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Representative Hill

Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, Johnson, T., Kraus, Landis, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, Smith, K., Stinziano, Young, Speaker Rosenberger

Senators Eklund, Balderson, Burke, Coley, Hackett, Hite, Jones, LaRose, Manning, Seitz, Uecker

A BILL

To amend sections 2925.11, 2929.13, 2929.141, 1
2929.15, 2929.25, 2967.28, 4549.02, 4549.021, 2
and 4742.03 and to enact sections 128.04 and 3
4765.44 of the Revised Code to increase the 4
penalty for failure to stop after a traffic 5
accident that results in the death of a person 6
or serious physical harm to a person; to name 7
those penalty changes Brandon's Law; to require 8
emergency medical service personnel to report 9
the administration of naloxone on request of a 10
law enforcement agency in specified 11
circumstances; to provide immunity from arrest, 12
prosecution, or conviction, or to permit a court 13
to consider drug treatment or as a mitigating 14
factor in supervised release sanctioning, for a 15
minor drug possession offense for a person who 16
seeks or obtains medical assistance for self or 17
another person who is experiencing a drug 18
overdose or for a person who is experiencing 19

such an overdose and for whom medical assistance 20
is sought; to require training of certain 9-1-1 21
operators regarding the immunity; and to require 22
those 9-1-1 operators who receive a call about 23
an apparent drug overdose to make reasonable 24
efforts, upon the caller's inquiry, to inform 25
the caller about the immunity. 26

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

Section 1. That sections 2925.11, 2929.13, 2929.141, 27
2929.15, 2929.25, 2967.28, 4549.02, 4549.021, and 4742.03 be 28
amended and sections 128.04 and 4765.44 of the Revised Code be 29
enacted to read as follows: 30

Sec. 128.04. (A) Public safety answering point personnel 31
who are certified as emergency service telecommunicators under 32
section 4742.03 of the Revised Code shall receive training in 33
informing individuals who call about an apparent drug overdose 34
about the immunity from prosecution for a minor drug possession 35
offense created by section 2925.11 of the Revised Code. 36

(B) Public safety answering point personnel who receive a 37
call about an apparent drug overdose shall make reasonable 38
efforts, upon the caller's inquiry, to inform the caller about 39
the immunity from prosecution for a minor drug possession 40
offense created by section 2925.11 of the Revised Code. 41

Sec. 2925.11. (A) No person shall knowingly obtain, 42
possess, or use a controlled substance or a controlled substance 43
analog. 44

(B) (1) This section does not apply to any of the 45
following: 46

~~(1)~~ (a) Manufacturers, licensed health professionals 47
authorized to prescribe drugs, pharmacists, owners of 48
pharmacies, and other persons whose conduct was in accordance 49
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 50
4741. of the Revised Code; 51

~~(2)~~ (b) If the offense involves an anabolic steroid, any 52
person who is conducting or participating in a research project 53
involving the use of an anabolic steroid if the project has been 54
approved by the United States food and drug administration; 55

~~(3)~~ (c) Any person who sells, offers for sale, prescribes, 56
dispenses, or administers for livestock or other nonhuman 57
species an anabolic steroid that is expressly intended for 58
administration through implants to livestock or other nonhuman 59
species and approved for that purpose under the "Federal Food, 60
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 61
as amended, and is sold, offered for sale, prescribed, 62
dispensed, or administered for that purpose in accordance with 63
that act; 64

~~(4)~~ (d) Any person who obtained the controlled substance 65
pursuant to a lawful prescription issued by a licensed health 66
professional authorized to prescribe drugs. 67

(2) (a) As used in division (B) (2) of this section: 68

(i) "Community addiction services provider" has the same 69
meaning as in section 5119.01 of the Revised Code. 70

(ii) "Community control sanction" and "drug treatment 71
program" have the same meanings as in section 2929.01 of the 72
Revised Code. 73

- (iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 74
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- (iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 76
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- (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 79
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- (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 81
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- (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 83
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- (viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 85
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- (ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 93
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- (b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply: 97
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- (i) The evidence of the obtaining, possession, or use of 101

the controlled substance or controlled substance analog that 102
would be the basis of the offense was obtained as a result of 103
the qualified individual seeking the medical assistance or 104
experiencing an overdose and needing medical assistance. 105

(ii) Subject to division (B)(2)(g) of this section, within 106
thirty days after seeking or obtaining the medical assistance, 107
the qualified individual seeks and obtains a screening and 108
receives a referral for treatment from a community addiction 109
services provider or a properly credentialed addiction treatment 110
professional. 111

(iii) Subject to division (B)(2)(g) of this section, the 112
qualified individual who obtains a screening and receives a 113
referral for treatment under division (B)(2)(b)(ii) of this 114
section, upon the request of any prosecuting attorney, submits 115
documentation to the prosecuting attorney that verifies that the 116
qualified individual satisfied the requirements of that 117
division. The documentation shall be limited to the date and 118
time of the screening obtained and referral received. 119

(c) If a person is found to be in violation of any 120
community control sanction and if the violation is a result of 121
either of the following, the court shall first consider ordering 122
the person's participation or continued participation in a drug 123
treatment program or mitigating the penalty specified in section 124
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 125
applicable, after which the court has the discretion either to 126
order the person's participation or continued participation in a 127
drug treatment program or to impose the penalty with the 128
mitigating factor specified in any of those applicable sections: 129

(i) Seeking or obtaining medical assistance in good faith 130
for another person who is experiencing a drug overdose; 131

(ii) Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section. 132
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(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections: 136
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(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose; 147
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(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section. 149
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(e) Nothing in division (B)(2)(b) of this section shall be construed to do any of the following: 153
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(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B)(2)(b) of this 155
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<u>section for a minor drug possession offense;</u>	161
(ii) <u>Limit any seizure of evidence or contraband otherwise permitted by law;</u>	162 163
(iii) <u>Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;</u>	164 165 166 167
(iv) <u>Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.</u>	168 169 170 171
(f) <u>Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.</u>	172 173 174 175 176
(g) <u>Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.</u>	177 178 179 180 181 182 183 184
(C) <u>Whoever violates division (A) of this section is guilty of one of the following:</u>	185 186
(1) <u>If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin,</u>	187 188 189

hashish, and controlled substance analogs, whoever violates 190
division (A) of this section is guilty of aggravated possession 191
of drugs. The penalty for the offense shall be determined as 192
follows: 193

(a) Except as otherwise provided in division (C) (1) (b), 194
(c), (d), or (e) of this section, aggravated possession of drugs 195
is a felony of the fifth degree, and division (B) of section 196
2929.13 of the Revised Code applies in determining whether to 197
impose a prison term on the offender. 198

(b) If the amount of the drug involved equals or exceeds 199
the bulk amount but is less than five times the bulk amount, 200
aggravated possession of drugs is a felony of the third degree, 201
and there is a presumption for a prison term for the offense. 202

(c) If the amount of the drug involved equals or exceeds 203
five times the bulk amount but is less than fifty times the bulk 204
amount, aggravated possession of drugs is a felony of the second 205
degree, and the court shall impose as a mandatory prison term 206
one of the prison terms prescribed for a felony of the second 207
degree. 208

(d) If the amount of the drug involved equals or exceeds 209
fifty times the bulk amount but is less than one hundred times 210
the bulk amount, aggravated possession of drugs is a felony of 211
the first degree, and the court shall impose as a mandatory 212
prison term one of the prison terms prescribed for a felony of 213
the first degree. 214

(e) If the amount of the drug involved equals or exceeds 215
one hundred times the bulk amount, aggravated possession of 216
drugs is a felony of the first degree, the offender is a major 217
drug offender, and the court shall impose as a mandatory prison 218

term the maximum prison term prescribed for a felony of the 219
first degree. 220

(2) If the drug involved in the violation is a compound, 221
mixture, preparation, or substance included in schedule III, IV, 222
or V, whoever violates division (A) of this section is guilty of 223
possession of drugs. The penalty for the offense shall be 224
determined as follows: 225

(a) Except as otherwise provided in division (C) (2) (b), 226
(c), or (d) of this section, possession of drugs is a 227
misdemeanor of the first degree or, if the offender previously 228
has been convicted of a drug abuse offense, a felony of the 229
fifth degree. 230

(b) If the amount of the drug involved equals or exceeds 231
the bulk amount but is less than five times the bulk amount, 232
possession of drugs is a felony of the fourth degree, and 233
division (C) of section 2929.13 of the Revised Code applies in 234
determining whether to impose a prison term on the offender. 235

(c) If the amount of the drug involved equals or exceeds 236
five times the bulk amount but is less than fifty times the bulk 237
amount, possession of drugs is a felony of the third degree, and 238
there is a presumption for a prison term for the offense. 239

(d) If the amount of the drug involved equals or exceeds 240
fifty times the bulk amount, possession of drugs is a felony of 241
the second degree, and the court shall impose upon the offender 242
as a mandatory prison term one of the prison terms prescribed 243
for a felony of the second degree. 244

