

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 249**

**Representatives Driehaus, Sprague**

**Cosponsors: Representatives LaTourette, Sheehy, Bishoff, Smith, R., Antonio,  
Slaby, Smith, K., Reineke, Grossman, Lepore-Hagan, Green**

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**A BILL**

To amend sections 2925.11, 2929.13, 2929.141, 1  
2929.15, 2929.25, and 2967.28 of the Revised 2  
Code to provide an immunity from arrest, 3  
prosecution, or conviction, or to permit a court 4  
to consider drug treatment or as a mitigating 5  
factor in supervised release sanctioning, for a 6  
minor drug possession offense for a person who 7  
seeks or obtains medical assistance for self or 8  
another person who is experiencing a medical 9  
emergency as a result of ingesting drugs or for 10  
a person who is experiencing such a medical 11  
emergency and for whom medical assistance is 12  
sought. 13

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

**Section 1.** That sections 2925.11, 2929.13, 2929.141, 14  
2929.15, 2929.25, and 2967.28 of the Revised Code be amended to 15  
read as follows: 16

**Sec. 2925.11.** (A) No person shall knowingly obtain, 17  
possess, or use a controlled substance or a controlled substance 18

analog. 19

(B) (1) This section does not apply to any of the 20  
following: 21

~~(1)~~ (a) Manufacturers, licensed health professionals 22  
authorized to prescribe drugs, pharmacists, owners of 23  
pharmacies, and other persons whose conduct was in accordance 24  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 25  
4741. of the Revised Code; 26

~~(2)~~ (b) If the offense involves an anabolic steroid, any 27  
person who is conducting or participating in a research project 28  
involving the use of an anabolic steroid if the project has been 29  
approved by the United States food and drug administration; 30

~~(3)~~ (c) Any person who sells, offers for sale, prescribes, 31  
dispenses, or administers for livestock or other nonhuman 32  
species an anabolic steroid that is expressly intended for 33  
administration through implants to livestock or other nonhuman 34  
species and approved for that purpose under the "Federal Food, 35  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 36  
as amended, and is sold, offered for sale, prescribed, 37  
dispensed, or administered for that purpose in accordance with 38  
that act; 39

~~(4)~~ (d) Any person who obtained the controlled substance 40  
pursuant to a lawful prescription issued by a licensed health 41  
professional authorized to prescribe drugs. 42

(2) (a) Except if the person is on community control or 43  
post-release control, a person acting in good faith who seeks or 44  
obtains medical assistance for another person who is 45  
experiencing a medical emergency as a result of ingesting drugs 46  
shall not be arrested, charged, prosecuted, convicted, or 47

penalized pursuant to this chapter for a minor drug possession 48  
offense if the evidence of the obtaining, possession, or use of 49  
the controlled substance or controlled substance analog that 50  
would be the basis of the offense was obtained as a result of 51  
the person seeking the medical assistance. 52

(b) Except if the person is on community control or post- 53  
release control, a person who experiences a medical emergency as 54  
a result of ingesting drugs and who seeks medical assistance for 55  
that emergency or who is the subject of another person seeking 56  
or obtaining medical assistance for that emergency as described 57  
in division (B) (2) (a) of this section shall not be arrested, 58  
charged, prosecuted, convicted, or penalized pursuant to this 59  
chapter for a minor drug possession offense if the evidence of 60  
the obtaining, possession, or use of the controlled substance or 61  
controlled substance analog that would be the basis of the 62  
offense was obtained as a result of the person ingesting drugs 63  
and needing the medical assistance. 64

(c) If a person is found to be in violation of any 65  
community control sanction and if the violation is a result of 66  
either of the following, the court shall first consider ordering 67  
the person's participation or continued participation in a drug 68  
treatment program or mitigating the penalty specified in section 69  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 70  
applicable, after which the court has the discretion either to 71  
order the person's participation or continued participation in a 72  
drug treatment program or to impose the penalty with the 73  
mitigating factor specified in any of those applicable sections: 74

(i) Seeking or obtaining medical assistance in good faith 75  
for another person who is experiencing a medical emergency as a 76  
result of ingesting drugs; 77

(ii) Experiencing a medical emergency as a result of 78  
ingesting drugs and seeking medical assistance for that 79  
emergency or being the subject of another person seeking or 80  
obtaining medical assistance for that emergency as described in 81  
division (B) (2) (a) of this section. 82

(d) If a person is found to be in violation of any post- 83  
release control sanction and if the violation is a result of 84  
either of the following, the court or the parole board shall 85  
first consider ordering the person's participation or continued 86  
participation in a drug treatment program or mitigating the 87  
penalty specified in section 2929.141 or 2967.28 of the Revised 88  
Code, whichever is applicable, after which the court or the 89  
parole board has the discretion either to order the person's 90  
participation or continued participation in a drug treatment 91  
program or to impose the penalty with the mitigating factor 92  
specified in either of those applicable sections: 93

(i) Seeking or obtaining medical assistance in good faith 94  
for another person who is experiencing a medical emergency as a 95  
result of ingesting drugs; 96

(ii) Experiencing a medical emergency as a result of 97  
ingesting drugs and seeking medical assistance for that 98  
emergency or being the subject of another person seeking or 99  
obtaining medical assistance for that emergency as described in 100  
division (B) (2) (a) of this section. 101

(e) Nothing in division (B) (2) (a) or (b) of this section 102  
shall be construed to do any of the following: 103

(i) Limit the admissibility of any evidence in connection 104  
with the investigation or prosecution of a crime with regards to 105  
a defendant who does not qualify for the protections of division 106

<u>(B) (2) (a) or (b) of this section or with regards to any crime</u>	107
<u>other than a minor drug possession offense committed by a person</u>	108
<u>who qualifies for protection pursuant to division (B) (2) (a) or</u>	109
<u>(b) of this section for a minor drug possession offense;</u>	110
<u>(ii) Limit any seizure of evidence or contraband otherwise</u>	111
<u>permitted by law;</u>	112
<u>(iii) Limit or abridge the authority of a peace officer to</u>	113
<u>detain or take into custody a person in the course of an</u>	114
<u>investigation or to effectuate an arrest for any offense except</u>	115
<u>as provided in either division;</u>	116
<u>(iv) Limit, modify, or remove any immunity from liability</u>	117
<u>available pursuant to law in effect prior to the effective date</u>	118
<u>of this amendment to any public agency or to an employee of any</u>	119
<u>public agency.</u>	120
<u>(f) As used in division (B) (2) of this section:</u>	121
<u>(i) "Community control sanction" and "drug treatment</u>	122
<u>program" have the same meanings as in section 2929.01 of the</u>	123
<u>Revised Code.</u>	124
<u>(ii) "Health care facility" has the same meaning as in</u>	125
<u>section 2919.16 of the Revised Code.</u>	126
<u>(iii) "Post-release control sanction" has the same meaning</u>	127
<u>as in section 2967.28 of the Revised Code.</u>	128
<u>(iv) "Peace officer" has the same meaning as in section</u>	129
<u>2935.01 of the Revised Code.</u>	130
<u>(v) "Public agency" has the same meaning as in section</u>	131
<u>2930.01 of the Revised Code.</u>	132
<u>(vi) "Seeks or obtains medical assistance" includes, but</u>	133

is not limited to making a 9-1-1 call, contacting in person or 134  
by telephone call an on-duty peace officer, or transporting or 135  
presenting a person to a health care facility. 136

(C) Whoever violates division (A) of this section is 137  
guilty of one of the following: 138

(1) If the drug involved in the violation is a compound, 139  
mixture, preparation, or substance included in schedule I or II, 140  
with the exception of marihuana, cocaine, L.S.D., heroin, 141  
hashish, and controlled substance analogs, whoever violates 142  
division (A) of this section is guilty of aggravated possession 143  
of drugs. The penalty for the offense shall be determined as 144  
follows: 145

(a) Except as otherwise provided in division (C) (1) (b), 146  
(c), (d), or (e) of this section, aggravated possession of drugs 147  
is a felony of the fifth degree, and division (B) of section 148  
2929.13 of the Revised Code applies in determining whether to 149  
impose a prison term on the offender. 150

(b) If the amount of the drug involved equals or exceeds 151  
the bulk amount but is less than five times the bulk amount, 152  
aggravated possession of drugs is a felony of the third degree, 153  
and there is a presumption for a prison term for the offense. 154

(c) If the amount of the drug involved equals or exceeds 155  
five times the bulk amount but is less than fifty times the bulk 156  
amount, aggravated possession of drugs is a felony of the second 157  
degree, and the court shall impose as a mandatory prison term 158  
one of the prison terms prescribed for a felony of the second 159  
degree. 160

(d) If the amount of the drug involved equals or exceeds 161  
fifty times the bulk amount but is less than one hundred times 162

the bulk amount, aggravated possession of drugs is a felony of 163  
the first degree, and the court shall impose as a mandatory 164  
prison term one of the prison terms prescribed for a felony of 165  
the first degree. 166

(e) If the amount of the drug involved equals or exceeds 167  
one hundred times the bulk amount, aggravated possession of 168  
drugs is a felony of the first degree, the offender is a major 169  
drug offender, and the court shall impose as a mandatory prison 170  
term the maximum prison term prescribed for a felony of the 171  
first degree. 172

(2) If the drug involved in the violation is a compound, 173  
mixture, preparation, or substance included in schedule III, IV, 174  
or V, whoever violates division (A) of this section is guilty of 175  
possession of drugs. The penalty for the offense shall be 176  
determined as follows: 177

(a) Except as otherwise provided in division (C) (2) (b), 178  
(c), or (d) of this section, possession of drugs is a 179  
misdemeanor of the first degree or, if the offender previously 180  
has been convicted of a drug abuse offense, a felony of the 181  
fifth degree. 182

(b) If the amount of the drug involved equals or exceeds 183  
the bulk amount but is less than five times the bulk amount, 184  
possession of drugs is a felony of the fourth degree, and 185  
division (C) of section 2929.13 of the Revised Code applies in 186  
determining whether to impose a prison term on the offender. 187

(c) If the amount of the drug involved equals or exceeds 188  
five times the bulk amount but is less than fifty times the bulk 189  
amount, possession of drugs is a felony of the third degree, and 190  
there is a presumption for a prison term for the offense. 191

(d) If the amount of the drug involved equals or exceeds 192  
fifty times the bulk amount, possession of drugs is a felony of 193  
the second degree, and the court shall impose upon the offender 194  
as a mandatory prison term one of the prison terms prescribed 195  
for a felony of the second degree. 196

(3) If the drug involved in the violation is marihuana or 197  
a compound, mixture, preparation, or substance containing 198  
marihuana other than hashish, whoever violates division (A) of 199  
this section is guilty of possession of marihuana. The penalty 200  
for the offense shall be determined as follows: 201

(a) Except as otherwise provided in division (C) (3) (b), 202  
(c), (d), (e), (f), or (g) of this section, possession of 203  
marihuana is a minor misdemeanor. 204

(b) If the amount of the drug involved equals or exceeds 205  
one hundred grams but is less than two hundred grams, possession 206  
of marihuana is a misdemeanor of the fourth degree. 207

