement of convicted felony offenders that is under the 483
control of the department of rehabilitation and correction but 484
does not include a violation sanction center operated under 485
authority of section 2967.141 of the Revised Code. 486

(BB) "Prison term" includes either of the following 487
sanctions for an offender: 488

(1) A stated prison term; 489

(2) A term in a prison shortened by, or with the approval 490
of, the sentencing court pursuant to section 2929.143, 2929.20, 491
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 492

(CC) "Repeat violent offender" means a person about whom 493
both of the following apply: 494

(1) The person is being sentenced for committing or for 495
complicity in committing any of the following: 496

(a) Aggravated murder, murder, any felony of the first or 497
second degree that is an offense of violence, or an attempt to 498
commit any of these offenses if the attempt is a felony of the 499
first or second degree; 500

(b) An offense under an existing or former law of this 501
state, another state, or the United States that is or was 502
substantially equivalent to an offense described in division 503
(CC) (1) (a) of this section. 504

(2) The person previously was convicted of or pleaded 505
guilty to an offense described in division (CC) (1) (a) or (b) of 506
this section. 507

(DD) "Sanction" means any penalty imposed upon an offender 508
who is convicted of or pleads guilty to an offense, as 509
punishment for the offense. "Sanction" includes any sanction 510
imposed pursuant to any provision of sections 2929.14 to 2929.18 511
or 2929.24 to 2929.28 of the Revised Code. 512

(EE) "Sentence" means the sanction or combination of 513
sanctions imposed by the sentencing court on an offender who is 514

convicted of or pleads guilty to an offense. 515

(FF) "Stated prison term" means the prison term, mandatory 516
prison term, or combination of all prison terms and mandatory 517
prison terms imposed by the sentencing court pursuant to section 518
2929.14, 2929.142, or 2971.03 of the Revised Code or under 519
section 2919.25 of the Revised Code. "Stated prison term" 520
includes any credit received by the offender for time spent in 521
jail awaiting trial, sentencing, or transfer to prison for the 522
offense and any time spent under house arrest or house arrest 523
with electronic monitoring imposed after earning credits 524
pursuant to section 2967.193 of the Revised Code. If an offender 525
is serving a prison term as a risk reduction sentence under 526
sections 2929.143 and 5120.036 of the Revised Code, "stated 527
prison term" includes any period of time by which the prison 528
term imposed upon the offender is shortened by the offender's 529
successful completion of all assessment and treatment or 530
programming pursuant to those sections. 531

(GG) "Victim-offender mediation" means a reconciliation or 532
mediation program that involves an offender and the victim of 533
the offense committed by the offender and that includes a 534
meeting in which the offender and the victim may discuss the 535
offense, discuss restitution, and consider other sanctions for 536
the offense. 537

(HH) "Fourth degree felony OVI offense" means a violation 538
of division (A) of section 4511.19 of the Revised Code that, 539
under division (G) of that section, is a felony of the fourth 540
degree. 541

(II) "Mandatory term of local incarceration" means the 542
term of sixty or one hundred twenty days in a jail, a community- 543
based correctional facility, a halfway house, or an alternative 544

residential facility that a sentencing court may impose upon a 545
person who is convicted of or pleads guilty to a fourth degree 546
felony OVI offense pursuant to division (G) (1) of section 547
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 548
section 4511.19 of the Revised Code. 549

(JJ) "Designated homicide, assault, or kidnapping 550
offense," "violent sex offense," "sexual motivation 551
specification," "sexually violent offense," "sexually violent 552
predator," and "sexually violent predator specification" have 553
the same meanings as in section 2971.01 of the Revised Code. 554

(KK) "Sexually oriented offense," "child-victim oriented 555
offense," and "tier III sex offender/child-victim offender" have 556
the same meanings as in section 2950.01 of the Revised Code. 557

(LL) An offense is "committed in the vicinity of a child" 558
if the offender commits the offense within thirty feet of or 559
within the same residential unit as a child who is under 560
eighteen years of age, regardless of whether the offender knows 561
the age of the child or whether the offender knows the offense 562
is being committed within thirty feet of or within the same 563
residential unit as the child and regardless of whether the 564
child actually views the commission of the offense. 565