(3) If the drug involved in the violation is marihuana or 245
a compound, mixture, preparation, or substance containing 246
marihuana other than hashish, whoever violates division (A) of 247

this section is guilty of possession of marihuana. The penalty	248
for the offense shall be determined as follows:	249
(a) Except as otherwise provided in division (C) (3) (b),	250
(c), (d), (e), (f), or (g) of this section, possession of	251
marihuana is a minor misdemeanor.	252
(b) If the amount of the drug involved equals or exceeds	253
one hundred grams but is less than two hundred grams, possession	254
of marihuana is a misdemeanor of the fourth degree.	255
(c) If the amount of the drug involved equals or exceeds	256
two hundred grams but is less than one thousand grams,	257
possession of marihuana is a felony of the fifth degree, and	258
division (B) of section 2929.13 of the Revised Code applies in	259
determining whether to impose a prison term on the offender.	260
(d) If the amount of the drug involved equals or exceeds	261
one thousand grams but is less than five thousand grams,	262
possession of marihuana is a felony of the third degree, and	263
division (C) of section 2929.13 of the Revised Code applies in	264
determining whether to impose a prison term on the offender.	265
(e) If the amount of the drug involved equals or exceeds	266
five thousand grams but is less than twenty thousand grams,	267
possession of marihuana is a felony of the third degree, and	268
there is a presumption that a prison term shall be imposed for	269
the offense.	270
(f) If the amount of the drug involved equals or exceeds	271
twenty thousand grams but is less than forty thousand grams,	272
possession of marihuana is a felony of the second degree, and	273
the court shall impose a mandatory prison term of five, six,	274
seven, or eight years.	275
(g) If the amount of the drug involved equals or exceeds	276

forty thousand grams, possession of marihuana is a felony of the 277
second degree, and the court shall impose as a mandatory prison 278
term the maximum prison term prescribed for a felony of the 279
second degree. 280

(4) If the drug involved in the violation is cocaine or a 281
compound, mixture, preparation, or substance containing cocaine, 282
whoever violates division (A) of this section is guilty of 283
possession of cocaine. The penalty for the offense shall be 284
determined as follows: 285

(a) Except as otherwise provided in division (C) (4) (b), 286
(c), (d), (e), or (f) of this section, possession of cocaine is 287
a felony of the fifth degree, and division (B) of section 288
2929.13 of the Revised Code applies in determining whether to 289
impose a prison term on the offender. 290

(b) If the amount of the drug involved equals or exceeds 291
five grams but is less than ten grams of cocaine, possession of 292
cocaine is a felony of the fourth degree, and division (B) of 293
section 2929.13 of the Revised Code applies in determining 294
whether to impose a prison term on the offender. 295

(c) If the amount of the drug involved equals or exceeds 296
ten grams but is less than twenty grams of cocaine, possession 297
of cocaine is a felony of the third degree, and, except as 298
otherwise provided in this division, there is a presumption for 299
a prison term for the offense. If possession of cocaine is a 300
felony of the third degree under this division and if the 301
offender two or more times previously has been convicted of or 302
pleaded guilty to a felony drug abuse offense, the court shall 303
impose as a mandatory prison term one of the prison terms 304
prescribed for a felony of the third degree. 305

(d) If the amount of the drug involved equals or exceeds 306
twenty grams but is less than twenty-seven grams of cocaine, 307
possession of cocaine is a felony of the second degree, and the 308
court shall impose as a mandatory prison term one of the prison 309
terms prescribed for a felony of the second degree. 310

(e) If the amount of the drug involved equals or exceeds 311
twenty-seven grams but is less than one hundred grams of 312
cocaine, possession of cocaine is a felony of the first degree, 313
and the court shall impose as a mandatory prison term one of the 314
prison terms prescribed for a felony of the first degree. 315

(f) If the amount of the drug involved equals or exceeds 316
one hundred grams of cocaine, possession of cocaine is a felony 317
of the first degree, the offender is a major drug offender, and 318
the court shall impose as a mandatory prison term the maximum 319
prison term prescribed for a felony of the first degree. 320

(5) If the drug involved in the violation is L.S.D., 321
whoever violates division (A) of this section is guilty of 322
possession of L.S.D. The penalty for the offense shall be 323
determined as follows: 324

(a) Except as otherwise provided in division (C) (5) (b), 325
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 326
felony of the fifth degree, and division (B) of section 2929.13 327
of the Revised Code applies in determining whether to impose a 328
prison term on the offender. 329

(b) If the amount of L.S.D. involved equals or exceeds ten 330
unit doses but is less than fifty unit doses of L.S.D. in a 331
solid form or equals or exceeds one gram but is less than five 332
grams of L.S.D. in a liquid concentrate, liquid extract, or 333
liquid distillate form, possession of L.S.D. is a felony of the 334

fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D.

is a felony of the first degree, the offender is a major drug 365
offender, and the court shall impose as a mandatory prison term 366
the maximum prison term prescribed for a felony of the first 367
degree. 368

(6) If the drug involved in the violation is heroin or a 369
compound, mixture, preparation, or substance containing heroin, 370
whoever violates division (A) of this section is guilty of 371
possession of heroin. The penalty for the offense shall be 372
determined as follows: 373

(a) Except as otherwise provided in division (C) (6) (b), 374
(c), (d), (e), or (f) of this section, possession of heroin is a 375
felony of the fifth degree, and division (B) of section 2929.13 376
of the Revised Code applies in determining whether to impose a 377
prison term on the offender. 378

(b) If the amount of the drug involved equals or exceeds 379
ten unit doses but is less than fifty unit doses or equals or 380
exceeds one gram but is less than five grams, possession of 381
heroin is a felony of the fourth degree, and division (C) of 382
section 2929.13 of the Revised Code applies in determining 383
whether to impose a prison term on the offender. 384

(c) If the amount of the drug involved equals or exceeds 385
fifty unit doses but is less than one hundred unit doses or 386
equals or exceeds five grams but is less than ten grams, 387
possession of heroin is a felony of the third degree, and there 388
is a presumption for a prison term for the offense. 389

(d) If the amount of the drug involved equals or exceeds 390
one hundred unit doses but is less than five hundred unit doses 391
or equals or exceeds ten grams but is less than fifty grams, 392
possession of heroin is a felony of the second degree, and the 393

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 394
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(e) If the amount of the drug involved equals or exceeds 396
five hundred unit doses but is less than two thousand five 397
hundred unit doses or equals or exceeds fifty grams but is less 398
than two hundred fifty grams, possession of heroin is a felony 399
of the first degree, and the court shall impose as a mandatory 400
prison term one of the prison terms prescribed for a felony of 401
the first degree. 402

(f) If the amount of the drug involved equals or exceeds 403
two thousand five hundred unit doses or equals or exceeds two 404
hundred fifty grams, possession of heroin is a felony of the 405
first degree, the offender is a major drug offender, and the 406
court shall impose as a mandatory prison term the maximum prison 407
term prescribed for a felony of the first degree. 408

(7) If the drug involved in the violation is hashish or a 409
compound, mixture, preparation, or substance containing hashish, 410
whoever violates division (A) of this section is guilty of 411
possession of hashish. The penalty for the offense shall be 412
determined as follows: 413

(a) Except as otherwise provided in division (C) (7) (b), 414
(c), (d), (e), (f), or (g) of this section, possession of 415
hashish is a minor misdemeanor. 416

(b) If the amount of the drug involved equals or exceeds 417
five grams but is less than ten grams of hashish in a solid form 418
or equals or exceeds one gram but is less than two grams of 419
hashish in a liquid concentrate, liquid extract, or liquid 420
distillate form, possession of hashish is a misdemeanor of the 421
fourth degree. 422

(c) If the amount of the drug involved equals or exceeds 423
ten grams but is less than fifty grams of hashish in a solid 424
form or equals or exceeds two grams but is less than ten grams 425
of hashish in a liquid concentrate, liquid extract, or liquid 426
distillate form, possession of hashish is a felony of the fifth 427
degree, and division (B) of section 2929.13 of the Revised Code 428
applies in determining whether to impose a prison term on the 429
offender. 430

(d) If the amount of the drug involved equals or exceeds 431
fifty grams but is less than two hundred fifty grams of hashish 432
in a solid form or equals or exceeds ten grams but is less than 433
fifty grams of hashish in a liquid concentrate, liquid extract, 434
or liquid distillate form, possession of hashish is a felony of 435
the third degree, and division (C) of section 2929.13 of the 436
Revised Code applies in determining whether to impose a prison 437
term on the offender. 438

(e) If the amount of the drug involved equals or exceeds 439
two hundred fifty grams but is less than one thousand grams of 440
hashish in a solid form or equals or exceeds fifty grams but is 441
less than two hundred grams of hashish in a liquid concentrate, 442
liquid extract, or liquid distillate form, possession of hashish 443
is a felony of the third degree, and there is a presumption that 444
a prison term shall be imposed for the offense. 445

(f) If the amount of the drug involved equals or exceeds 446
one thousand grams but is less than two thousand grams of 447
hashish in a solid form or equals or exceeds two hundred grams 448
but is less than four hundred grams of hashish in a liquid 449
concentrate, liquid extract, or liquid distillate form, 450
possession of hashish is a felony of the second degree, and the 451
court shall impose a mandatory prison term of five, six, seven, 452

or eight years. 453

(g) If the amount of the drug involved equals or exceeds 454
two thousand grams of hashish in a solid form or equals or 455
exceeds four hundred grams of hashish in a liquid concentrate, 456
liquid extract, or liquid distillate form, possession of hashish 457
is a felony of the second degree, and the court shall impose as 458
a mandatory prison term the maximum prison term prescribed for a 459
felony of the second degree. 460

(8) If the drug involved is a controlled substance analog 461
or compound, mixture, preparation, or substance that contains a 462
controlled substance analog, whoever violates division (A) of 463
this section is guilty of possession of a controlled substance 464
analog. The penalty for the offense shall be determined as 465
follows: 466

(a) Except as otherwise provided in division (C) (8) (b), 467
(c), (d), (e), or (f) of this section, possession of a 468
controlled substance analog is a felony of the fifth degree, and 469
division (B) of section 2929.13 of the Revised Code applies in 470
determining whether to impose a prison term on the offender. 471