(c) If the amount of the drug involved equals or exceeds 208  
two hundred grams but is less than one thousand grams, 209  
possession of marihuana is a felony of the fifth degree, and 210  
division (B) of section 2929.13 of the Revised Code applies in 211  
determining whether to impose a prison term on the offender. 212

(d) If the amount of the drug involved equals or exceeds 213  
one thousand grams but is less than five thousand grams, 214  
possession of marihuana is a felony of the third degree, and 215  
division (C) of section 2929.13 of the Revised Code applies in 216  
determining whether to impose a prison term on the offender. 217

(e) If the amount of the drug involved equals or exceeds 218  
five thousand grams but is less than twenty thousand grams, 219  
possession of marihuana is a felony of the third degree, and 220



there is a presumption that a prison term shall be imposed for 221  
the offense. 222

(f) If the amount of the drug involved equals or exceeds 223  
twenty thousand grams but is less than forty thousand grams, 224  
possession of marihuana is a felony of the second degree, and 225  
the court shall impose a mandatory prison term of five, six, 226  
seven, or eight years. 227

(g) If the amount of the drug involved equals or exceeds 228  
forty thousand grams, possession of marihuana is a felony of the 229  
second degree, and the court shall impose as a mandatory prison 230  
term the maximum prison term prescribed for a felony of the 231  
second degree. 232

(4) If the drug involved in the violation is cocaine or a 233  
compound, mixture, preparation, or substance containing cocaine, 234  
whoever violates division (A) of this section is guilty of 235  
possession of cocaine. The penalty for the offense shall be 236  
determined as follows: 237

(a) Except as otherwise provided in division (C) (4) (b), 238  
(c), (d), (e), or (f) of this section, possession of cocaine is 239  
a felony of the fifth degree, and division (B) of section 240  
2929.13 of the Revised Code applies in determining whether to 241  
impose a prison term on the offender. 242

(b) If the amount of the drug involved equals or exceeds 243  
five grams but is less than ten grams of cocaine, possession of 244  
cocaine is a felony of the fourth degree, and division (B) of 245  
section 2929.13 of the Revised Code applies in determining 246  
whether to impose a prison term on the offender. 247

(c) If the amount of the drug involved equals or exceeds 248  
ten grams but is less than twenty grams of cocaine, possession 249

of cocaine is a felony of the third degree, and, except as 250  
otherwise provided in this division, there is a presumption for 251  
a prison term for the offense. If possession of cocaine is a 252  
felony of the third degree under this division and if the 253  
offender two or more times previously has been convicted of or 254  
pleaded guilty to a felony drug abuse offense, the court shall 255  
impose as a mandatory prison term one of the prison terms 256  
prescribed for a felony of the third degree. 257

(d) If the amount of the drug involved equals or exceeds 258  
twenty grams but is less than twenty-seven grams of cocaine, 259  
possession of cocaine is a felony of the second degree, and the 260  
court shall impose as a mandatory prison term one of the prison 261  
terms prescribed for a felony of the second degree. 262

(e) If the amount of the drug involved equals or exceeds 263  
twenty-seven grams but is less than one hundred grams of 264  
cocaine, possession of cocaine is a felony of the first degree, 265  
and the court shall impose as a mandatory prison term one of the 266  
prison terms prescribed for a felony of the first degree. 267

(f) If the amount of the drug involved equals or exceeds 268  
one hundred grams of cocaine, possession of cocaine is a felony 269  
of the first degree, the offender is a major drug offender, and 270  
the court shall impose as a mandatory prison term the maximum 271  
prison term prescribed for a felony of the first degree. 272

(5) If the drug involved in the violation is L.S.D., 273  
whoever violates division (A) of this section is guilty of 274  
possession of L.S.D. The penalty for the offense shall be 275  
determined as follows: 276

(a) Except as otherwise provided in division (C) (5) (b), 277  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 278

felony of the fifth degree, and division (B) of section 2929.13 279  
of the Revised Code applies in determining whether to impose a 280  
prison term on the offender. 281

(b) If the amount of L.S.D. involved equals or exceeds ten 282  
unit doses but is less than fifty unit doses of L.S.D. in a 283  
solid form or equals or exceeds one gram but is less than five 284  
grams of L.S.D. in a liquid concentrate, liquid extract, or 285  
liquid distillate form, possession of L.S.D. is a felony of the 286  
fourth degree, and division (C) of section 2929.13 of the 287  
Revised Code applies in determining whether to impose a prison 288  
term on the offender. 289

(c) If the amount of L.S.D. involved equals or exceeds 290  
fifty unit doses, but is less than two hundred fifty unit doses 291  
of L.S.D. in a solid form or equals or exceeds five grams but is 292  
less than twenty-five grams of L.S.D. in a liquid concentrate, 293  
liquid extract, or liquid distillate form, possession of L.S.D. 294  
is a felony of the third degree, and there is a presumption for 295  
a prison term for the offense. 296

(d) If the amount of L.S.D. involved equals or exceeds two 297  
hundred fifty unit doses but is less than one thousand unit 298  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 299  
grams but is less than one hundred grams of L.S.D. in a liquid 300  
concentrate, liquid extract, or liquid distillate form, 301  
possession of L.S.D. is a felony of the second degree, and the 302  
court shall impose as a mandatory prison term one of the prison 303  
terms prescribed for a felony of the second degree. 304

(e) If the amount of L.S.D. involved equals or exceeds one 305  
thousand unit doses but is less than five thousand unit doses of 306  
L.S.D. in a solid form or equals or exceeds one hundred grams 307  
but is less than five hundred grams of L.S.D. in a liquid 308

concentrate, liquid extract, or liquid distillate form, 309  
possession of L.S.D. is a felony of the first degree, and the 310  
court shall impose as a mandatory prison term one of the prison 311  
terms prescribed for a felony of the first degree. 312

(f) If the amount of L.S.D. involved equals or exceeds 313  
five thousand unit doses of L.S.D. in a solid form or equals or 314  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 315  
liquid extract, or liquid distillate form, possession of L.S.D. 316  
is a felony of the first degree, the offender is a major drug 317  
offender, and the court shall impose as a mandatory prison term 318  
the maximum prison term prescribed for a felony of the first 319  
degree. 320

(6) If the drug involved in the violation is heroin or a 321  
compound, mixture, preparation, or substance containing heroin, 322  
whoever violates division (A) of this section is guilty of 323  
possession of heroin. The penalty for the offense shall be 324  
determined as follows: 325

(a) Except as otherwise provided in division (C) (6) (b), 326  
(c), (d), (e), or (f) of this section, possession of heroin is a 327  
felony of the fifth degree, and division (B) of section 2929.13 328  
of the Revised Code applies in determining whether to impose a 329  
prison term on the offender. 330

(b) If the amount of the drug involved equals or exceeds 331  
ten unit doses but is less than fifty unit doses or equals or 332  
exceeds one gram but is less than five grams, possession of 333  
heroin is a felony of the fourth degree, and division (C) of 334  
section 2929.13 of the Revised Code applies in determining 335  
whether to impose a prison term on the offender. 336

(c) If the amount of the drug involved equals or exceeds 337

fifty unit doses but is less than one hundred unit doses or 338  
equals or exceeds five grams but is less than ten grams, 339  
possession of heroin is a felony of the third degree, and there 340  
is a presumption for a prison term for the offense. 341

(d) If the amount of the drug involved equals or exceeds 342  
one hundred unit doses but is less than five hundred unit doses 343  
or equals or exceeds ten grams but is less than fifty grams, 344  
possession of heroin is a felony of the second degree, and the 345  
court shall impose as a mandatory prison term one of the prison 346  
terms prescribed for a felony of the second degree. 347

(e) If the amount of the drug involved equals or exceeds 348  
five hundred unit doses but is less than two thousand five 349  
hundred unit doses or equals or exceeds fifty grams but is less 350  
than two hundred fifty grams, possession of heroin is a felony 351  
of the first degree, and the court shall impose as a mandatory 352  
prison term one of the prison terms prescribed for a felony of 353  
the first degree. 354

(f) If the amount of the drug involved equals or exceeds 355  
two thousand five hundred unit doses or equals or exceeds two 356  
hundred fifty grams, possession of heroin is a felony of the 357  
first degree, the offender is a major drug offender, and the 358  
court shall impose as a mandatory prison term the maximum prison 359  
term prescribed for a felony of the first degree. 360

(7) If the drug involved in the violation is hashish or a 361  
compound, mixture, preparation, or substance containing hashish, 362  
whoever violates division (A) of this section is guilty of 363  
possession of hashish. The penalty for the offense shall be 364  
determined as follows: 365

(a) Except as otherwise provided in division (C) (7) (b), 366

(c), (d), (e), (f), or (g) of this section, possession of 367  
hashish is a minor misdemeanor. 368

(b) If the amount of the drug involved equals or exceeds 369  
five grams but is less than ten grams of hashish in a solid form 370  
or equals or exceeds one gram but is less than two grams of 371  
hashish in a liquid concentrate, liquid extract, or liquid 372  
distillate form, possession of hashish is a misdemeanor of the 373  
fourth degree. 374

(c) If the amount of the drug involved equals or exceeds 375  
ten grams but is less than fifty grams of hashish in a solid 376  
form or equals or exceeds two grams but is less than ten grams 377  
of hashish in a liquid concentrate, liquid extract, or liquid 378  
distillate form, possession of hashish is a felony of the fifth 379  
degree, and division (B) of section 2929.13 of the Revised Code 380  
applies in determining whether to impose a prison term on the 381  
offender. 382

(d) If the amount of the drug involved equals or exceeds 383  
fifty grams but is less than two hundred fifty grams of hashish 384  
in a solid form or equals or exceeds ten grams but is less than 385  
fifty grams of hashish in a liquid concentrate, liquid extract, 386  
or liquid distillate form, possession of hashish is a felony of 387  
the third degree, and division (C) of section 2929.13 of the 388  
Revised Code applies in determining whether to impose a prison 389  
term on the offender. 390

(e) If the amount of the drug involved equals or exceeds 391  
two hundred fifty grams but is less than one thousand grams of 392  
hashish in a solid form or equals or exceeds fifty grams but is 393  
less than two hundred grams of hashish in a liquid concentrate, 394  
liquid extract, or liquid distillate form, possession of hashish 395  
is a felony of the third degree, and there is a presumption that 396

a prison term shall be imposed for the offense. 397

(f) If the amount of the drug involved equals or exceeds 398  
one thousand grams but is less than two thousand grams of 399  
hashish in a solid form or equals or exceeds two hundred grams 400  
but is less than four hundred grams of hashish in a liquid 401  
concentrate, liquid extract, or liquid distillate form, 402  
possession of hashish is a felony of the second degree, and the 403  
court shall impose a mandatory prison term of five, six, seven, 404  
or eight years. 405

(g) If the amount of the drug involved equals or exceeds 406  
two thousand grams of hashish in a solid form or equals or 407  
exceeds four hundred grams of hashish in a liquid concentrate, 408  
liquid extract, or liquid distillate form, possession of hashish 409  
is a felony of the second degree, and the court shall impose as 410  
a mandatory prison term the maximum prison term prescribed for a 411  
felony of the second degree. 412