(MM) "Family or household member" has the same meaning as 566
in section 2919.25 of the Revised Code. 567

(NN) "Motor vehicle" and "manufactured home" have the same 568
meanings as in section 4501.01 of the Revised Code. 569

(OO) "Detention" and "detention facility" have the same 570
meanings as in section 2921.01 of the Revised Code. 571

(PP) "Third degree felony OVI offense" means a violation 572
of division (A) of section 4511.19 of the Revised Code that, 573

under division (G) of that section, is a felony of the third 574
degree. 575

(QQ) "Random drug testing" has the same meaning as in 576
section 5120.63 of the Revised Code. 577

(RR) "Felony sex offense" has the same meaning as in 578
section 2967.28 of the Revised Code. 579

(SS) "Body armor" has the same meaning as in section 580
2941.1411 of the Revised Code. 581

(TT) "Electronic monitoring" means monitoring through the 582
use of an electronic monitoring device. 583

(UU) "Electronic monitoring device" means any of the 584
following: 585

(1) Any device that can be operated by electrical or 586
battery power and that conforms with all of the following: 587

(a) The device has a transmitter that can be attached to a 588
person, that will transmit a specified signal to a receiver of 589
the type described in division (UU) (1) (b) of this section if the 590
transmitter is removed from the person, turned off, or altered 591
in any manner without prior court approval in relation to 592
electronic monitoring or without prior approval of the 593
department of rehabilitation and correction in relation to the 594
use of an electronic monitoring device for an inmate on 595
transitional control or otherwise is tampered with, that can 596
transmit continuously and periodically a signal to that receiver 597
when the person is within a specified distance from the 598
receiver, and that can transmit an appropriate signal to that 599
receiver if the person to whom it is attached travels a 600
specified distance from that receiver. 601

(b) The device has a receiver that can receive 602
continuously the signals transmitted by a transmitter of the 603
type described in division (UU) (1) (a) of this section, can 604
transmit continuously those signals by a wireless or landline 605
telephone connection to a central monitoring computer of the 606
type described in division (UU) (1) (c) of this section, and can 607
transmit continuously an appropriate signal to that central 608
monitoring computer if the device has been turned off or altered 609
without prior court approval or otherwise tampered with. The 610
device is designed specifically for use in electronic 611
monitoring, is not a converted wireless phone or another 612
tracking device that is clearly not designed for electronic 613
monitoring, and provides a means of text-based or voice 614
communication with the person. 615

(c) The device has a central monitoring computer that can 616
receive continuously the signals transmitted by a wireless or 617
landline telephone connection by a receiver of the type 618
described in division (UU) (1) (b) of this section and can monitor 619
continuously the person to whom an electronic monitoring device 620
of the type described in division (UU) (1) (a) of this section is 621
attached. 622

(2) Any device that is not a device of the type described 623
in division (UU) (1) of this section and that conforms with all 624
of the following: 625

(a) The device includes a transmitter and receiver that 626
can monitor and determine the location of a subject person at 627
any time, or at a designated point in time, through the use of a 628
central monitoring computer or through other electronic means. 629

(b) The device includes a transmitter and receiver that 630
can determine at any time, or at a designated point in time, 631

through the use of a central monitoring computer or other 632
electronic means the fact that the transmitter is turned off or 633
altered in any manner without prior approval of the court in 634
relation to the electronic monitoring or without prior approval 635
of the department of rehabilitation and correction in relation 636
to the use of an electronic monitoring device for an inmate on 637
transitional control or otherwise is tampered with. 638

(3) Any type of technology that can adequately track or 639
determine the location of a subject person at any time and that 640
is approved by the director of rehabilitation and correction, 641
including, but not limited to, any satellite technology, voice 642
tracking system, or retinal scanning system that is so approved. 643

(VV) "Non-economic loss" means nonpecuniary harm suffered 644
by a victim of an offense as a result of or related to the 645
commission of the offense, including, but not limited to, pain 646
and suffering; loss of society, consortium, companionship, care, 647
assistance, attention, protection, advice, guidance, counsel, 648
instruction, training, or education; mental anguish; and any 649
other intangible loss. 650