(b) If the amount of the drug involved equals or exceeds 472
ten grams but is less than twenty grams, possession of a 473
controlled substance analog is a felony of the fourth degree, 474
and there is a presumption for a prison term for the offense. 475

(c) If the amount of the drug involved equals or exceeds 476
twenty grams but is less than thirty grams, possession of a 477
controlled substance analog is a felony of the third degree, and 478
there is a presumption for a prison term for the offense. 479

(d) If the amount of the drug involved equals or exceeds 480
thirty grams but is less than forty grams, possession of a 481

controlled substance analog is a felony of the second degree, 482
and the court shall impose as a mandatory prison term one of the 483
prison terms prescribed for a felony of the second degree. 484

(e) If the amount of the drug involved equals or exceeds 485
forty grams but is less than fifty grams, possession of a 486
controlled substance analog is a felony of the first degree, and 487
the court shall impose as a mandatory prison term one of the 488
prison terms prescribed for a felony of the first degree. 489

(f) If the amount of the drug involved equals or exceeds 490
fifty grams, possession of a controlled substance analog is a 491
felony of the first degree, the offender is a major drug 492
offender, and the court shall impose as a mandatory prison term 493
the maximum prison term prescribed for a felony of the first 494
degree. 495

(D) Arrest or conviction for a minor misdemeanor violation 496
of this section does not constitute a criminal record and need 497
not be reported by the person so arrested or convicted in 498
response to any inquiries about the person's criminal record, 499
including any inquiries contained in any application for 500
employment, license, or other right or privilege, or made in 501
connection with the person's appearance as a witness. 502

(E) In addition to any prison term or jail term authorized 503
or required by division (C) of this section and sections 504
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 505
Code and in addition to any other sanction that is imposed for 506
the offense under this section, sections 2929.11 to 2929.18, or 507
sections 2929.21 to 2929.28 of the Revised Code, the court that 508
sentences an offender who is convicted of or pleads guilty to a 509
violation of division (A) of this section shall do all of the 510
following that are applicable regarding the offender: 511

(1) (a) If the violation is a felony of the first, second, 512
or third degree, the court shall impose upon the offender the 513
mandatory fine specified for the offense under division (B) (1) 514
of section 2929.18 of the Revised Code unless, as specified in 515
that division, the court determines that the offender is 516
indigent. 517

(b) Notwithstanding any contrary provision of section 518
3719.21 of the Revised Code, the clerk of the court shall pay a 519
mandatory fine or other fine imposed for a violation of this 520
section pursuant to division (A) of section 2929.18 of the 521
Revised Code in accordance with and subject to the requirements 522
of division (F) of section 2925.03 of the Revised Code. The 523
agency that receives the fine shall use the fine as specified in 524
division (F) of section 2925.03 of the Revised Code. 525

(c) If a person is charged with a violation of this 526
section that is a felony of the first, second, or third degree, 527
posts bail, and forfeits the bail, the clerk shall pay the 528
forfeited bail pursuant to division (E) (1) (b) of this section as 529
if it were a mandatory fine imposed under division (E) (1) (a) of 530
this section. 531

(2) The court shall suspend for not less than six months 532
or more than five years the offender's driver's or commercial 533
driver's license or permit. 534

(3) If the offender is a professionally licensed person, 535
in addition to any other sanction imposed for a violation of 536
this section, the court immediately shall comply with section 537
2925.38 of the Revised Code. 538

(F) It is an affirmative defense, as provided in section 539
2901.05 of the Revised Code, to a charge of a fourth degree 540

felony violation under this section that the controlled 541
substance that gave rise to the charge is in an amount, is in a 542
form, is prepared, compounded, or mixed with substances that are 543
not controlled substances in a manner, or is possessed under any 544
other circumstances, that indicate that the substance was 545
possessed solely for personal use. Notwithstanding any contrary 546
provision of this section, if, in accordance with section 547
2901.05 of the Revised Code, an accused who is charged with a 548
fourth degree felony violation of division (C) (2), (4), (5), or 549
(6) of this section sustains the burden of going forward with 550
evidence of and establishes by a preponderance of the evidence 551
the affirmative defense described in this division, the accused 552
may be prosecuted for and may plead guilty to or be convicted of 553
a misdemeanor violation of division (C) (2) of this section or a 554
fifth degree felony violation of division (C) (4), (5), or (6) of 555
this section respectively. 556

(G) When a person is charged with possessing a bulk amount 557
or multiple of a bulk amount, division (E) of section 2925.03 of 558
the Revised Code applies regarding the determination of the 559
amount of the controlled substance involved at the time of the 560
offense. 561

(H) It is an affirmative defense to a charge of possession 562
of a controlled substance analog under division (C) (8) of this 563
section that the person charged with violating that offense 564
obtained, possessed, or used an item described in division (HH) 565
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 566

Sec. 2929.13. (A) Except as provided in division (E), (F), 567
or (G) of this section and unless a specific sanction is 568
required to be imposed or is precluded from being imposed 569
pursuant to law, a court that imposes a sentence upon an 570

offender for a felony may impose any sanction or combination of 571
sanctions on the offender that are provided in sections 2929.14 572
to 2929.18 of the Revised Code. 573

If the offender is eligible to be sentenced to community 574
control sanctions, the court shall consider the appropriateness 575
of imposing a financial sanction pursuant to section 2929.18 of 576
the Revised Code or a sanction of community service pursuant to 577
section 2929.17 of the Revised Code as the sole sanction for the 578
offense. Except as otherwise provided in this division, if the 579
court is required to impose a mandatory prison term for the 580
offense for which sentence is being imposed, the court also 581
shall impose any financial sanction pursuant to section 2929.18 582
of the Revised Code that is required for the offense and may 583
impose any other financial sanction pursuant to that section but 584
may not impose any additional sanction or combination of 585
sanctions under section 2929.16 or 2929.17 of the Revised Code. 586

If the offender is being sentenced for a fourth degree 587
felony OVI offense or for a third degree felony OVI offense, in 588
addition to the mandatory term of local incarceration or the 589
mandatory prison term required for the offense by division (G) 590
(1) or (2) of this section, the court shall impose upon the 591
offender a mandatory fine in accordance with division (B) (3) of 592
section 2929.18 of the Revised Code and may impose whichever of 593
the following is applicable: 594

(1) For a fourth degree felony OVI offense for which 595
sentence is imposed under division (G) (1) of this section, an 596
additional community control sanction or combination of 597
community control sanctions under section 2929.16 or 2929.17 of 598
the Revised Code. If the court imposes upon the offender a 599
community control sanction and the offender violates any 600

condition of the community control sanction, the court may take 601
any action prescribed in division (B) of section 2929.15 of the 602
Revised Code relative to the offender, including imposing a 603
prison term on the offender pursuant to that division. 604

(2) For a third or fourth degree felony OVI offense for 605
which sentence is imposed under division (G)(2) of this section, 606
an additional prison term as described in division (B)(4) of 607
section 2929.14 of the Revised Code or a community control 608
sanction as described in division (G)(2) of this section. 609

(B)(1)(a) Except as provided in division (B)(1)(b) of this 610
section, if an offender is convicted of or pleads guilty to a 611
felony of the fourth or fifth degree that is not an offense of 612
violence or that is a qualifying assault offense, the court 613
shall sentence the offender to a community control sanction of 614
at least one year's duration if all of the following apply: 615

(i) The offender previously has not been convicted of or 616
pleaded guilty to a felony offense. 617

(ii) The most serious charge against the offender at the 618
time of sentencing is a felony of the fourth or fifth degree. 619

(iii) If the court made a request of the department of 620
rehabilitation and correction pursuant to division (B)(1)(c) of 621
this section, the department, within the forty-five-day period 622
specified in that division, provided the court with the names 623
of, contact information for, and program details of one or more 624
community control sanctions of at least one year's duration that 625
are available for persons sentenced by the court. 626

(iv) The offender previously has not been convicted of or 627
pleaded guilty to a misdemeanor offense of violence that the 628
offender committed within two years prior to the offense for 629

which sentence is being imposed. 630

(b) The court has discretion to impose a prison term upon 631
an offender who is convicted of or pleads guilty to a felony of 632
the fourth or fifth degree that is not an offense of violence or 633
that is a qualifying assault offense if any of the following 634
apply: 635

(i) The offender committed the offense while having a 636
firearm on or about the offender's person or under the 637
offender's control. 638

(ii) If the offense is a qualifying assault offense, the 639
offender caused serious physical harm to another person while 640
committing the offense, and, if the offense is not a qualifying 641
assault offense, the offender caused physical harm to another 642
person while committing the offense. 643

(iii) The offender violated a term of the conditions of 644
bond as set by the court. 645

(iv) The court made a request of the department of 646
rehabilitation and correction pursuant to division (B)(1)(c) of 647
this section, and the department, within the forty-five-day 648
period specified in that division, did not provide the court 649
with the name of, contact information for, and program details 650
of any community control sanction of at least one year's 651
duration that is available for persons sentenced by the court. 652

(v) The offense is a sex offense that is a fourth or fifth 653
degree felony violation of any provision of Chapter 2907. of the 654
Revised Code. 655

(vi) In committing the offense, the offender attempted to 656
cause or made an actual threat of physical harm to a person with 657
a deadly weapon. 658

(vii) In committing the offense, the offender attempted to 659
cause or made an actual threat of physical harm to a person, and 660
the offender previously was convicted of an offense that caused 661
physical harm to a person. 662

(viii) The offender held a public office or position of 663
trust, and the offense related to that office or position; the 664
offender's position obliged the offender to prevent the offense 665
or to bring those committing it to justice; or the offender's 666
professional reputation or position facilitated the offense or 667
was likely to influence the future conduct of others. 668