(8) If the drug involved is a controlled substance analog 413  
or compound, mixture, preparation, or substance that contains a 414  
controlled substance analog, whoever violates division (A) of 415  
this section is guilty of possession of a controlled substance 416  
analog. The penalty for the offense shall be determined as 417  
follows: 418

(a) Except as otherwise provided in division (C) (8) (b), 419  
(c), (d), (e), or (f) of this section, possession of a 420  
controlled substance analog is a felony of the fifth degree, and 421  
division (B) of section 2929.13 of the Revised Code applies in 422  
determining whether to impose a prison term on the offender. 423

(b) If the amount of the drug involved equals or exceeds 424  
ten grams but is less than twenty grams, possession of a 425

controlled substance analog is a felony of the fourth degree, 426  
and there is a presumption for a prison term for the offense. 427

(c) If the amount of the drug involved equals or exceeds 428  
twenty grams but is less than thirty grams, possession of a 429  
controlled substance analog is a felony of the third degree, and 430  
there is a presumption for a prison term for the offense. 431

(d) If the amount of the drug involved equals or exceeds 432  
thirty grams but is less than forty grams, possession of a 433  
controlled substance analog is a felony of the second degree, 434  
and the court shall impose as a mandatory prison term one of the 435  
prison terms prescribed for a felony of the second degree. 436

(e) If the amount of the drug involved equals or exceeds 437  
forty grams but is less than fifty grams, possession of a 438  
controlled substance analog is a felony of the first degree, and 439  
the court shall impose as a mandatory prison term one of the 440  
prison terms prescribed for a felony of the first degree. 441

(f) If the amount of the drug involved equals or exceeds 442  
fifty grams, possession of a controlled substance analog is a 443  
felony of the first degree, the offender is a major drug 444  
offender, and the court shall impose as a mandatory prison term 445  
the maximum prison term prescribed for a felony of the first 446  
degree. 447

(D) Arrest or conviction for a minor misdemeanor violation 448  
of this section does not constitute a criminal record and need 449  
not be reported by the person so arrested or convicted in 450  
response to any inquiries about the person's criminal record, 451  
including any inquiries contained in any application for 452  
employment, license, or other right or privilege, or made in 453  
connection with the person's appearance as a witness. 454



(E) In addition to any prison term or jail term authorized 455  
or required by division (C) of this section and sections 456  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 457  
Code and in addition to any other sanction that is imposed for 458  
the offense under this section, sections 2929.11 to 2929.18, or 459  
sections 2929.21 to 2929.28 of the Revised Code, the court that 460  
sentences an offender who is convicted of or pleads guilty to a 461  
violation of division (A) of this section shall do all of the 462  
following that are applicable regarding the offender: 463

(1) (a) If the violation is a felony of the first, second, 464  
or third degree, the court shall impose upon the offender the 465  
mandatory fine specified for the offense under division (B) (1) 466  
of section 2929.18 of the Revised Code unless, as specified in 467  
that division, the court determines that the offender is 468  
indigent. 469

(b) Notwithstanding any contrary provision of section 470  
3719.21 of the Revised Code, the clerk of the court shall pay a 471  
mandatory fine or other fine imposed for a violation of this 472  
section pursuant to division (A) of section 2929.18 of the 473  
Revised Code in accordance with and subject to the requirements 474  
of division (F) of section 2925.03 of the Revised Code. The 475  
agency that receives the fine shall use the fine as specified in 476  
division (F) of section 2925.03 of the Revised Code. 477

(c) If a person is charged with a violation of this 478  
section that is a felony of the first, second, or third degree, 479  
posts bail, and forfeits the bail, the clerk shall pay the 480  
forfeited bail pursuant to division (E) (1) (b) of this section as 481  
if it were a mandatory fine imposed under division (E) (1) (a) of 482  
this section. 483

(2) The court shall suspend for not less than six months 484

or more than five years the offender's driver's or commercial 485  
driver's license or permit. 486

(3) If the offender is a professionally licensed person, 487  
in addition to any other sanction imposed for a violation of 488  
this section, the court immediately shall comply with section 489  
2925.38 of the Revised Code. 490

(F) It is an affirmative defense, as provided in section 491  
2901.05 of the Revised Code, to a charge of a fourth degree 492  
felony violation under this section that the controlled 493  
substance that gave rise to the charge is in an amount, is in a 494  
form, is prepared, compounded, or mixed with substances that are 495  
not controlled substances in a manner, or is possessed under any 496  
other circumstances, that indicate that the substance was 497  
possessed solely for personal use. Notwithstanding any contrary 498  
provision of this section, if, in accordance with section 499  
2901.05 of the Revised Code, an accused who is charged with a 500  
fourth degree felony violation of division (C) (2), (4), (5), or 501  
(6) of this section sustains the burden of going forward with 502  
evidence of and establishes by a preponderance of the evidence 503  
the affirmative defense described in this division, the accused 504  
may be prosecuted for and may plead guilty to or be convicted of 505  
a misdemeanor violation of division (C) (2) of this section or a 506  
fifth degree felony violation of division (C) (4), (5), or (6) of 507  
this section respectively. 508

(G) When a person is charged with possessing a bulk amount 509  
or multiple of a bulk amount, division (E) of section 2925.03 of 510  
the Revised Code applies regarding the determination of the 511  
amount of the controlled substance involved at the time of the 512  
offense. 513

(H) It is an affirmative defense to a charge of possession 514

of a controlled substance analog under division (C) (8) of this 515  
section that the person charged with violating that offense 516  
obtained, possessed, or used an item described in division (HH) 517  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 518

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 519  
or (G) of this section and unless a specific sanction is 520  
required to be imposed or is precluded from being imposed 521  
pursuant to law, a court that imposes a sentence upon an 522  
offender for a felony may impose any sanction or combination of 523  
sanctions on the offender that are provided in sections 2929.14 524  
to 2929.18 of the Revised Code. 525

If the offender is eligible to be sentenced to community 526  
control sanctions, the court shall consider the appropriateness 527  
of imposing a financial sanction pursuant to section 2929.18 of 528  
the Revised Code or a sanction of community service pursuant to 529  
section 2929.17 of the Revised Code as the sole sanction for the 530  
offense. Except as otherwise provided in this division, if the 531  
court is required to impose a mandatory prison term for the 532  
offense for which sentence is being imposed, the court also 533  
shall impose any financial sanction pursuant to section 2929.18 534  
of the Revised Code that is required for the offense and may 535  
impose any other financial sanction pursuant to that section but 536  
may not impose any additional sanction or combination of 537  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 538

If the offender is being sentenced for a fourth degree 539  
felony OVI offense or for a third degree felony OVI offense, in 540  
addition to the mandatory term of local incarceration or the 541  
mandatory prison term required for the offense by division (G) 542  
(1) or (2) of this section, the court shall impose upon the 543  
offender a mandatory fine in accordance with division (B) (3) of 544

section 2929.18 of the Revised Code and may impose whichever of 545  
the following is applicable: 546

(1) For a fourth degree felony OVI offense for which 547  
sentence is imposed under division (G) (1) of this section, an 548  
additional community control sanction or combination of 549  
community control sanctions under section 2929.16 or 2929.17 of 550  
the Revised Code. If the court imposes upon the offender a 551  
community control sanction and the offender violates any 552  
condition of the community control sanction, the court may take 553  
any action prescribed in division (B) of section 2929.15 of the 554  
Revised Code relative to the offender, including imposing a 555  
prison term on the offender pursuant to that division. 556

(2) For a third or fourth degree felony OVI offense for 557  
which sentence is imposed under division (G) (2) of this section, 558  
an additional prison term as described in division (B) (4) of 559  
section 2929.14 of the Revised Code or a community control 560  
sanction as described in division (G) (2) of this section. 561

(B) (1) (a) Except as provided in division (B) (1) (b) of this 562  
section, if an offender is convicted of or pleads guilty to a 563  
felony of the fourth or fifth degree that is not an offense of 564  
violence or that is a qualifying assault offense, the court 565  
shall sentence the offender to a community control sanction of 566  
at least one year's duration if all of the following apply: 567

(i) The offender previously has not been convicted of or 568  
pleaded guilty to a felony offense. 569

(ii) The most serious charge against the offender at the 570  
time of sentencing is a felony of the fourth or fifth degree. 571

(iii) If the court made a request of the department of 572  
rehabilitation and correction pursuant to division (B) (1) (c) of 573

this section, the department, within the forty-five-day period 574  
specified in that division, provided the court with the names 575  
of, contact information for, and program details of one or more 576  
community control sanctions of at least one year's duration that 577  
are available for persons sentenced by the court. 578

(iv) The offender previously has not been convicted of or 579  
pleaded guilty to a misdemeanor offense of violence that the 580  
offender committed within two years prior to the offense for 581  
which sentence is being imposed. 582

(b) The court has discretion to impose a prison term upon 583  
an offender who is convicted of or pleads guilty to a felony of 584  
the fourth or fifth degree that is not an offense of violence or 585  
that is a qualifying assault offense if any of the following 586  
apply: 587

(i) The offender committed the offense while having a 588  
firearm on or about the offender's person or under the 589  
offender's control. 590

(ii) If the offense is a qualifying assault offense, the 591  
offender caused serious physical harm to another person while 592  
committing the offense, and, if the offense is not a qualifying 593  
assault offense, the offender caused physical harm to another 594  
person while committing the offense. 595

(iii) The offender violated a term of the conditions of 596  
bond as set by the court. 597

(iv) The court made a request of the department of 598  
rehabilitation and correction pursuant to division (B)(1)(c) of 599  
this section, and the department, within the forty-five-day 600  
period specified in that division, did not provide the court 601  
with the name of, contact information for, and program details 602

of any community control sanction of at least one year's 603  
duration that is available for persons sentenced by the court. 604

(v) The offense is a sex offense that is a fourth or fifth 605  
degree felony violation of any provision of Chapter 2907. of the 606  
Revised Code. 607

(vi) In committing the offense, the offender attempted to 608  
cause or made an actual threat of physical harm to a person with 609  
a deadly weapon. 610

(vii) In committing the offense, the offender attempted to 611  
cause or made an actual threat of physical harm to a person, and 612  
the offender previously was convicted of an offense that caused 613  
physical harm to a person. 614

(viii) The offender held a public office or position of 615  
trust, and the offense related to that office or position; the 616  
offender's position obliged the offender to prevent the offense 617  
or to bring those committing it to justice; or the offender's 618  
professional reputation or position facilitated the offense or 619  
was likely to influence the future conduct of others. 620

(ix) The offender committed the offense for hire or as 621  
part of an organized criminal activity. 622

(x) The offender at the time of the offense was serving, 623  
or the offender previously had served, a prison term. 624

(xi) The offender committed the offense while under a 625  
community control sanction, while on probation, or while 626  
released from custody on a bond or personal recognizance. 627

(c) If a court that is sentencing an offender who is 628  
convicted of or pleads guilty to a felony of the fourth or fifth 629  
degree that is not an offense of violence or that is a 630

qualifying assault offense believes that no community control 631  
sanctions are available for its use that, if imposed on the 632  
offender, will adequately fulfill the overriding principles and 633  
purposes of sentencing, the court shall contact the department 634  
of rehabilitation and correction and ask the department to 635  
provide the court with the names of, contact information for, 636  
and program details of one or more community control sanctions 637  
of at least one year's duration that are available for persons 638  
sentenced by the court. Not later than forty-five days after 639  
receipt of a request from a court under this division, the 640  
department shall provide the court with the names of, contact 641  
information for, and program details of one or more community 642  
control sanctions of at least one year's duration that are 643  
available for persons sentenced by the court, if any. Upon 644  
making a request under this division that relates to a 645  
particular offender, a court shall defer sentencing of that 646  
offender until it receives from the department the names of, 647  
contact information for, and program details of one or more 648  
community control sanctions of at least one year's duration that 649  
are available for persons sentenced by the court or for forty- 650  
five days, whichever is the earlier. 651

If the department provides the court with the names of, 652  
contact information for, and program details of one or more 653  
community control sanctions of at least one year's duration that 654  
are available for persons sentenced by the court within the 655  
forty-five-day period specified in this division, the court 656  
shall impose upon the offender a community control sanction 657  
under division (B) (1) (a) of this section, except that the court 658  
may impose a prison term under division (B) (1) (b) of this 659  
section if a factor described in division (B) (1) (b) (i) or (ii) 660  
of this section applies. If the department does not provide the 661

court with the names of, contact information for, and program  
details of one or more community control sanctions of at least  
one year's duration that are available for persons sentenced by  
the court within the forty-five-day period specified in this  
division, the court may impose upon the offender a prison term  
under division (B) (1) (b) (iv) of this section.