(WW) "Prosecutor" has the same meaning as in section 651
2935.01 of the Revised Code. 652

(XX) "Continuous alcohol monitoring" means the ability to 653
automatically test and periodically transmit alcohol consumption 654
levels and tamper attempts at least every hour, regardless of 655
the location of the person who is being monitored. 656

(YY) A person is "adjudicated a sexually violent predator" 657
if the person is convicted of or pleads guilty to a violent sex 658
offense and also is convicted of or pleads guilty to a sexually 659
violent predator specification that was included in the 660

indictment, count in the indictment, or information charging 661
that violent sex offense or if the person is convicted of or 662
pleads guilty to a designated homicide, assault, or kidnapping 663
offense and also is convicted of or pleads guilty to both a 664
sexual motivation specification and a sexually violent predator 665
specification that were included in the indictment, count in the 666
indictment, or information charging that designated homicide, 667
assault, or kidnapping offense. 668

(ZZ) An offense is "committed in proximity to a school" if 669
the offender commits the offense in a school safety zone or 670
within five hundred feet of any school building or the 671
boundaries of any school premises, regardless of whether the 672
offender knows the offense is being committed in a school safety 673
zone or within five hundred feet of any school building or the 674
boundaries of any school premises. 675

(AAA) "Human trafficking" means a scheme or plan to which 676
all of the following apply: 677

(1) Its object is one or ~~more~~ both of the following: 678

(a) To subject a victim or victims to involuntary 679
servitude, as defined in section 2905.31 of the Revised Code or 680
to compel a victim or victims to engage in sexual activity for 681
hire, to engage in a performance that is obscene, sexually 682
oriented, or nudity oriented, or to be a model or participant in 683
the production of material that is obscene, sexually oriented, 684
or nudity oriented; 685

(b) To facilitate, encourage, or recruit a victim who is 686
~~less than sixteen years of age~~ a minor or is a person with a 687
developmental disability, or victims who are ~~less than sixteen~~ 688
~~years of age~~ minors or are persons with developmental 689

disabilities, for any purpose listed in divisions (A) (2) (a) to 690
(c) of section 2905.32 of the Revised Code. 691

~~(c) To facilitate, encourage, or recruit a victim who is 692
sixteen or seventeen years of age, or victims who are sixteen or 693
seventeen years of age, for any purpose listed in divisions (A) 694
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 695
circumstances described in division (A) (5), (6), (7), (8), (9), 696
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 697
apply with respect to the person engaging in the conduct and the 698
victim or victims. 699~~

(2) It involves at least two felony offenses, whether or 700
not there has been a prior conviction for any of the felony 701
offenses, to which all of the following apply: 702

(a) Each of the felony offenses is a violation of section 703
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 704
division (A) (1) or (2) of section 2907.323, or division (B) (1), 705
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 706
is a violation of a law of any state other than this state that 707
is substantially similar to any of the sections or divisions of 708
the Revised Code identified in this division. 709

(b) At least one of the felony offenses was committed in 710
this state. 711

(c) The felony offenses are related to the same scheme or 712
plan and are not isolated instances. 713

(BBB) "Material," "nudity," "obscene," "performance," and 714
"sexual activity" have the same meanings as in section 2907.01 715
of the Revised Code. 716

(CCC) "Material that is obscene, sexually oriented, or 717
nudity oriented" means any material that is obscene, that shows 718

a person participating or engaging in sexual activity, 719
masturbation, or bestiality, or that shows a person in a state 720
of nudity. 721

(DDD) "Performance that is obscene, sexually oriented, or 722
nudity oriented" means any performance that is obscene, that 723
shows a person participating or engaging in sexual activity, 724
masturbation, or bestiality, or that shows a person in a state 725
of nudity. 726

(EEE) "Accelerant" means a fuel or oxidizing agent, such 727
as an ignitable liquid, used to initiate a fire or increase the 728
rate of growth or spread of a fire. 729

Section 2. That existing sections 2152.021, 2905.32, and 730
2929.01 of the Revised Code are hereby repealed. 731