(ix) The offender committed the offense for hire or as 669
part of an organized criminal activity. 670

(x) The offender at the time of the offense was serving, 671
or the offender previously had served, a prison term. 672

(xi) The offender committed the offense while under a 673
community control sanction, while on probation, or while 674
released from custody on a bond or personal recognizance. 675

(c) If a court that is sentencing an offender who is 676
convicted of or pleads guilty to a felony of the fourth or fifth 677
degree that is not an offense of violence or that is a 678
qualifying assault offense believes that no community control 679
sanctions are available for its use that, if imposed on the 680
offender, will adequately fulfill the overriding principles and 681
purposes of sentencing, the court shall contact the department 682
of rehabilitation and correction and ask the department to 683
provide the court with the names of, contact information for, 684
and program details of one or more community control sanctions 685
of at least one year's duration that are available for persons 686
sentenced by the court. Not later than forty-five days after 687

receipt of a request from a court under this division, the 688
department shall provide the court with the names of, contact 689
information for, and program details of one or more community 690
control sanctions of at least one year's duration that are 691
available for persons sentenced by the court, if any. Upon 692
making a request under this division that relates to a 693
particular offender, a court shall defer sentencing of that 694
offender until it receives from the department the names of, 695
contact information for, and program details of one or more 696
community control sanctions of at least one year's duration that 697
are available for persons sentenced by the court or for forty- 698
five days, whichever is the earlier. 699

If the department provides the court with the names of, 700
contact information for, and program details of one or more 701
community control sanctions of at least one year's duration that 702
are available for persons sentenced by the court within the 703
forty-five-day period specified in this division, the court 704
shall impose upon the offender a community control sanction 705
under division (B) (1) (a) of this section, except that the court 706
may impose a prison term under division (B) (1) (b) of this 707
section if a factor described in division (B) (1) (b) (i) or (ii) 708
of this section applies. If the department does not provide the 709
court with the names of, contact information for, and program 710
details of one or more community control sanctions of at least 711
one year's duration that are available for persons sentenced by 712
the court within the forty-five-day period specified in this 713
division, the court may impose upon the offender a prison term 714
under division (B) (1) (b) (iv) of this section. 715

(d) A sentencing court may impose an additional penalty 716
under division (B) of section 2929.15 of the Revised Code upon 717
an offender sentenced to a community control sanction under 718

division (B) (1) (a) of this section if the offender violates the 719
conditions of the community control sanction, violates a law, or 720
leaves the state without the permission of the court or the 721
offender's probation officer. 722

(2) If division (B) (1) of this section does not apply, 723
except as provided in division (E), (F), or (G) of this section, 724
in determining whether to impose a prison term as a sanction for 725
a felony of the fourth or fifth degree, the sentencing court 726
shall comply with the purposes and principles of sentencing 727
under section 2929.11 of the Revised Code and with section 728
2929.12 of the Revised Code. 729

(C) Except as provided in division (D), (E), (F), or (G) 730
of this section, in determining whether to impose a prison term 731
as a sanction for a felony of the third degree or a felony drug 732
offense that is a violation of a provision of Chapter 2925. of 733
the Revised Code and that is specified as being subject to this 734
division for purposes of sentencing, the sentencing court shall 735
comply with the purposes and principles of sentencing under 736
section 2929.11 of the Revised Code and with section 2929.12 of 737
the Revised Code. 738

(D) (1) Except as provided in division (E) or (F) of this 739
section, for a felony of the first or second degree, for a 740
felony drug offense that is a violation of any provision of 741
Chapter 2925., 3719., or 4729. of the Revised Code for which a 742
presumption in favor of a prison term is specified as being 743
applicable, and for a violation of division (A) (4) or (B) of 744
section 2907.05 of the Revised Code for which a presumption in 745
favor of a prison term is specified as being applicable, it is 746
presumed that a prison term is necessary in order to comply with 747
the purposes and principles of sentencing under section 2929.11 748

of the Revised Code. Division (D) (2) of this section does not 749
apply to a presumption established under this division for a 750
violation of division (A) (4) of section 2907.05 of the Revised 751
Code. 752

(2) Notwithstanding the presumption established under 753
division (D) (1) of this section for the offenses listed in that 754
division other than a violation of division (A) (4) or (B) of 755
section 2907.05 of the Revised Code, the sentencing court may 756
impose a community control sanction or a combination of 757
community control sanctions instead of a prison term on an 758
offender for a felony of the first or second degree or for a 759
felony drug offense that is a violation of any provision of 760
Chapter 2925., 3719., or 4729. of the Revised Code for which a 761
presumption in favor of a prison term is specified as being 762
applicable if it makes both of the following findings: 763

(a) A community control sanction or a combination of 764
community control sanctions would adequately punish the offender 765
and protect the public from future crime, because the applicable 766
factors under section 2929.12 of the Revised Code indicating a 767
lesser likelihood of recidivism outweigh the applicable factors 768
under that section indicating a greater likelihood of 769
recidivism. 770

(b) A community control sanction or a combination of 771
community control sanctions would not demean the seriousness of 772
the offense, because one or more factors under section 2929.12 773
of the Revised Code that indicate that the offender's conduct 774
was less serious than conduct normally constituting the offense 775
are applicable, and they outweigh the applicable factors under 776
that section that indicate that the offender's conduct was more 777
serious than conduct normally constituting the offense. 778

(E) (1) Except as provided in division (F) of this section, 779
for any drug offense that is a violation of any provision of 780
Chapter 2925. of the Revised Code and that is a felony of the 781
third, fourth, or fifth degree, the applicability of a 782
presumption under division (D) of this section in favor of a 783
prison term or of division (B) or (C) of this section in 784
determining whether to impose a prison term for the offense 785
shall be determined as specified in section 2925.02, 2925.03, 786
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 787
2925.36, or 2925.37 of the Revised Code, whichever is applicable 788
regarding the violation. 789

(2) If an offender who was convicted of or pleaded guilty 790
to a felony violates the conditions of a community control 791
sanction imposed for the offense solely by reason of producing 792
positive results on a drug test or by acting pursuant to 793
division (B) (2) (b) of section 2925.11 of the Revised Code with 794
respect to a minor drug possession offense, the court, as 795
punishment for the violation of the sanction, shall not order 796
that the offender be imprisoned unless the court determines on 797
the record either of the following: 798

(a) The offender had been ordered as a sanction for the 799
felony to participate in a drug treatment program, in a drug 800
education program, or in narcotics anonymous or a similar 801
program, and the offender continued to use illegal drugs after a 802
reasonable period of participation in the program. 803

(b) The imprisonment of the offender for the violation is 804
consistent with the purposes and principles of sentencing set 805
forth in section 2929.11 of the Revised Code. 806

(3) A court that sentences an offender for a drug abuse 807
offense that is a felony of the third, fourth, or fifth degree 808

may require that the offender be assessed by a properly 809
credentialed professional within a specified period of time. The 810
court shall require the professional to file a written 811
assessment of the offender with the court. If the offender is 812
eligible for a community control sanction and after considering 813
the written assessment, the court may impose a community control 814
sanction that includes treatment and recovery support services 815
authorized by division (A)(11) of section 340.03 of the Revised 816
Code. If the court imposes treatment and recovery support 817
services as a community control sanction, the court shall direct 818
the level and type of treatment and recovery support services 819
after considering the assessment and recommendation of community 820
addiction services providers. 821

(F) Notwithstanding divisions (A) to (E) of this section, 822
the court shall impose a prison term or terms under sections 823
2929.02 to 2929.06, section 2929.14, section 2929.142, or 824
section 2971.03 of the Revised Code and except as specifically 825
provided in section 2929.20, divisions (C) to (I) of section 826
2967.19, or section 2967.191 of the Revised Code or when parole 827
is authorized for the offense under section 2967.13 of the 828
Revised Code shall not reduce the term or terms pursuant to 829
section 2929.20, section 2967.19, section 2967.193, or any other 830
provision of Chapter 2967. or Chapter 5120. of the Revised Code 831
for any of the following offenses: 832

(1) Aggravated murder when death is not imposed or murder; 833

(2) Any rape, regardless of whether force was involved and 834
regardless of the age of the victim, or an attempt to commit 835
rape if, had the offender completed the rape that was attempted, 836
the offender would have been guilty of a violation of division 837
(A)(1)(b) of section 2907.02 of the Revised Code and would be 838

sentenced under section 2971.03 of the Revised Code; 839

(3) Gross sexual imposition or sexual battery, if the 840
victim is less than thirteen years of age and if any of the 841
following applies: 842

(a) Regarding gross sexual imposition, the offender 843
previously was convicted of or pleaded guilty to rape, the 844
former offense of felonious sexual penetration, gross sexual 845
imposition, or sexual battery, and the victim of the previous 846
offense was less than thirteen years of age; 847

(b) Regarding gross sexual imposition, the offense was 848
committed on or after August 3, 2006, and evidence other than 849
the testimony of the victim was admitted in the case 850
corroborating the violation. 851

(c) Regarding sexual battery, either of the following 852
applies: 853

(i) The offense was committed prior to August 3, 2006, the 854
offender previously was convicted of or pleaded guilty to rape, 855
the former offense of felonious sexual penetration, or sexual 856
battery, and the victim of the previous offense was less than 857
thirteen years of age. 858

(ii) The offense was committed on or after August 3, 2006. 859

(4) A felony violation of section 2903.04, 2903.06, 860
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the 861
Revised Code if the section requires the imposition of a prison 862
term; 863

(5) A first, second, or third degree felony drug offense 864
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 865
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 866

or 4729.99 of the Revised Code, whichever is applicable 867
regarding the violation, requires the imposition of a mandatory 868
prison term; 869