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

(2) If division (B) (1) of this section does not apply,  
except as provided in division (E), (F), or (G) of this section,  
in determining whether to impose a prison term as a sanction for  
a felony of the fourth or fifth degree, the sentencing court  
shall comply with the purposes and principles of sentencing  
under section 2929.11 of the Revised Code and with section  
2929.12 of the Revised Code.

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

(D) (1) Except as provided in division (E) or (F) of this



section, for a felony of the first or second degree, for a 692  
felony drug offense that is a violation of any provision of 693  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 694  
presumption in favor of a prison term is specified as being 695  
applicable, and for a violation of division (A) (4) or (B) of 696  
section 2907.05 of the Revised Code for which a presumption in 697  
favor of a prison term is specified as being applicable, it is 698  
presumed that a prison term is necessary in order to comply with 699  
the purposes and principles of sentencing under section 2929.11 700  
of the Revised Code. Division (D) (2) of this section does not 701  
apply to a presumption established under this division for a 702  
violation of division (A) (4) of section 2907.05 of the Revised 703  
Code. 704

(2) Notwithstanding the presumption established under 705  
division (D) (1) of this section for the offenses listed in that 706  
division other than a violation of division (A) (4) or (B) of 707  
section 2907.05 of the Revised Code, the sentencing court may 708  
impose a community control sanction or a combination of 709  
community control sanctions instead of a prison term on an 710  
offender for a felony of the first or second degree or for a 711  
felony drug offense that is a violation of any provision of 712  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 713  
presumption in favor of a prison term is specified as being 714  
applicable if it makes both of the following findings: 715

(a) A community control sanction or a combination of 716  
community control sanctions would adequately punish the offender 717  
and protect the public from future crime, because the applicable 718  
factors under section 2929.12 of the Revised Code indicating a 719  
lesser likelihood of recidivism outweigh the applicable factors 720  
under that section indicating a greater likelihood of 721  
recidivism. 722

(b) A community control sanction or a combination of 723  
community control sanctions would not demean the seriousness of 724  
the offense, because one or more factors under section 2929.12 725  
of the Revised Code that indicate that the offender's conduct 726  
was less serious than conduct normally constituting the offense 727  
are applicable, and they outweigh the applicable factors under 728  
that section that indicate that the offender's conduct was more 729  
serious than conduct normally constituting the offense. 730

(E) (1) Except as provided in division (F) of this section, 731  
for any drug offense that is a violation of any provision of 732  
Chapter 2925. of the Revised Code and that is a felony of the 733  
third, fourth, or fifth degree, the applicability of a 734  
presumption under division (D) of this section in favor of a 735  
prison term or of division (B) or (C) of this section in 736  
determining whether to impose a prison term for the offense 737  
shall be determined as specified in section 2925.02, 2925.03, 738  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 739  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 740  
regarding the violation. 741

(2) If an offender who was convicted of or pleaded guilty 742  
to a felony violates the conditions of a community control 743  
sanction imposed for the offense solely by reason of producing 744  
positive results on a drug test or by acting pursuant to 745  
division (B) (2) (a) or (b) of section 2925.11 of the Revised Code 746  
with respect to a minor drug possession offense, the court, as 747  
punishment for the violation of the sanction, shall not order 748  
that the offender be imprisoned unless the court determines on 749  
the record either of the following: 750

(a) The offender had been ordered as a sanction for the 751  
felony to participate in a drug treatment program, in a drug 752

education program, or in narcotics anonymous or a similar 753  
program, and the offender continued to use illegal drugs after a 754  
reasonable period of participation in the program. 755

(b) The imprisonment of the offender for the violation is 756  
consistent with the purposes and principles of sentencing set 757  
forth in section 2929.11 of the Revised Code. 758

(3) A court that sentences an offender for a drug abuse 759  
offense that is a felony of the third, fourth, or fifth degree 760  
may require that the offender be assessed by a properly 761  
credentialed professional within a specified period of time. The 762  
court shall require the professional to file a written 763  
assessment of the offender with the court. If the offender is 764  
eligible for a community control sanction and after considering 765  
the written assessment, the court may impose a community control 766  
sanction that includes treatment and recovery support services 767  
authorized by section 3793.02 of the Revised Code. If the court 768  
imposes treatment and recovery support services as a community 769  
control sanction, the court shall direct the level and type of 770  
treatment and recovery support services after considering the 771  
assessment and recommendation of treatment and recovery support 772  
services providers. 773

(F) Notwithstanding divisions (A) to (E) of this section, 774  
the court shall impose a prison term or terms under sections 775  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 776  
section 2971.03 of the Revised Code and except as specifically 777  
provided in section 2929.20, divisions (C) to (I) of section 778  
2967.19, or section 2967.191 of the Revised Code or when parole 779  
is authorized for the offense under section 2967.13 of the 780  
Revised Code shall not reduce the term or terms pursuant to 781  
section 2929.20, section 2967.19, section 2967.193, or any other 782

provision of Chapter 2967. or Chapter 5120. of the Revised Code 783  
for any of the following offenses: 784

(1) Aggravated murder when death is not imposed or murder; 785

(2) Any rape, regardless of whether force was involved and 786  
regardless of the age of the victim, or an attempt to commit 787  
rape if, had the offender completed the rape that was attempted, 788  
the offender would have been guilty of a violation of division 789  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 790  
sentenced under section 2971.03 of the Revised Code; 791

(3) Gross sexual imposition or sexual battery, if the 792  
victim is less than thirteen years of age and if any of the 793  
following applies: 794

(a) Regarding gross sexual imposition, the offender 795  
previously was convicted of or pleaded guilty to rape, the 796  
former offense of felonious sexual penetration, gross sexual 797  
imposition, or sexual battery, and the victim of the previous 798  
offense was less than thirteen years of age; 799

(b) Regarding gross sexual imposition, the offense was 800  
committed on or after August 3, 2006, and evidence other than 801  
the testimony of the victim was admitted in the case 802  
corroborating the violation. 803

(c) Regarding sexual battery, either of the following 804  
applies: 805

(i) The offense was committed prior to August 3, 2006, the 806  
offender previously was convicted of or pleaded guilty to rape, 807  
the former offense of felonious sexual penetration, or sexual 808  
battery, and the victim of the previous offense was less than 809  
thirteen years of age. 810

- (ii) The offense was committed on or after August 3, 2006. 811
- (4) A felony violation of section 2903.04, 2903.06, 812  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the 813  
Revised Code if the section requires the imposition of a prison 814  
term; 815
- (5) A first, second, or third degree felony drug offense 816  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 817  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 818  
or 4729.99 of the Revised Code, whichever is applicable 819  
regarding the violation, requires the imposition of a mandatory 820  
prison term; 821
- (6) Any offense that is a first or second degree felony 822  
and that is not set forth in division (F)(1), (2), (3), or (4) 823  
of this section, if the offender previously was convicted of or 824  
pleaded guilty to aggravated murder, murder, any first or second 825  
degree felony, or an offense under an existing or former law of 826  
this state, another state, or the United States that is or was 827  
substantially equivalent to one of those offenses; 828
- (7) Any offense that is a third degree felony and either 829  
is a violation of section 2903.04 of the Revised Code or an 830  
attempt to commit a felony of the second degree that is an 831  
offense of violence and involved an attempt to cause serious 832  
physical harm to a person or that resulted in serious physical 833  
harm to a person if the offender previously was convicted of or 834  
pleaded guilty to any of the following offenses: 835
- (a) Aggravated murder, murder, involuntary manslaughter, 836  
rape, felonious sexual penetration as it existed under section 837  
2907.12 of the Revised Code prior to September 3, 1996, a felony 838  
of the first or second degree that resulted in the death of a 839

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

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

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

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

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

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

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 869

(13) A violation of division (A) (1) or (2) of section 870  
2903.06 of the Revised Code if the victim of the offense is a 871  
peace officer, as defined in section 2935.01 of the Revised 872  
Code, or an investigator of the bureau of criminal 873  
identification and investigation, as defined in section 2903.11 874  
of the Revised Code, with respect to the portion of the sentence 875  
imposed pursuant to division (B) (5) of section 2929.14 of the 876  
Revised Code; 877

(14) A violation of division (A) (1) or (2) of section 878  
2903.06 of the Revised Code if the offender has been convicted 879  
of or pleaded guilty to three or more violations of division (A) 880  
or (B) of section 4511.19 of the Revised Code or an equivalent 881  
offense, as defined in section 2941.1415 of the Revised Code, or 882  
three or more violations of any combination of those divisions 883  
and offenses, with respect to the portion of the sentence 884  
imposed pursuant to division (B) (6) of section 2929.14 of the 885  
Revised Code; 886

(15) Kidnapping, in the circumstances specified in section 887  
2971.03 of the Revised Code and when no other provision of 888  
division (F) of this section applies; 889

(16) Kidnapping, abduction, compelling prostitution, 890  
promoting prostitution, engaging in a pattern of corrupt 891  
activity, illegal use of a minor in a nudity-oriented material 892  
or performance in violation of division (A) (1) or (2) of section 893  
2907.323 of the Revised Code, or endangering children in 894  
violation of division (B) (1), (2), (3), (4), or (5) of section 895  
2919.22 of the Revised Code, if the offender is convicted of or 896  
pleads guilty to a specification as described in section 897  
2941.1422 of the Revised Code that was included in the 898

indictment, count in the indictment, or information charging the offense; 899  
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(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term; 901  
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(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code. 905  
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(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following: 911  
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(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional 917  
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facility, a halfway house, or an alternative residential 929  
facility, and the offender shall serve the term in the type of 930  
facility specified by the court. A mandatory term of local 931  
incarceration imposed under division (G)(1) of this section is 932  
not subject to any other Revised Code provision that pertains to 933  
a prison term except as provided in division (A)(1) of this 934  
section. 935

(2) If the offender is being sentenced for a third degree 936  
felony OVI offense, or if the offender is being sentenced for a 937  
fourth degree felony OVI offense and the court does not impose a 938  
mandatory term of local incarceration under division (G)(1) of 939  
this section, the court shall impose upon the offender a 940  
mandatory prison term of one, two, three, four, or five years if 941  
the offender also is convicted of or also pleads guilty to a 942  
specification of the type described in section 2941.1413 of the 943  
Revised Code or shall impose upon the offender a mandatory 944  
prison term of sixty days or one hundred twenty days as 945  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 946  
Revised Code if the offender has not been convicted of and has 947  
not pleaded guilty to a specification of that type. Subject to 948  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 949  
court shall not reduce the term pursuant to section 2929.20, 950  
2967.19, 2967.193, or any other provision of the Revised Code. 951  
The offender shall serve the one-, two-, three-, four-, or five- 952  
year mandatory prison term consecutively to and prior to the 953  
prison term imposed for the underlying offense and consecutively 954  
to any other mandatory prison term imposed in relation to the 955  
offense. In no case shall an offender who once has been 956  
sentenced to a mandatory term of local incarceration pursuant to 957  
division (G)(1) of this section for a fourth degree felony OVI 958  
offense be sentenced to another mandatory term of local 959

incarceration under that division for any violation of division 960  
(A) of section 4511.19 of the Revised Code. In addition to the 961  
mandatory prison term described in division (G) (2) of this 962  
section, the court may sentence the offender to a community 963  
control sanction under section 2929.16 or 2929.17 of the Revised 964  
Code, but the offender shall serve the prison term prior to 965  
serving the community control sanction. The department of 966  
rehabilitation and correction may place an offender sentenced to 967  
a mandatory prison term under this division in an intensive 968  
program prison established pursuant to section 5120.033 of the 969  
Revised Code if the department gave the sentencing judge prior 970  
notice of its intent to place the offender in an intensive 971  
program prison established under that section and if the judge 972  
did not notify the department that the judge disapproved the 973  
placement. Upon the establishment of the initial intensive 974  
program prison pursuant to section 5120.033 of the Revised Code 975  
that is privately operated and managed by a contractor pursuant 976  
to a contract entered into under section 9.06 of the Revised 977  
Code, both of the following apply: 978

(a) The department of rehabilitation and correction shall 979  
make a reasonable effort to ensure that a sufficient number of 980  
offenders sentenced to a mandatory prison term under this 981  
division are placed in the privately operated and managed prison 982  
so that the privately operated and managed prison has full 983  
occupancy. 984

(b) Unless the privately operated and managed prison has 985  
full occupancy, the department of rehabilitation and correction 986  
shall not place any offender sentenced to a mandatory prison 987  
term under this division in any intensive program prison 988  
established pursuant to section 5120.033 of the Revised Code 989  
other than the privately operated and managed prison. 990

(H) If an offender is being sentenced for a sexually 991  
oriented offense or child-victim oriented offense that is a 992  
felony committed on or after January 1, 1997, the judge shall 993  
require the offender to submit to a DNA specimen collection 994  
procedure pursuant to section 2901.07 of the Revised Code. 995

(I) If an offender is being sentenced for a sexually 996  
oriented offense or a child-victim oriented offense committed on 997  
or after January 1, 1997, the judge shall include in the 998  
sentence a summary of the offender's duties imposed under 999  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1000  
Code and the duration of the duties. The judge shall inform the 1001  
offender, at the time of sentencing, of those duties and of 1002  
their duration. If required under division (A)(2) of section 1003  
2950.03 of the Revised Code, the judge shall perform the duties 1004  
specified in that section, or, if required under division (A)(6) 1005  
of section 2950.03 of the Revised Code, the judge shall perform 1006  
the duties specified in that division. 1007

(J)(1) Except as provided in division (J)(2) of this 1008  
section, when considering sentencing factors under this section 1009  
in relation to an offender who is convicted of or pleads guilty 1010  
to an attempt to commit an offense in violation of section 1011  
2923.02 of the Revised Code, the sentencing court shall consider 1012  
the factors applicable to the felony category of the violation 1013  
of section 2923.02 of the Revised Code instead of the factors 1014  
applicable to the felony category of the offense attempted. 1015

(2) When considering sentencing factors under this section 1016  
in relation to an offender who is convicted of or pleads guilty 1017  
to an attempt to commit a drug abuse offense for which the 1018  
penalty is determined by the amount or number of unit doses of 1019  
the controlled substance involved in the drug abuse offense, the 1020

sentencing court shall consider the factors applicable to the 1021  
felony category that the drug abuse offense attempted would be 1022  
if that drug abuse offense had been committed and had involved 1023  
an amount or number of unit doses of the controlled substance 1024  
that is within the next lower range of controlled substance 1025  
amounts than was involved in the attempt. 1026

(K) As used in this section: 1027

(1) "Drug abuse offense"~~has~~ and "minor drug possession  
offense" have the same ~~meaning~~ meanings as in section 2925.01 1028  
of the Revised Code. 1029  
1030

(2) "Qualifying assault offense" means a violation of 1031  
section 2903.13 of the Revised Code for which the penalty 1032  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1033  
applies. 1034

(L) At the time of sentencing an offender for any sexually 1035  
oriented offense, if the offender is a tier III sex 1036  
offender/child-victim offender relative to that offense and the 1037  
offender does not serve a prison term or jail term, the court 1038  
may require that the offender be monitored by means of a global 1039  
positioning device. If the court requires such monitoring, the 1040  
cost of monitoring shall be borne by the offender. If the 1041  
offender is indigent, the cost of compliance shall be paid by 1042  
the crime victims reparations fund. 1043

**Sec. 2929.141.** (A) Upon the conviction of or plea of 1044  
guilty to a felony by a person on post-release control at the 1045  
time of the commission of the felony, the court may terminate 1046  
the term of post-release control, and the court may do either of 1047  
the following regardless of whether the sentencing court or 1048  
another court of this state imposed the original prison term for 1049

which the person is on post-release control: 1050

(1) In addition to any prison term for the new felony, 1051  
impose a prison term for the post-release control violation. The 1052  
maximum prison term for the violation shall be the greater of 1053  
twelve months or the period of post-release control for the 1054  
earlier felony minus any time the person has spent under post- 1055  
release control for the earlier felony. In all cases, any prison 1056  
term imposed for the violation shall be reduced by any prison 1057  
term that is administratively imposed by the parole board as a 1058  
post-release control sanction. A prison term imposed for the 1059  
violation shall be served consecutively to any prison term 1060  
imposed for the new felony. The imposition of a prison term for 1061  
the post-release control violation shall terminate the period of 1062  
post-release control for the earlier felony. 1063

(2) Impose a sanction under sections 2929.15 to 2929.18 of 1064  
the Revised Code for the violation that shall be served 1065  
concurrently or consecutively, as specified by the court, with 1066  
any community control sanctions for the new felony. 1067

(B) If a person on post-release control was acting 1068  
pursuant to division (B) (2) (a) or (b) of section 2925.11 of the 1069  
Revised Code and in so doing violated the conditions of a post- 1070  
release control sanction based on a minor drug possession 1071  
offense, as defined in section 2925.01 of the Revised Code, the 1072  
court may consider the person's conduct in seeking or obtaining 1073  
medical assistance for another in good faith or for self or may 1074  
consider the person being the subject of another person seeking 1075  
or obtaining medical assistance in accordance with either of 1076  
those divisions as a mitigating factor before imposing any of 1077  
the penalties described in division (A) of this section. 1078

(C) Upon the conviction of or plea of guilty to a felony 1079

by a person on transitional control under section 2967.26 of the Revised Code at the time of the commission of the felony, the court may, in addition to any prison term for the new felony, impose a prison term not exceeding twelve months for having committed the felony while on transitional control. An additional prison term imposed pursuant to this section shall be served consecutively to any prison term imposed for the new felony. The sentencing court may impose the additional prison term authorized by this section regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on transitional control.

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G) (1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B) (3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may

impose upon the offender a community control sanction or 1111  
combination of community control sanctions under section 2929.16 1112  
or 2929.17 of the Revised Code, but the offender shall serve all 1113  
of the prison terms so imposed prior to serving the community 1114  
control sanction. 1115

The duration of all community control sanctions imposed 1116  
upon an offender under this division shall not exceed five 1117  
years. If the offender absconds or otherwise leaves the 1118  
jurisdiction of the court in which the offender resides without 1119  
obtaining permission from the court or the offender's probation 1120  
officer to leave the jurisdiction of the court, or if the 1121  
offender is confined in any institution for the commission of 1122  
any offense while under a community control sanction, the period 1123  
of the community control sanction ceases to run until the 1124  
offender is brought before the court for its further action. If 1125  
the court sentences the offender to one or more nonresidential 1126  
sanctions under section 2929.17 of the Revised Code, the court 1127  
shall impose as a condition of the nonresidential sanctions 1128  
that, during the period of the sanctions, the offender must 1129  
abide by the law and must not leave the state without the 1130  
permission of the court or the offender's probation officer. The 1131  
court may impose any other conditions of release under a 1132  
community control sanction that the court considers appropriate, 1133  
including, but not limited to, requiring that the offender not 1134  
ingest or be injected with a drug of abuse and submit to random 1135  
drug testing as provided in division (D) of this section to 1136  
determine whether the offender ingested or was injected with a 1137  
drug of abuse and requiring that the results of the drug test 1138  
indicate that the offender did not ingest or was not injected 1139  
with a drug of abuse. 1140

(2) (a) If a court sentences an offender to any community 1141

control sanction or combination of community control sanctions 1142  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 1143  
the Revised Code, the court shall place the offender under the 1144  
general control and supervision of a department of probation in 1145  
the county that serves the court for purposes of reporting to 1146  
the court a violation of any condition of the sanctions, any 1147  
condition of release under a community control sanction imposed 1148  
by the court, a violation of law, or the departure of the 1149  
offender from this state without the permission of the court or 1150  
the offender's probation officer. Alternatively, if the offender 1151  
resides in another county and a county department of probation 1152  
has been established in that county or that county is served by 1153  
a multicounty probation department established under section 1154  
2301.27 of the Revised Code, the court may request the court of 1155  
common pleas of that county to receive the offender into the 1156  
general control and supervision of that county or multicounty 1157  
department of probation for purposes of reporting to the court a 1158  
violation of any condition of the sanctions, any condition of 1159  
release under a community control sanction imposed by the court, 1160  
a violation of law, or the departure of the offender from this 1161  
state without the permission of the court or the offender's 1162  
probation officer, subject to the jurisdiction of the trial 1163  
judge over and with respect to the person of the offender, and 1164  
to the rules governing that department of probation. 1165