(6) Any offense that is a first or second degree felony 870
and that is not set forth in division (F)(1), (2), (3), or (4) 871
of this section, if the offender previously was convicted of or 872
pleaded guilty to aggravated murder, murder, any first or second 873
degree felony, or an offense under an existing or former law of 874
this state, another state, or the United States that is or was 875
substantially equivalent to one of those offenses; 876

(7) Any offense that is a third degree felony and either 877
is a violation of section 2903.04 of the Revised Code or an 878
attempt to commit a felony of the second degree that is an 879
offense of violence and involved an attempt to cause serious 880
physical harm to a person or that resulted in serious physical 881
harm to a person if the offender previously was convicted of or 882
pleaded guilty to any of the following offenses: 883

(a) Aggravated murder, murder, involuntary manslaughter, 884
rape, felonious sexual penetration as it existed under section 885
2907.12 of the Revised Code prior to September 3, 1996, a felony 886
of the first or second degree that resulted in the death of a 887
person or in physical harm to a person, or complicity in or an 888
attempt to commit any of those offenses; 889

(b) An offense under an existing or former law of this 890
state, another state, or the United States that is or was 891
substantially equivalent to an offense listed in division (F)(7) 892
(a) of this section that resulted in the death of a person or in 893
physical harm to a person. 894

(8) Any offense, other than a violation of section 2923.12 895

of the Revised Code, that is a felony, if the offender had a 896
firearm on or about the offender's person or under the 897
offender's control while committing the felony, with respect to 898
a portion of the sentence imposed pursuant to division (B) (1) (a) 899
of section 2929.14 of the Revised Code for having the firearm; 900

(9) Any offense of violence that is a felony, if the 901
offender wore or carried body armor while committing the felony 902
offense of violence, with respect to the portion of the sentence 903
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 904
Revised Code for wearing or carrying the body armor; 905

(10) Corrupt activity in violation of section 2923.32 of 906
the Revised Code when the most serious offense in the pattern of 907
corrupt activity that is the basis of the offense is a felony of 908
the first degree; 909

(11) Any violent sex offense or designated homicide, 910
assault, or kidnapping offense if, in relation to that offense, 911
the offender is adjudicated a sexually violent predator; 912

(12) A violation of division (A) (1) or (2) of section 913
2921.36 of the Revised Code, or a violation of division (C) of 914
that section involving an item listed in division (A) (1) or (2) 915
of that section, if the offender is an officer or employee of 916
the department of rehabilitation and correction; 917

(13) A violation of division (A) (1) or (2) of section 918
2903.06 of the Revised Code if the victim of the offense is a 919
peace officer, as defined in section 2935.01 of the Revised 920
Code, or an investigator of the bureau of criminal 921
identification and investigation, as defined in section 2903.11 922
of the Revised Code, with respect to the portion of the sentence 923
imposed pursuant to division (B) (5) of section 2929.14 of the 924

Revised Code;	925
(14) A violation of division (A) (1) or (2) of section	926
2903.06 of the Revised Code if the offender has been convicted	927
of or pleaded guilty to three or more violations of division (A)	928
or (B) of section 4511.19 of the Revised Code or an equivalent	929
offense, as defined in section 2941.1415 of the Revised Code, or	930
three or more violations of any combination of those divisions	931
and offenses, with respect to the portion of the sentence	932
imposed pursuant to division (B) (6) of section 2929.14 of the	933
Revised Code;	934
(15) Kidnapping, in the circumstances specified in section	935
2971.03 of the Revised Code and when no other provision of	936
division (F) of this section applies;	937
(16) Kidnapping, abduction, compelling prostitution,	938
promoting prostitution, engaging in a pattern of corrupt	939
activity, illegal use of a minor in a nudity-oriented material	940
or performance in violation of division (A) (1) or (2) of section	941
2907.323 of the Revised Code, or endangering children in	942
violation of division (B) (1), (2), (3), (4), or (5) of section	943
2919.22 of the Revised Code, if the offender is convicted of or	944
pleads guilty to a specification as described in section	945
2941.1422 of the Revised Code that was included in the	946
indictment, count in the indictment, or information charging the	947
offense;	948
(17) A felony violation of division (A) or (B) of section	949
2919.25 of the Revised Code if division (D) (3), (4), or (5) of	950
that section, and division (D) (6) of that section, require the	951
imposition of a prison term;	952
(18) A felony violation of section 2903.11, 2903.12, or	953

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. 954
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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: 959
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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 facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G) (1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A) (1) of this section. 965
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(2) If the offender is being sentenced for a third degree 984
felony OVI offense, or if the offender is being sentenced for a 985
fourth degree felony OVI offense and the court does not impose a 986
mandatory term of local incarceration under division (G) (1) of 987
this section, the court shall impose upon the offender a 988
mandatory prison term of one, two, three, four, or five years if 989
the offender also is convicted of or also pleads guilty to a 990
specification of the type described in section 2941.1413 of the 991
Revised Code or shall impose upon the offender a mandatory 992
prison term of sixty days or one hundred twenty days as 993
specified in division (G) (1) (d) or (e) of section 4511.19 of the 994
Revised Code if the offender has not been convicted of and has 995
not pleaded guilty to a specification of that type. Subject to 996
divisions (C) to (I) of section 2967.19 of the Revised Code, the 997
court shall not reduce the term pursuant to section 2929.20, 998
2967.19, 2967.193, or any other provision of the Revised Code. 999
The offender shall serve the one-, two-, three-, four-, or five- 1000
year mandatory prison term consecutively to and prior to the 1001
prison term imposed for the underlying offense and consecutively 1002
to any other mandatory prison term imposed in relation to the 1003
offense. In no case shall an offender who once has been 1004
sentenced to a mandatory term of local incarceration pursuant to 1005
division (G) (1) of this section for a fourth degree felony OVI 1006
offense be sentenced to another mandatory term of local 1007
incarceration under that division for any violation of division 1008
(A) of section 4511.19 of the Revised Code. In addition to the 1009
mandatory prison term described in division (G) (2) of this 1010
section, the court may sentence the offender to a community 1011
control sanction under section 2929.16 or 2929.17 of the Revised 1012
Code, but the offender shall serve the prison term prior to 1013
serving the community control sanction. The department of 1014
rehabilitation and correction may place an offender sentenced to 1015

a mandatory prison term under this division in an intensive 1016
program prison established pursuant to section 5120.033 of the 1017
Revised Code if the department gave the sentencing judge prior 1018
notice of its intent to place the offender in an intensive 1019
program prison established under that section and if the judge 1020
did not notify the department that the judge disapproved the 1021
placement. Upon the establishment of the initial intensive 1022
program prison pursuant to section 5120.033 of the Revised Code 1023
that is privately operated and managed by a contractor pursuant 1024
to a contract entered into under section 9.06 of the Revised 1025
Code, both of the following apply: 1026

(a) The department of rehabilitation and correction shall 1027
make a reasonable effort to ensure that a sufficient number of 1028
offenders sentenced to a mandatory prison term under this 1029
division are placed in the privately operated and managed prison 1030
so that the privately operated and managed prison has full 1031
occupancy. 1032

(b) Unless the privately operated and managed prison has 1033
full occupancy, the department of rehabilitation and correction 1034
shall not place any offender sentenced to a mandatory prison 1035
term under this division in any intensive program prison 1036
established pursuant to section 5120.033 of the Revised Code 1037
other than the privately operated and managed prison. 1038

(H) If an offender is being sentenced for a sexually 1039
oriented offense or child-victim oriented offense that is a 1040
felony committed on or after January 1, 1997, the judge shall 1041
require the offender to submit to a DNA specimen collection 1042
procedure pursuant to section 2901.07 of the Revised Code. 1043

(I) If an offender is being sentenced for a sexually 1044
oriented offense or a child-victim oriented offense committed on 1045

or after January 1, 1997, the judge shall include in the 1046
sentence a summary of the offender's duties imposed under 1047
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1048
Code and the duration of the duties. The judge shall inform the 1049
offender, at the time of sentencing, of those duties and of 1050
their duration. If required under division (A)(2) of section 1051
2950.03 of the Revised Code, the judge shall perform the duties 1052
specified in that section, or, if required under division (A)(6) 1053
of section 2950.03 of the Revised Code, the judge shall perform 1054
the duties specified in that division. 1055

(J)(1) Except as provided in division (J)(2) of this 1056
section, when considering sentencing factors under this section 1057
in relation to an offender who is convicted of or pleads guilty 1058
to an attempt to commit an offense in violation of section 1059
2923.02 of the Revised Code, the sentencing court shall consider 1060
the factors applicable to the felony category of the violation 1061
of section 2923.02 of the Revised Code instead of the factors 1062
applicable to the felony category of the offense attempted. 1063

(2) When considering sentencing factors under this section 1064
in relation to an offender who is convicted of or pleads guilty 1065
to an attempt to commit a drug abuse offense for which the 1066
penalty is determined by the amount or number of unit doses of 1067
the controlled substance involved in the drug abuse offense, the 1068
sentencing court shall consider the factors applicable to the 1069
felony category that the drug abuse offense attempted would be 1070
if that drug abuse offense had been committed and had involved 1071
an amount or number of unit doses of the controlled substance 1072
that is within the next lower range of controlled substance 1073
amounts than was involved in the attempt. 1074

(K) As used in this section: 1075

- (1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1076
1077
- (2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 1078
1079
- (3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 1080
1081
- (4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 1082
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- (L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 1086
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- Sec. 2929.141.** (A) Upon the conviction of or plea of guilty to a felony by a person on post-release control at the time of the commission of the felony, the court may terminate the term of post-release control, and the court may do either of the following regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on post-release control: 1095
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- (1) In addition to any prison term for the new felony, impose a prison term for the post-release control violation. The maximum prison term for the violation shall be the greater of 1102
1103
1104

twelve months or the period of post-release control for the 1105
earlier felony minus any time the person has spent under post- 1106
release control for the earlier felony. In all cases, any prison 1107
term imposed for the violation shall be reduced by any prison 1108
term that is administratively imposed by the parole board as a 1109
post-release control sanction. A prison term imposed for the 1110
violation shall be served consecutively to any prison term 1111
imposed for the new felony. The imposition of a prison term for 1112
the post-release control violation shall terminate the period of 1113
post-release control for the earlier felony. 1114

(2) Impose a sanction under sections 2929.15 to 2929.18 of 1115
the Revised Code for the violation that shall be served 1116
concurrently or consecutively, as specified by the court, with 1117
any community control sanctions for the new felony. 1118

(B) If a person on post-release control was acting 1119
pursuant to division (B)(2)(b) of section 2925.11 of the Revised 1120
Code and in so doing violated the conditions of a post-release 1121
control sanction based on a minor drug possession offense, as 1122
defined in section 2925.11 of the Revised Code, the court may 1123
consider the person's conduct in seeking or obtaining medical 1124
assistance for another in good faith or for self or may consider 1125
the person being the subject of another person seeking or 1126
obtaining medical assistance in accordance with that division as 1127
a mitigating factor before imposing any of the penalties 1128
described in division (A) of this section. 1129

(C) Upon the conviction of or plea of guilty to a felony 1130
by a person on transitional control under section 2967.26 of the 1131
Revised Code at the time of the commission of the felony, the 1132
court may, in addition to any prison term for the new felony, 1133
impose a prison term not exceeding twelve months for having 1134

committed the felony while on transitional control. An 1135
additional prison term imposed pursuant to this section shall be 1136
served consecutively to any prison term imposed for the new 1137
felony. The sentencing court may impose the additional prison 1138
term authorized by this section regardless of whether the 1139
sentencing court or another court of this state imposed the 1140
original prison term for which the person is on transitional 1141
control. 1142

Sec. 2929.15. (A) (1) If in sentencing an offender for a 1143
felony the court is not required to impose a prison term, a 1144
mandatory prison term, or a term of life imprisonment upon the 1145
offender, the court may directly impose a sentence that consists 1146
of one or more community control sanctions authorized pursuant 1147
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 1148
the court is sentencing an offender for a fourth degree felony 1149
OVI offense under division (G) (1) of section 2929.13 of the 1150
Revised Code, in addition to the mandatory term of local 1151
incarceration imposed under that division and the mandatory fine 1152
required by division (B) (3) of section 2929.18 of the Revised 1153
Code, the court may impose upon the offender a community control 1154
sanction or combination of community control sanctions in 1155
accordance with sections 2929.16 and 2929.17 of the Revised 1156
Code. If the court is sentencing an offender for a third or 1157
fourth degree felony OVI offense under division (G) (2) of 1158
section 2929.13 of the Revised Code, in addition to the 1159
mandatory prison term or mandatory prison term and additional 1160
prison term imposed under that division, the court also may 1161
impose upon the offender a community control sanction or 1162
combination of community control sanctions under section 2929.16 1163
or 2929.17 of the Revised Code, but the offender shall serve all 1164
of the prison terms so imposed prior to serving the community 1165

control sanction. 1166

The duration of all community control sanctions imposed 1167
upon an offender under this division shall not exceed five 1168
years. If the offender absconds or otherwise leaves the 1169
jurisdiction of the court in which the offender resides without 1170
obtaining permission from the court or the offender's probation 1171
officer to leave the jurisdiction of the court, or if the 1172
offender is confined in any institution for the commission of 1173
any offense while under a community control sanction, the period 1174
of the community control sanction ceases to run until the 1175
offender is brought before the court for its further action. If 1176
the court sentences the offender to one or more nonresidential 1177
sanctions under section 2929.17 of the Revised Code, the court 1178
shall impose as a condition of the nonresidential sanctions 1179
that, during the period of the sanctions, the offender must 1180
abide by the law and must not leave the state without the 1181
permission of the court or the offender's probation officer. The 1182
court may impose any other conditions of release under a 1183
community control sanction that the court considers appropriate, 1184
including, but not limited to, requiring that the offender not 1185
ingest or be injected with a drug of abuse and submit to random 1186
drug testing as provided in division (D) of this section to 1187
determine whether the offender ingested or was injected with a 1188
drug of abuse and requiring that the results of the drug test 1189
indicate that the offender did not ingest or was not injected 1190
with a drug of abuse. 1191

(2) (a) If a court sentences an offender to any community 1192
control sanction or combination of community control sanctions 1193
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 1194
the Revised Code, the court shall place the offender under the 1195
general control and supervision of a department of probation in 1196

the county that serves the court for purposes of reporting to 1197
the court a violation of any condition of the sanctions, any 1198
condition of release under a community control sanction imposed 1199
by the court, a violation of law, or the departure of the 1200
offender from this state without the permission of the court or 1201
the offender's probation officer. Alternatively, if the offender 1202
resides in another county and a county department of probation 1203
has been established in that county or that county is served by 1204
a multicounty probation department established under section 1205
2301.27 of the Revised Code, the court may request the court of 1206
common pleas of that county to receive the offender into the 1207
general control and supervision of that county or multicounty 1208
department of probation for purposes of reporting to the court a 1209
violation of any condition of the sanctions, any condition of 1210
release under a community control sanction imposed by the court, 1211
a violation of law, or the departure of the offender from this 1212
state without the permission of the court or the offender's 1213
probation officer, subject to the jurisdiction of the trial 1214
judge over and with respect to the person of the offender, and 1215
to the rules governing that department of probation. 1216

If there is no department of probation in the county that 1217
serves the court, the court shall place the offender, regardless 1218
of the offender's county of residence, under the general control 1219
and supervision of the adult parole authority for purposes of 1220
reporting to the court a violation of any of the sanctions, any 1221
condition of release under a community control sanction imposed 1222
by the court, a violation of law, or the departure of the 1223
offender from this state without the permission of the court or 1224
the offender's probation officer. 1225

(b) If the court imposing sentence upon an offender 1226
sentences the offender to any community control sanction or 1227

combination of community control sanctions authorized pursuant 1228
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 1229
if the offender violates any condition of the sanctions, any 1230
condition of release under a community control sanction imposed 1231
by the court, violates any law, or departs the state without the 1232
permission of the court or the offender's probation officer, the 1233
public or private person or entity that operates or administers 1234
the sanction or the program or activity that comprises the 1235
sanction shall report the violation or departure directly to the 1236
sentencing court, or shall report the violation or departure to 1237
the county or multicounty department of probation with general 1238
control and supervision over the offender under division (A) (2) 1239
(a) of this section or the officer of that department who 1240
supervises the offender, or, if there is no such department with 1241
general control and supervision over the offender under that 1242
division, to the adult parole authority. If the public or 1243
private person or entity that operates or administers the 1244
sanction or the program or activity that comprises the sanction 1245
reports the violation or departure to the county or multicounty 1246
department of probation or the adult parole authority, the 1247
department's or authority's officers may treat the offender as 1248
if the offender were on probation and in violation of the 1249
probation, and shall report the violation of the condition of 1250
the sanction, any condition of release under a community control 1251
sanction imposed by the court, the violation of law, or the 1252
departure from the state without the required permission to the 1253
sentencing court. 1254

(3) If an offender who is eligible for community control 1255
sanctions under this section admits to being drug addicted or 1256
the court has reason to believe that the offender is drug 1257
addicted, and if the offense for which the offender is being 1258

sentenced was related to the addiction, the court may require 1259
that the offender be assessed by a properly credentialed 1260
professional within a specified period of time and shall require 1261
the professional to file a written assessment of the offender 1262
with the court. If a court imposes treatment and recovery 1263
support services as a community control sanction, the court 1264
shall direct the level and type of treatment and recovery 1265
support services after consideration of the written assessment, 1266
if available at the time of sentencing, and recommendations of 1267
the professional and other treatment and recovery support 1268
services providers. 1269

(4) If an assessment completed pursuant to division (A) (3) 1270
of this section indicates that the offender is addicted to drugs 1271
or alcohol, the court may include in any community control 1272
sanction imposed for a violation of section 2925.02, 2925.03, 1273
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1274
2925.36, or 2925.37 of the Revised Code a requirement that the 1275
offender participate in a treatment and recovery support 1276
services program certified under section 5119.36 of the Revised 1277
Code or offered by another properly credentialed community 1278
addiction services provider. 1279

(B) (1) If the conditions of a community control sanction 1280
are violated or if the offender violates a law or leaves the 1281
state without the permission of the court or the offender's 1282
probation officer, the sentencing court may impose upon the 1283
violator one or more of the following penalties: 1284

(a) A longer time under the same sanction if the total 1285
time under the sanctions does not exceed the five-year limit 1286
specified in division (A) of this section; 1287

(b) A more restrictive sanction under section 2929.16, 1288

2929.17, or 2929.18 of the Revised Code; 1289

(c) A prison term on the offender pursuant to section 1290
2929.14 of the Revised Code. 1291

(2) If an offender was acting pursuant to division (B) (2) 1292
(b) of section 2925.11 of the Revised Code and in so doing 1293
violated the conditions of a community control sanction based on 1294
a minor drug possession offense, as defined in section 2925.11 1295
of the Revised Code, the sentencing court may consider the 1296
offender's conduct in seeking or obtaining medical assistance 1297
for another in good faith or for self or may consider the 1298
offender being the subject of another person seeking or 1299
obtaining medical assistance in accordance with that division as 1300
a mitigating factor before imposing any of the penalties 1301
described in division (B) (1) of this section. 1302