If there is no department of probation in the county that 1166  
serves the court, the court shall place the offender, regardless 1167  
of the offender's county of residence, under the general control 1168  
and supervision of the adult parole authority for purposes of 1169  
reporting to the court a violation of any of the sanctions, any 1170  
condition of release under a community control sanction imposed 1171  
by the court, a violation of law, or the departure of the 1172



offender from this state without the permission of the court or 1173  
the offender's probation officer. 1174

(b) If the court imposing sentence upon an offender 1175  
sentences the offender to any community control sanction or 1176  
combination of community control sanctions authorized pursuant 1177  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 1178  
if the offender violates any condition of the sanctions, any 1179  
condition of release under a community control sanction imposed 1180  
by the court, violates any law, or departs the state without the 1181  
permission of the court or the offender's probation officer, the 1182  
public or private person or entity that operates or administers 1183  
the sanction or the program or activity that comprises the 1184  
sanction shall report the violation or departure directly to the 1185  
sentencing court, or shall report the violation or departure to 1186  
the county or multicounty department of probation with general 1187  
control and supervision over the offender under division (A)(2) 1188  
(a) of this section or the officer of that department who 1189  
supervises the offender, or, if there is no such department with 1190  
general control and supervision over the offender under that 1191  
division, to the adult parole authority. If the public or 1192  
private person or entity that operates or administers the 1193  
sanction or the program or activity that comprises the sanction 1194  
reports the violation or departure to the county or multicounty 1195  
department of probation or the adult parole authority, the 1196  
department's or authority's officers may treat the offender as 1197  
if the offender were on probation and in violation of the 1198  
probation, and shall report the violation of the condition of 1199  
the sanction, any condition of release under a community control 1200  
sanction imposed by the court, the violation of law, or the 1201  
departure from the state without the required permission to the 1202  
sentencing court. 1203

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A) (3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in a treatment and recovery support services program certified under section 5119.36 of the Revised Code or offered by another properly credentialed community addiction services provider.

(B) (1) If the conditions of a community control sanction are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose upon the violator one or more of the following penalties:

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

(b) A more restrictive sanction under section 2929.16,  
2929.17, or 2929.18 of the Revised Code;

(c) A prison term on the offender pursuant to section  
2929.14 of the Revised Code.

(2) If an offender was acting pursuant to division (B) (2)  
(a) or (b) of section 2925.11 of the Revised Code and in so  
doing violated the conditions of a community control sanction  
based on a minor drug possession offense, as defined in section  
2925.01 of the Revised Code, the sentencing court may consider  
the offender's conduct in seeking or obtaining medical  
assistance for another in good faith or for self or may consider  
the offender being the subject of another person seeking or  
obtaining medical assistance in accordance with either of those  
divisions as a mitigating factor before imposing any of the  
penalties described in division (B) (1) of this section.

(3) The prison term, if any, imposed upon a violator  
pursuant to this division shall be within the range of prison  
terms available for the offense for which the sanction that was  
violated was imposed and shall not exceed the prison term  
specified in the notice provided to the offender at the  
sentencing hearing pursuant to division (B) (2) of section  
2929.19 of the Revised Code. The court may reduce the longer  
period of time that the offender is required to spend under the  
longer sanction, the more restrictive sanction, or a prison term  
imposed pursuant to this division by the time the offender  
successfully spent under the sanction that was initially  
imposed.

(C) If an offender, for a significant period of time, 1264  
fulfills the conditions of a sanction imposed pursuant to 1265  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 1266  
exemplary manner, the court may reduce the period of time under 1267  
the sanction or impose a less restrictive sanction, but the 1268  
court shall not permit the offender to violate any law or permit 1269  
the offender to leave the state without the permission of the 1270  
court or the offender's probation officer. 1271

(D) (1) If a court under division (A) (1) of this section 1272  
imposes a condition of release under a community control 1273  
sanction that requires the offender to submit to random drug 1274  
testing, the department of probation or the adult parole 1275  
authority that has general control and supervision of the 1276  
offender under division (A) (2) (a) of this section may cause the 1277  
offender to submit to random drug testing performed by a 1278  
laboratory or entity that has entered into a contract with any 1279  
of the governmental entities or officers authorized to enter 1280  
into a contract with that laboratory or entity under section 1281  
341.26, 753.33, or 5120.63 of the Revised Code. 1282

(2) If no laboratory or entity described in division (D) 1283  
(1) of this section has entered into a contract as specified in 1284  
that division, the department of probation or the adult parole 1285  
authority that has general control and supervision of the 1286  
offender under division (A) (2) (a) of this section shall cause 1287  
the offender to submit to random drug testing performed by a 1288  
reputable public laboratory to determine whether the individual 1289  
who is the subject of the drug test ingested or was injected 1290  
with a drug of abuse. 1291

(3) A laboratory or entity that has entered into a 1292  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1293

Revised Code shall perform the random drug tests under division 1294  
(D) (1) of this section in accordance with the applicable 1295  
standards that are included in the terms of that contract. A 1296  
public laboratory shall perform the random drug tests under 1297  
division (D) (2) of this section in accordance with the standards 1298  
set forth in the policies and procedures established by the 1299  
department of rehabilitation and correction pursuant to section 1300  
5120.63 of the Revised Code. An offender who is required under 1301  
division (A) (1) of this section to submit to random drug testing 1302  
as a condition of release under a community control sanction and 1303  
whose test results indicate that the offender ingested or was 1304  
injected with a drug of abuse shall pay the fee for the drug 1305  
test if the department of probation or the adult parole 1306  
authority that has general control and supervision of the 1307  
offender requires payment of a fee. A laboratory or entity that 1308  
performs the random drug testing on an offender under division 1309  
(D) (1) or (2) of this section shall transmit the results of the 1310  
drug test to the appropriate department of probation or the 1311  
adult parole authority that has general control and supervision 1312  
of the offender under division (A) (2) (a) of this section. 1313

**Sec. 2929.25.** (A) (1) Except as provided in sections 1314  
2929.22 and 2929.23 of the Revised Code or when a jail term is 1315  
required by law, in sentencing an offender for a misdemeanor, 1316  
other than a minor misdemeanor, the sentencing court may do 1317  
either of the following: 1318

(a) Directly impose a sentence that consists of one or 1319  
more community control sanctions authorized by section 2929.26, 1320  
2929.27, or 2929.28 of the Revised Code. The court may impose 1321  
any other conditions of release under a community control 1322  
sanction that the court considers appropriate. If the court 1323  
imposes a jail term upon the offender, the court may impose any 1324

community control sanction or combination of community control 1325  
sanctions in addition to the jail term. 1326

(b) Impose a jail term under section 2929.24 of the 1327  
Revised Code from the range of jail terms authorized under that 1328  
section for the offense, suspend all or a portion of the jail 1329  
term imposed, and place the offender under a community control 1330  
sanction or combination of community control sanctions 1331  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1332  
Revised Code. 1333

(2) The duration of all community control sanctions 1334  
imposed upon an offender and in effect for an offender at any 1335  
time shall not exceed five years. 1336

(3) At sentencing, if a court directly imposes a community 1337  
control sanction or combination of community control sanctions 1338  
pursuant to division (A)(1)(a) or (B) of this section, the court 1339  
shall state the duration of the community control sanctions 1340  
imposed and shall notify the offender that if any of the 1341  
conditions of the community control sanctions are violated the 1342  
court may do any of the following: 1343

(a) Impose a longer time under the same community control 1344  
sanction if the total time under all of the offender's community 1345  
control sanctions does not exceed the five-year limit specified 1346  
in division (A)(2) of this section; 1347

(b) Impose a more restrictive community control sanction 1348  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1349  
but the court is not required to impose any particular sanction 1350  
or sanctions; 1351

(c) Impose a definite jail term from the range of jail 1352  
terms authorized for the offense under section 2929.24 of the 1353

Revised Code. 1354

(B) If a court sentences an offender to any community 1355  
control sanction or combination of community control sanctions 1356  
pursuant to division (A)(1)(a) of this section, the sentencing 1357  
court retains jurisdiction over the offender and the period of 1358  
community control for the duration of the period of community 1359  
control. Upon the motion of either party or on the court's own 1360  
motion, the court, in the court's sole discretion and as the 1361  
circumstances warrant, may modify the community control 1362  
sanctions or conditions of release previously imposed, 1363  
substitute a community control sanction or condition of release 1364  
for another community control sanction or condition of release 1365  
previously imposed, or impose an additional community control 1366  
sanction or condition of release. 1367

(C)(1) If a court sentences an offender to any community 1368  
control sanction or combination of community control sanctions 1369  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1370  
Revised Code, the court shall place the offender under the 1371  
general control and supervision of the court or of a department 1372  
of probation in the jurisdiction that serves the court for 1373  
purposes of reporting to the court a violation of any of the 1374  
conditions of the sanctions imposed. If the offender resides in 1375  
another jurisdiction and a department of probation has been 1376  
established to serve the municipal court or county court in that 1377  
jurisdiction, the sentencing court may request the municipal 1378  
court or the county court to receive the offender into the 1379  
general control and supervision of that department of probation 1380  
for purposes of reporting to the sentencing court a violation of 1381  
any of the conditions of the sanctions imposed. The sentencing 1382  
court retains jurisdiction over any offender whom it sentences 1383  
for the duration of the sanction or sanctions imposed. 1384

(2) The sentencing court shall require as a condition of 1385  
any community control sanction that the offender abide by the 1386  
law and not leave the state without the permission of the court 1387  
or the offender's probation officer. In the interests of doing 1388  
justice, rehabilitating the offender, and ensuring the 1389  
offender's good behavior, the court may impose additional 1390  
requirements on the offender. The offender's compliance with the 1391  
additional requirements also shall be a condition of the 1392  
community control sanction imposed upon the offender. 1393

(D) (1) If the court imposing sentence upon an offender 1394  
sentences the offender to any community control sanction or 1395  
combination of community control sanctions authorized under 1396  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1397  
the offender violates any of the conditions of the sanctions, 1398  
the public or private person or entity that supervises or 1399  
administers the program or activity that comprises the sanction 1400  
shall report the violation directly to the sentencing court or 1401  
to the department of probation or probation officer with general 1402  
control and supervision over the offender. If the public or 1403  
private person or entity reports the violation to the department 1404  
of probation or probation officer, the department or officer 1405  
shall report the violation to the sentencing court. 1406

(2) If an offender violates any condition of a community 1407  
control sanction, the sentencing court may impose upon the 1408  
violation one or more of the following penalties: 1409

(a) A longer time under the same community control 1410  
sanction if the total time under all of the community control 1411  
sanctions imposed on the violator does not exceed the five-year 1412  
limit specified in division (A) (2) of this section; 1413

(b) A more restrictive community control sanction; 1414



(c) A combination of community control sanctions, 1415  
including a jail term. 1416

(3) If an offender was acting pursuant to division (B)(2) 1417  
(a) or (b) of section 2925.11 of the Revised Code and in so 1418  
doing violated the conditions of a community control sanction 1419  
based on a minor drug possession offense, as defined in section 1420  
2925.01 of the Revised Code, the sentencing court may consider 1421  
the offender's conduct in seeking or obtaining medical 1422  
assistance for another in good faith or for self or may consider 1423  
the offender being the subject of another person seeking or 1424  
obtaining medical assistance in accordance with either of those 1425  
divisions as a mitigating factor before imposing any of the 1426  
penalties described in division (D)(2) of this section. 1427