(3) The prison term, if any, imposed upon a violator 1303
pursuant to this division shall be within the range of prison 1304
terms available for the offense for which the sanction that was 1305
violated was imposed and shall not exceed the prison term 1306
specified in the notice provided to the offender at the 1307
sentencing hearing pursuant to division (B) (2) of section 1308
2929.19 of the Revised Code. The court may reduce the longer 1309
period of time that the offender is required to spend under the 1310
longer sanction, the more restrictive sanction, or a prison term 1311
imposed pursuant to this division by the time the offender 1312
successfully spent under the sanction that was initially 1313
imposed. 1314

(C) If an offender, for a significant period of time, 1315
fulfills the conditions of a sanction imposed pursuant to 1316
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 1317
exemplary manner, the court may reduce the period of time under 1318

the sanction or impose a less restrictive sanction, but the 1319
court shall not permit the offender to violate any law or permit 1320
the offender to leave the state without the permission of the 1321
court or the offender's probation officer. 1322

(D) (1) If a court under division (A) (1) of this section 1323
imposes a condition of release under a community control 1324
sanction that requires the offender to submit to random drug 1325
testing, the department of probation or the adult parole 1326
authority that has general control and supervision of the 1327
offender under division (A) (2) (a) of this section may cause the 1328
offender to submit to random drug testing performed by a 1329
laboratory or entity that has entered into a contract with any 1330
of the governmental entities or officers authorized to enter 1331
into a contract with that laboratory or entity under section 1332
341.26, 753.33, or 5120.63 of the Revised Code. 1333

(2) If no laboratory or entity described in division (D) 1334
(1) of this section has entered into a contract as specified in 1335
that division, the department of probation or the adult parole 1336
authority that has general control and supervision of the 1337
offender under division (A) (2) (a) of this section shall cause 1338
the offender to submit to random drug testing performed by a 1339
reputable public laboratory to determine whether the individual 1340
who is the subject of the drug test ingested or was injected 1341
with a drug of abuse. 1342

(3) A laboratory or entity that has entered into a 1343
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1344
Revised Code shall perform the random drug tests under division 1345
(D) (1) of this section in accordance with the applicable 1346
standards that are included in the terms of that contract. A 1347
public laboratory shall perform the random drug tests under 1348

division (D) (2) of this section in accordance with the standards 1349
set forth in the policies and procedures established by the 1350
department of rehabilitation and correction pursuant to section 1351
5120.63 of the Revised Code. An offender who is required under 1352
division (A) (1) of this section to submit to random drug testing 1353
as a condition of release under a community control sanction and 1354
whose test results indicate that the offender ingested or was 1355
injected with a drug of abuse shall pay the fee for the drug 1356
test if the department of probation or the adult parole 1357
authority that has general control and supervision of the 1358
offender requires payment of a fee. A laboratory or entity that 1359
performs the random drug testing on an offender under division 1360
(D) (1) or (2) of this section shall transmit the results of the 1361
drug test to the appropriate department of probation or the 1362
adult parole authority that has general control and supervision 1363
of the offender under division (A) (2) (a) of this section. 1364

Sec. 2929.25. (A) (1) Except as provided in sections 1365
2929.22 and 2929.23 of the Revised Code or when a jail term is 1366
required by law, in sentencing an offender for a misdemeanor, 1367
other than a minor misdemeanor, the sentencing court may do 1368
either of the following: 1369

(a) Directly impose a sentence that consists of one or 1370
more community control sanctions authorized by section 2929.26, 1371
2929.27, or 2929.28 of the Revised Code. The court may impose 1372
any other conditions of release under a community control 1373
sanction that the court considers appropriate. If the court 1374
imposes a jail term upon the offender, the court may impose any 1375
community control sanction or combination of community control 1376
sanctions in addition to the jail term. 1377

(b) Impose a jail term under section 2929.24 of the 1378

Revised Code from the range of jail terms authorized under that 1379
section for the offense, suspend all or a portion of the jail 1380
term imposed, and place the offender under a community control 1381
sanction or combination of community control sanctions 1382
authorized under section 2929.26, 2929.27, or 2929.28 of the 1383
Revised Code. 1384

(2) The duration of all community control sanctions 1385
imposed upon an offender and in effect for an offender at any 1386
time shall not exceed five years. 1387

(3) At sentencing, if a court directly imposes a community 1388
control sanction or combination of community control sanctions 1389
pursuant to division (A) (1) (a) or (B) of this section, the court 1390
shall state the duration of the community control sanctions 1391
imposed and shall notify the offender that if any of the 1392
conditions of the community control sanctions are violated the 1393
court may do any of the following: 1394

(a) Impose a longer time under the same community control 1395
sanction if the total time under all of the offender's community 1396
control sanctions does not exceed the five-year limit specified 1397
in division (A) (2) of this section; 1398

(b) Impose a more restrictive community control sanction 1399
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1400
but the court is not required to impose any particular sanction 1401
or sanctions; 1402

(c) Impose a definite jail term from the range of jail 1403
terms authorized for the offense under section 2929.24 of the 1404
Revised Code. 1405

(B) If a court sentences an offender to any community 1406
control sanction or combination of community control sanctions 1407

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

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

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

or the offender's probation officer. In the interests of doing 1439
justice, rehabilitating the offender, and ensuring the 1440
offender's good behavior, the court may impose additional 1441
requirements on the offender. The offender's compliance with the 1442
additional requirements also shall be a condition of the 1443
community control sanction imposed upon the offender. 1444

(D) (1) If the court imposing sentence upon an offender 1445
sentences the offender to any community control sanction or 1446
combination of community control sanctions authorized under 1447
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1448
the offender violates any of the conditions of the sanctions, 1449
the public or private person or entity that supervises or 1450
administers the program or activity that comprises the sanction 1451
shall report the violation directly to the sentencing court or 1452
to the department of probation or probation officer with general 1453
control and supervision over the offender. If the public or 1454
private person or entity reports the violation to the department 1455
of probation or probation officer, the department or officer 1456
shall report the violation to the sentencing court. 1457

(2) If an offender violates any condition of a community 1458
control sanction, the sentencing court may impose upon the 1459
violator one or more of the following penalties: 1460

(a) A longer time under the same community control 1461
sanction if the total time under all of the community control 1462
sanctions imposed on the violator does not exceed the five-year 1463
limit specified in division (A) (2) of this section; 1464

(b) A more restrictive community control sanction; 1465

(c) A combination of community control sanctions, 1466
including a jail term. 1467

(3) If an offender was acting pursuant to division (B) (2) 1468
(b) of section 2925.11 of the Revised Code and in so doing 1469
violated the conditions of a community control sanction based on 1470
a minor drug possession offense, as defined in section 2925.11 1471
of the Revised Code, the sentencing court may consider the 1472
offender's conduct in seeking or obtaining medical assistance 1473
for another in good faith or for self or may consider the 1474
offender being the subject of another person seeking or 1475
obtaining medical assistance in accordance with that division as 1476
a mitigating factor before imposing any of the penalties 1477
described in division (D) (2) of this section. 1478

(4) If the court imposes a jail term upon a violator 1479
pursuant to division (D) (2) of this section, the total time 1480
spent in jail for the misdemeanor offense and the violation of a 1481
condition of the community control sanction shall not exceed the 1482
maximum jail term available for the offense for which the 1483
sanction that was violated was imposed. The court may reduce the 1484
longer period of time that the violator is required to spend 1485
under the longer sanction or the more restrictive sanction 1486
imposed under division (D) (2) of this section by all or part of 1487
the time the violator successfully spent under the sanction that 1488
was initially imposed. 1489

(E) Except as otherwise provided in this division, if an 1490
offender, for a significant period of time, fulfills the 1491
conditions of a community control sanction imposed pursuant to 1492
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1493
exemplary manner, the court may reduce the period of time under 1494
the community control sanction or impose a less restrictive 1495
community control sanction. Fulfilling the conditions of a 1496
community control sanction does not relieve the offender of a 1497
duty to make restitution under section 2929.28 of the Revised 1498

Code.	1499
Sec. 2967.28. (A) As used in this section:	1500
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.	1501 1502
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	1503 1504
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	1505 1506
(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.	1507 1508 1509 1510 1511 1512 1513 1514 1515
(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.	1516 1517
<u>(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.</u>	1518 1519
(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with	1520 1521 1522 1523 1524 1525 1526

respect to all prison terms of a type described in this 1527
division, including a term of any such type that is a risk 1528
reduction sentence. If a court imposes a sentence including a 1529
prison term of a type described in this division on or after 1530
July 11, 2006, the failure of a sentencing court to notify the 1531
offender pursuant to division (B) (2) (c) of section 2929.19 of 1532
the Revised Code of this requirement or to include in the 1533
judgment of conviction entered on the journal a statement that 1534
the offender's sentence includes this requirement does not 1535
negate, limit, or otherwise affect the mandatory period of 1536
supervision that is required for the offender under this 1537
division. Section 2929.191 of the Revised Code applies if, prior 1538
to July 11, 2006, a court imposed a sentence including a prison 1539
term of a type described in this division and failed to notify 1540
the offender pursuant to division (B) (2) (c) of section 2929.19 1541
of the Revised Code regarding post-release control or to include 1542
in the judgment of conviction entered on the journal or in the 1543
sentence pursuant to division (D) (1) of section 2929.14 of the 1544
Revised Code a statement regarding post-release control. Unless 1545
reduced by the parole board pursuant to division (D) of this 1546
section when authorized under that division, a period of post- 1547
release control required by this division for an offender shall 1548
be of one of the following periods: 1549