(4) If the court imposes a jail term upon a violator 1428  
pursuant to division (D)(2) of this section, the total time 1429  
spent in jail for the misdemeanor offense and the violation of a 1430  
condition of the community control sanction shall not exceed the 1431  
maximum jail term available for the offense for which the 1432  
sanction that was violated was imposed. The court may reduce the 1433  
longer period of time that the violator is required to spend 1434  
under the longer sanction or the more restrictive sanction 1435  
imposed under division (D)(2) of this section by all or part of 1436  
the time the violator successfully spent under the sanction that 1437  
was initially imposed. 1438

(E) Except as otherwise provided in this division, if an 1439  
offender, for a significant period of time, fulfills the 1440  
conditions of a community control sanction imposed pursuant to 1441  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1442  
exemplary manner, the court may reduce the period of time under 1443  
the community control sanction or impose a less restrictive 1444

community control sanction. Fulfilling the conditions of a 1445  
community control sanction does not relieve the offender of a 1446  
duty to make restitution under section 2929.28 of the Revised 1447  
Code. 1448

**Sec. 2967.28.** (A) As used in this section: 1449

(1) "Monitored time" means the monitored time sanction 1450  
specified in section 2929.17 of the Revised Code. 1451

(2) "Deadly weapon" and "dangerous ordnance" have the same 1452  
meanings as in section 2923.11 of the Revised Code. 1453

(3) "Felony sex offense" means a violation of a section 1454  
contained in Chapter 2907. of the Revised Code that is a felony. 1455

(4) "Risk reduction sentence" means a prison term imposed 1456  
by a court, when the court recommends pursuant to section 1457  
2929.143 of the Revised Code that the offender serve the 1458  
sentence under section 5120.036 of the Revised Code, and the 1459  
offender may potentially be released from imprisonment prior to 1460  
the expiration of the prison term if the offender successfully 1461  
completes all assessment and treatment or programming required 1462  
by the department of rehabilitation and correction under section 1463  
5120.036 of the Revised Code. 1464

(5) "Victim's immediate family" has the same meaning as in 1465  
section 2967.12 of the Revised Code. 1466

(6) "Minor drug possession offense" has the same meaning 1467  
as in section 2925.01 of the Revised Code. 1468

(B) Each sentence to a prison term for a felony of the 1469  
first degree, for a felony of the second degree, for a felony 1470  
sex offense, or for a felony of the third degree that is an 1471  
offense of violence and is not a felony sex offense shall 1472

include a requirement that the offender be subject to a period 1473  
of post-release control imposed by the parole board after the 1474  
offender's release from imprisonment. This division applies with 1475  
respect to all prison terms of a type described in this 1476  
division, including a term of any such type that is a risk 1477  
reduction sentence. If a court imposes a sentence including a 1478  
prison term of a type described in this division on or after 1479  
July 11, 2006, the failure of a sentencing court to notify the 1480  
offender pursuant to division (B) (2) (c) of section 2929.19 of 1481  
the Revised Code of this requirement or to include in the 1482  
judgment of conviction entered on the journal a statement that 1483  
the offender's sentence includes this requirement does not 1484  
negate, limit, or otherwise affect the mandatory period of 1485  
supervision that is required for the offender under this 1486  
division. Section 2929.191 of the Revised Code applies if, prior 1487  
to July 11, 2006, a court imposed a sentence including a prison 1488  
term of a type described in this division and failed to notify 1489  
the offender pursuant to division (B) (2) (c) of section 2929.19 1490  
of the Revised Code regarding post-release control or to include 1491  
in the judgment of conviction entered on the journal or in the 1492  
sentence pursuant to division (D) (1) of section 2929.14 of the 1493  
Revised Code a statement regarding post-release control. Unless 1494  
reduced by the parole board pursuant to division (D) of this 1495  
section when authorized under that division, a period of post- 1496  
release control required by this division for an offender shall 1497  
be of one of the following periods: 1498

(1) For a felony of the first degree or for a felony sex 1499  
offense, five years; 1500

(2) For a felony of the second degree that is not a felony 1501  
sex offense, three years; 1502

(3) For a felony of the third degree that is an offense of violence and is not a felony sex offense, three years.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division.

(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose upon a prisoner described in division (B) of this section, shall impose upon a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, may impose upon a

prisoner described in division (C) of this section who is not to 1534  
be released before the expiration of the prisoner's stated 1535  
prison term under a risk reduction sentence, and shall impose 1536  
upon a prisoner described in division (B) (2) (b) of section 1537  
5120.031 or in division (B) (1) of section 5120.032 of the 1538  
Revised Code, one or more post-release control sanctions to 1539  
apply during the prisoner's period of post-release control. 1540  
Whenever the board or court imposes one or more post-release 1541  
control sanctions upon a prisoner, the board or court, in 1542  
addition to imposing the sanctions, also shall include as a 1543  
condition of the post-release control that the offender not 1544  
leave the state without permission of the court or the 1545  
offender's parole or probation officer and that the offender 1546  
abide by the law. The board or court may impose any other 1547  
conditions of release under a post-release control sanction that 1548  
the board or court considers appropriate, and the conditions of 1549  
release may include any community residential sanction, 1550  
community nonresidential sanction, or financial sanction that 1551  
the sentencing court was authorized to impose pursuant to 1552  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1553  
Prior to the release of a prisoner for whom it will impose one 1554  
or more post-release control sanctions under this division, the 1555  
parole board or court shall review the prisoner's criminal 1556  
history, results from the single validated risk assessment tool 1557  
selected by the department of rehabilitation and correction 1558  
under section 5120.114 of the Revised Code, all juvenile court 1559  
adjudications finding the prisoner, while a juvenile, to be a 1560  
delinquent child, and the record of the prisoner's conduct while 1561  
imprisoned. The parole board or court shall consider any 1562  
recommendation regarding post-release control sanctions for the 1563  
prisoner made by the office of victims' services. After 1564  
considering those materials, the board or court shall determine, 1565

for a prisoner described in division (B) of this section, 1566  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1567  
section 5120.032 of the Revised Code and for a prisoner 1568  
described in division (C) of this section who is to be released 1569  
before the expiration of the prisoner's stated prison term under 1570  
a risk reduction sentence, which post-release control sanction 1571  
or combination of post-release control sanctions is reasonable 1572  
under the circumstances or, for a prisoner described in division 1573  
(C) of this section who is not to be released before the 1574  
expiration of the prisoner's stated prison term under a risk 1575  
reduction sentence, whether a post-release control sanction is 1576  
necessary and, if so, which post-release control sanction or 1577  
combination of post-release control sanctions is reasonable 1578  
under the circumstances. In the case of a prisoner convicted of 1579  
a felony of the fourth or fifth degree other than a felony sex 1580  
offense, the board or court shall presume that monitored time is 1581  
the appropriate post-release control sanction unless the board 1582  
or court determines that a more restrictive sanction is 1583  
warranted. A post-release control sanction imposed under this 1584  
division takes effect upon the prisoner's release from 1585  
imprisonment. 1586

Regardless of whether the prisoner was sentenced to the 1587  
prison term prior to, on, or after July 11, 2006, prior to the 1588  
release of a prisoner for whom it will impose one or more post- 1589  
release control sanctions under this division, the parole board 1590  
shall notify the prisoner that, if the prisoner violates any 1591  
sanction so imposed or any condition of post-release control 1592  
described in division (B) of section 2967.131 of the Revised 1593  
Code that is imposed on the prisoner, the parole board may 1594  
impose a prison term of up to one-half of the stated prison term 1595  
originally imposed upon the prisoner. 1596

At least thirty days before the prisoner is released from 1597  
imprisonment, except as otherwise provided in this paragraph, 1598  
the department of rehabilitation and correction shall notify the 1599  
victim and the victim's immediate family of the date on which 1600  
the prisoner will be released, the period for which the prisoner 1601  
will be under post-release control supervision, and the terms 1602  
and conditions of the prisoner's post-release control regardless 1603  
of whether the victim or victim's immediate family has requested 1604  
the notification. The notice described in this paragraph shall 1605  
not be given to a victim or victim's immediate family if the 1606  
victim or the victim's immediate family has requested pursuant 1607  
to division (B) (2) of section 2930.03 of the Revised Code that 1608  
the notice not be provided to the victim or the victim's 1609  
immediate family. At least thirty days before the prisoner is 1610  
released from imprisonment and regardless of whether the victim 1611  
or victim's immediate family has requested that the notice 1612  
described in this paragraph be provided or not be provided to 1613  
the victim or the victim's immediate family, the department also 1614  
shall provide notice of that nature to the prosecuting attorney 1615  
in the case and the law enforcement agency that arrested the 1616  
prisoner if any officer of that agency was a victim of the 1617  
offense. 1618

If the notice given under the preceding paragraph to the 1619  
victim or the victim's immediate family is based on an offense 1620  
committed prior to ~~the effective date of this amendment~~ March 1621  
22, 2013, and if the department of rehabilitation and correction 1622  
has not previously successfully provided any notice to the 1623  
victim or the victim's immediate family under division (B), (C), 1624  
or (D) of section 2930.16 of the Revised Code with respect to 1625  
that offense and the offender who committed it, the notice also 1626  
shall inform the victim or the victim's immediate family that 1627

the victim or the victim's immediate family may request that the 1628  
victim or the victim's immediate family not be provided any 1629  
further notices with respect to that offense and the offender 1630  
who committed it and shall describe the procedure for making 1631  
that request. The department may give the notices to which the 1632  
preceding paragraph applies by any reasonable means, including 1633  
regular mail, telephone, and electronic mail. If the department 1634  
attempts to provide notice to any specified person under the 1635  
preceding paragraph but the attempt is unsuccessful because the 1636  
department is unable to locate the specified person, is unable 1637  
to provide the notice by its chosen method because it cannot 1638  
determine the mailing address, electronic mail address, or 1639  
telephone number at which to provide the notice, or, if the 1640  
notice is sent by mail, the notice is returned, the department 1641  
shall make another attempt to provide the notice to the 1642  
specified person. If the second attempt is unsuccessful, the 1643  
department shall make at least one more attempt to provide the 1644  
notice. If the notice is based on an offense committed prior to 1645  
~~the effective date of this amendment~~ March 22, 2013, in each 1646  
attempt to provide the notice to the victim or victim's 1647  
immediate family, the notice shall include the opt-out 1648  
information described in this paragraph. The department, in the 1649  
manner described in division (D) (2) of section 2930.16 of the 1650  
Revised Code, shall keep a record of all attempts to provide the 1651  
notice, and of all notices provided, under this paragraph and 1652  
the preceding paragraph. The record shall be considered as if it 1653  
was kept under division (D) (2) of section 2930.16 of the Revised 1654  
Code. This paragraph, the preceding paragraph, and the notice- 1655  
related provisions of divisions (E) (2) and (K) of section 1656  
2929.20, division (D) (1) of section 2930.16, division (H) of 1657  
section 2967.12, division (E) (1) (b) of section 2967.19, division 1658  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 1659



5149.101 of the Revised Code enacted in the act in which this 1660  
paragraph and the preceding paragraph were enacted, shall be 1661  
known as "Roberta's Law." 1662

(2) If a prisoner who is placed on post-release control 1663  
under this section is released before the expiration of the 1664  
prisoner's stated prison term by reason of credit earned under 1665  
section 2967.193 of the Revised Code and if the prisoner earned 1666  
sixty or more days of credit, the adult parole authority shall 1667  
supervise the offender with an active global positioning system 1668  
device for the first fourteen days after the offender's release 1669  
from imprisonment. This division does not prohibit or limit the 1670  
imposition of any post-release control sanction otherwise 1671  
authorized by this section. 1672

(3) At any time after a prisoner is released from 1673  
imprisonment and during the period of post-release control 1674  
applicable to the releasee, the adult parole authority or, 1675  
pursuant to an agreement under section 2967.29 of the Revised 1676  
Code, the court may review the releasee's behavior under the 1677  
post-release control sanctions imposed upon the releasee under 1678  
this section. The authority or court may determine, based upon 1679  
the review and in accordance with the standards established 1680  
under division (E) of this section, that a more restrictive or a 1681  
less restrictive sanction is appropriate and may impose a 1682  
different sanction. The authority also may recommend that the 1683  
parole board or court increase or reduce the duration of the 1684  
period of post-release control imposed by the court. If the 1685  
authority recommends that the board or court increase the 1686  
duration of post-release control, the board or court shall 1687  
review the releasee's behavior and may increase the duration of 1688  
the period of post-release control imposed by the court up to 1689  
eight years. If the authority recommends that the board or court 1690

reduce the duration of control for an offense described in 1691  
division (B) or (C) of this section, the board or court shall 1692  
review the releasee's behavior and may reduce the duration of 1693  
the period of control imposed by the court. In no case shall the 1694  
board or court reduce the duration of the period of control 1695  
imposed for an offense described in division (B)(1) of this 1696  
section to a period less than the length of the stated prison 1697  
term originally imposed, and in no case shall the board or court 1698  
permit the releasee to leave the state without permission of the 1699  
court or the releasee's parole or probation officer. 1700

(E) The department of rehabilitation and correction, in 1701  
accordance with Chapter 119. of the Revised Code, shall adopt 1702  
rules that do all of the following: 1703

(1) Establish standards for the imposition by the parole 1704  
board of post-release control sanctions under this section that 1705  
are consistent with the overriding purposes and sentencing 1706  
principles set forth in section 2929.11 of the Revised Code and 1707  
that are appropriate to the needs of releasees; 1708

(2) Establish standards that provide for a period of post- 1709  
release control of up to three years for all prisoners described 1710  
in division (C) of this section who are to be released before 1711  
the expiration of their stated prison term under a risk 1712  
reduction sentence and standards by which the parole board can 1713  
determine which prisoners described in division (C) of this 1714  
section who are not to be released before the expiration of 1715  
their stated prison term under a risk reduction sentence should 1716  
be placed under a period of post-release control; 1717

(3) Establish standards to be used by the parole board in 1718  
reducing the duration of the period of post-release control 1719  
imposed by the court when authorized under division (D) of this 1720

section, in imposing a more restrictive post-release control 1721  
sanction than monitored time upon a prisoner convicted of a 1722  
felony of the fourth or fifth degree other than a felony sex 1723  
offense, or in imposing a less restrictive control sanction upon 1724  
a releasee based on the releasee's activities including, but not 1725  
limited to, remaining free from criminal activity and from the 1726  
abuse of alcohol or other drugs, successfully participating in 1727  
approved rehabilitation programs, maintaining employment, and 1728  
paying restitution to the victim or meeting the terms of other 1729  
financial sanctions; 1730

(4) Establish standards to be used by the adult parole 1731  
authority in modifying a releasee's post-release control 1732  
sanctions pursuant to division (D)(2) of this section; 1733

(5) Establish standards to be used by the adult parole 1734  
authority or parole board in imposing further sanctions under 1735  
division (F) of this section on releasees who violate post- 1736  
release control sanctions, including standards that do the 1737  
following: 1738

(a) Classify violations according to the degree of 1739  
seriousness; 1740

(b) Define the circumstances under which formal action by 1741  
the parole board is warranted; 1742

(c) Govern the use of evidence at violation hearings; 1743

(d) Ensure procedural due process to an alleged violator; 1744

(e) Prescribe nonresidential community control sanctions 1745  
for most misdemeanor and technical violations; 1746

(f) Provide procedures for the return of a releasee to 1747  
imprisonment for violations of post-release control. 1748

(F) (1) Whenever the parole board imposes one or more post-  
release control sanctions upon an offender under this section,  
the offender upon release from imprisonment shall be under the  
general jurisdiction of the adult parole authority and generally  
shall be supervised by the field services section through its  
staff of parole and field officers as described in section  
5149.04 of the Revised Code, as if the offender had been placed  
on parole. If the offender upon release from imprisonment  
violates the post-release control sanction or any conditions  
described in division (A) of section 2967.131 of the Revised  
Code that are imposed on the offender, the public or private  
person or entity that operates or administers the sanction or  
the program or activity that comprises the sanction shall report  
the violation directly to the adult parole authority or to the  
officer of the authority who supervises the offender. The  
authority's officers may treat the offender as if the offender  
were on parole and in violation of the parole, and otherwise  
shall comply with this section.

(2) If the adult parole authority or, pursuant to an  
agreement under section 2967.29 of the Revised Code, the court  
determines that a releasee has violated a post-release control  
sanction or any conditions described in division (A) of section  
2967.131 of the Revised Code imposed upon the releasee and that  
a more restrictive sanction is appropriate, the authority or  
court may impose a more restrictive sanction upon the releasee,  
in accordance with the standards established under division (E)  
of this section or in accordance with the agreement made under  
section 2967.29 of the Revised Code, or may report the violation  
to the parole board for a hearing pursuant to division (F) (3) of  
this section. The authority or court may not, pursuant to this  
division, increase the duration of the releasee's post-release

control or impose as a post-release control sanction a 1780  
residential sanction that includes a prison term, but the 1781  
authority or court may impose on the releasee any other 1782  
residential sanction, nonresidential sanction, or financial 1783  
sanction that the sentencing court was authorized to impose 1784  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1785  
Revised Code. 1786

(3) The parole board or, pursuant to an agreement under 1787  
section 2967.29 of the Revised Code, the court may hold a 1788  
hearing on any alleged violation by a releasee of a post-release 1789  
control sanction or any conditions described in division (A) of 1790  
section 2967.131 of the Revised Code that are imposed upon the 1791  
releasee. If after the hearing the board or court finds that the 1792  
releasee violated the sanction or condition, the board or court 1793  
may increase the duration of the releasee's post-release control 1794  
up to the maximum duration authorized by division (B) or (C) of 1795  
this section or impose a more restrictive post-release control 1796  
sanction. If a releasee was acting pursuant to division (B) (2) 1797  
(a) or (b) of section 2925.11 of the Revised Code and in so 1798  
doing violated the conditions of a post-release control sanction 1799  
based on a minor drug possession offense, the board or the court 1800  
may consider the releasee's conduct in seeking or obtaining 1801  
medical assistance for another in good faith or for self or may 1802  
consider the releasee being the subject of another person 1803  
seeking or obtaining medical assistance in accordance with 1804  
either of those divisions as a mitigating factor before imposing 1805  
any of the penalties described in this division. When 1806  
appropriate, the board or court may impose as a post-release 1807  
control sanction a residential sanction that includes a prison 1808  
term. The board or court shall consider a prison term as a post- 1809  
release control sanction imposed for a violation of post-release 1810

control when the violation involves a deadly weapon or dangerous 1811  
ordnance, physical harm or attempted serious physical harm to a 1812  
person, or sexual misconduct, or when the releasee committed 1813  
repeated violations of post-release control sanctions. Unless a 1814  
releasee's stated prison term was reduced pursuant to section 1815  
5120.032 of the Revised Code, the period of a prison term that 1816  
is imposed as a post-release control sanction under this 1817  
division shall not exceed nine months, and the maximum 1818  
cumulative prison term for all violations under this division 1819  
shall not exceed one-half of the stated prison term originally 1820  
imposed upon the offender as part of this sentence. If a 1821  
releasee's stated prison term was reduced pursuant to section 1822  
5120.032 of the Revised Code, the period of a prison term that 1823  
is imposed as a post-release control sanction under this 1824  
division and the maximum cumulative prison term for all 1825  
violations under this division shall not exceed the period of 1826  
time not served in prison under the sentence imposed by the 1827  
court. The period of a prison term that is imposed as a post- 1828  
release control sanction under this division shall not count as, 1829  
or be credited toward, the remaining period of post-release 1830  
control. 1831

If an offender is imprisoned for a felony committed while 1832  
under post-release control supervision and is again released on 1833  
post-release control for a period of time determined by division 1834  
(F) (4) (d) of this section, the maximum cumulative prison term 1835  
for all violations under this division shall not exceed one-half 1836  
of the total stated prison terms of the earlier felony, reduced 1837  
by any prison term administratively imposed by the parole board 1838  
or court, plus one-half of the total stated prison term of the 1839  
new felony. 1840

(4) Any period of post-release control shall commence upon 1841

an offender's actual release from prison. If an offender is 1842  
serving an indefinite prison term or a life sentence in addition 1843  
to a stated prison term, the offender shall serve the period of 1844  
post-release control in the following manner: 1845

(a) If a period of post-release control is imposed upon 1846  
the offender and if the offender also is subject to a period of 1847  
parole under a life sentence or an indefinite sentence, and if 1848  
the period of post-release control ends prior to the period of 1849  
parole, the offender shall be supervised on parole. The offender 1850  
shall receive credit for post-release control supervision during 1851  
the period of parole. The offender is not eligible for final 1852  
release under section 2967.16 of the Revised Code until the 1853  
post-release control period otherwise would have ended. 1854

(b) If a period of post-release control is imposed upon 1855  
the offender and if the offender also is subject to a period of 1856  
parole under an indefinite sentence, and if the period of parole 1857  
ends prior to the period of post-release control, the offender 1858  
shall be supervised on post-release control. The requirements of 1859  
parole supervision shall be satisfied during the post-release 1860  
control period. 1861

(c) If an offender is subject to more than one period of 1862  
post-release control, the period of post-release control for all 1863  
of the sentences shall be the period of post-release control 1864  
that expires last, as determined by the parole board or court. 1865  
Periods of post-release control shall be served concurrently and 1866  
shall not be imposed consecutively to each other. 1867

(d) The period of post-release control for a releasee who 1868  
commits a felony while under post-release control for an earlier 1869  
felony shall be the longer of the period of post-release control 1870  
specified for the new felony under division (B) or (C) of this 1871

section or the time remaining under the period of post-release 1872  
control imposed for the earlier felony as determined by the 1873  
parole board or court. 1874

**Section 2.** That existing sections 2925.11, 2929.13, 1875  
2929.141, 2929.15, 2929.25, and 2967.28 of the Revised Code are 1876  
hereby repealed. 1877