(1) For a felony of the first degree or for a felony sex 1550
offense, five years; 1551

(2) For a felony of the second degree that is not a felony 1552
sex offense, three years; 1553

(3) For a felony of the third degree that is an offense of 1554
violence and is not a felony sex offense, three years. 1555

(C) Any sentence to a prison term for a felony of the 1556

third, fourth, or fifth degree that is not subject to division 1557
(B) (1) or (3) of this section shall include a requirement that 1558
the offender be subject to a period of post-release control of 1559
up to three years after the offender's release from 1560
imprisonment, if the parole board, in accordance with division 1561
(D) of this section, determines that a period of post-release 1562
control is necessary for that offender. This division applies 1563
with respect to all prison terms of a type described in this 1564
division, including a term of any such type that is a risk 1565
reduction sentence. Section 2929.191 of the Revised Code applies 1566
if, prior to July 11, 2006, a court imposed a sentence including 1567
a prison term of a type described in this division and failed to 1568
notify the offender pursuant to division (B) (2) (d) of section 1569
2929.19 of the Revised Code regarding post-release control or to 1570
include in the judgment of conviction entered on the journal or 1571
in the sentence pursuant to division (D) (2) of section 2929.14 1572
of the Revised Code a statement regarding post-release control. 1573
Pursuant to an agreement entered into under section 2967.29 of 1574
the Revised Code, a court of common pleas or parole board may 1575
impose sanctions or conditions on an offender who is placed on 1576
post-release control under this division. 1577

(D) (1) Before the prisoner is released from imprisonment, 1578
the parole board or, pursuant to an agreement under section 1579
2967.29 of the Revised Code, the court shall impose upon a 1580
prisoner described in division (B) of this section, shall impose 1581
upon a prisoner described in division (C) of this section who is 1582
to be released before the expiration of the prisoner's stated 1583
prison term under a risk reduction sentence, may impose upon a 1584
prisoner described in division (C) of this section who is not to 1585
be released before the expiration of the prisoner's stated 1586
prison term under a risk reduction sentence, and shall impose 1587

upon a prisoner described in division (B) (2) (b) of section 1588
5120.031 or in division (B) (1) of section 5120.032 of the 1589
Revised Code, one or more post-release control sanctions to 1590
apply during the prisoner's period of post-release control. 1591
Whenever the board or court imposes one or more post-release 1592
control sanctions upon a prisoner, the board or court, in 1593
addition to imposing the sanctions, also shall include as a 1594
condition of the post-release control that the offender not 1595
leave the state without permission of the court or the 1596
offender's parole or probation officer and that the offender 1597
abide by the law. The board or court may impose any other 1598
conditions of release under a post-release control sanction that 1599
the board or court considers appropriate, and the conditions of 1600
release may include any community residential sanction, 1601
community nonresidential sanction, or financial sanction that 1602
the sentencing court was authorized to impose pursuant to 1603
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1604
Prior to the release of a prisoner for whom it will impose one 1605
or more post-release control sanctions under this division, the 1606
parole board or court shall review the prisoner's criminal 1607
history, results from the single validated risk assessment tool 1608
selected by the department of rehabilitation and correction 1609
under section 5120.114 of the Revised Code, all juvenile court 1610
adjudications finding the prisoner, while a juvenile, to be a 1611
delinquent child, and the record of the prisoner's conduct while 1612
imprisoned. The parole board or court shall consider any 1613
recommendation regarding post-release control sanctions for the 1614
prisoner made by the office of victims' services. After 1615
considering those materials, the board or court shall determine, 1616
for a prisoner described in division (B) of this section, 1617
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1618
section 5120.032 of the Revised Code and for a prisoner 1619

described in division (C) of this section who is to be released 1620
before the expiration of the prisoner's stated prison term under 1621
a risk reduction sentence, which post-release control sanction 1622
or combination of post-release control sanctions is reasonable 1623
under the circumstances or, for a prisoner described in division 1624
(C) of this section who is not to be released before the 1625
expiration of the prisoner's stated prison term under a risk 1626
reduction sentence, whether a post-release control sanction is 1627
necessary and, if so, which post-release control sanction or 1628
combination of post-release control sanctions is reasonable 1629
under the circumstances. In the case of a prisoner convicted of 1630
a felony of the fourth or fifth degree other than a felony sex 1631
offense, the board or court shall presume that monitored time is 1632
the appropriate post-release control sanction unless the board 1633
or court determines that a more restrictive sanction is 1634
warranted. A post-release control sanction imposed under this 1635
division takes effect upon the prisoner's release from 1636
imprisonment. 1637

Regardless of whether the prisoner was sentenced to the 1638
prison term prior to, on, or after July 11, 2006, prior to the 1639
release of a prisoner for whom it will impose one or more post- 1640
release control sanctions under this division, the parole board 1641
shall notify the prisoner that, if the prisoner violates any 1642
sanction so imposed or any condition of post-release control 1643
described in division (B) of section 2967.131 of the Revised 1644
Code that is imposed on the prisoner, the parole board may 1645
impose a prison term of up to one-half of the stated prison term 1646
originally imposed upon the prisoner. 1647

At least thirty days before the prisoner is released from 1648
imprisonment, except as otherwise provided in this paragraph, 1649
the department of rehabilitation and correction shall notify the 1650

victim and the victim's immediate family of the date on which 1651
the prisoner will be released, the period for which the prisoner 1652
will be under post-release control supervision, and the terms 1653
and conditions of the prisoner's post-release control regardless 1654
of whether the victim or victim's immediate family has requested 1655
the notification. The notice described in this paragraph shall 1656
not be given to a victim or victim's immediate family if the 1657
victim or the victim's immediate family has requested pursuant 1658
to division (B) (2) of section 2930.03 of the Revised Code that 1659
the notice not be provided to the victim or the victim's 1660
immediate family. At least thirty days before the prisoner is 1661
released from imprisonment and regardless of whether the victim 1662
or victim's immediate family has requested that the notice 1663
described in this paragraph be provided or not be provided to 1664
the victim or the victim's immediate family, the department also 1665
shall provide notice of that nature to the prosecuting attorney 1666
in the case and the law enforcement agency that arrested the 1667
prisoner if any officer of that agency was a victim of the 1668
offense. 1669

If the notice given under the preceding paragraph to the 1670
victim or the victim's immediate family is based on an offense 1671
committed prior to ~~the effective date of this amendment~~ March 1672
22, 2013, and if the department of rehabilitation and correction 1673
has not previously successfully provided any notice to the 1674
victim or the victim's immediate family under division (B), (C), 1675
or (D) of section 2930.16 of the Revised Code with respect to 1676
that offense and the offender who committed it, the notice also 1677
shall inform the victim or the victim's immediate family that 1678
the victim or the victim's immediate family may request that the 1679
victim or the victim's immediate family not be provided any 1680
further notices with respect to that offense and the offender 1681

who committed it and shall describe the procedure for making 1682
that request. The department may give the notices to which the 1683
preceding paragraph applies by any reasonable means, including 1684
regular mail, telephone, and electronic mail. If the department 1685
attempts to provide notice to any specified person under the 1686
preceding paragraph but the attempt is unsuccessful because the 1687
department is unable to locate the specified person, is unable 1688
to provide the notice by its chosen method because it cannot 1689
determine the mailing address, electronic mail address, or 1690
telephone number at which to provide the notice, or, if the 1691
notice is sent by mail, the notice is returned, the department 1692
shall make another attempt to provide the notice to the 1693
specified person. If the second attempt is unsuccessful, the 1694
department shall make at least one more attempt to provide the 1695
notice. If the notice is based on an offense committed prior to 1696
~~the effective date of this amendment~~ March 22, 2013, in each 1697
attempt to provide the notice to the victim or victim's 1698
immediate family, the notice shall include the opt-out 1699
information described in this paragraph. The department, in the 1700
manner described in division (D) (2) of section 2930.16 of the 1701
Revised Code, shall keep a record of all attempts to provide the 1702
notice, and of all notices provided, under this paragraph and 1703
the preceding paragraph. The record shall be considered as if it 1704
was kept under division (D) (2) of section 2930.16 of the Revised 1705
Code. This paragraph, the preceding paragraph, and the notice- 1706
related provisions of divisions (E) (2) and (K) of section 1707
2929.20, division (D) (1) of section 2930.16, division (H) of 1708
section 2967.12, division (E) (1) (b) of section 2967.19, division 1709
(A) (3) (b) of section 2967.26, and division (A) (2) of section 1710
5149.101 of the Revised Code enacted in the act in which this 1711
paragraph and the preceding paragraph were enacted, shall be 1712
known as "Roberta's Law." 1713

(2) If a prisoner who is placed on post-release control 1714
under this section is released before the expiration of the 1715
prisoner's stated prison term by reason of credit earned under 1716
section 2967.193 of the Revised Code and if the prisoner earned 1717
sixty or more days of credit, the adult parole authority shall 1718
supervise the offender with an active global positioning system 1719
device for the first fourteen days after the offender's release 1720
from imprisonment. This division does not prohibit or limit the 1721
imposition of any post-release control sanction otherwise 1722
authorized by this section. 1723

(3) At any time after a prisoner is released from 1724
imprisonment and during the period of post-release control 1725
applicable to the releasee, the adult parole authority or, 1726
pursuant to an agreement under section 2967.29 of the Revised 1727
Code, the court may review the releasee's behavior under the 1728
post-release control sanctions imposed upon the releasee under 1729
this section. The authority or court may determine, based upon 1730
the review and in accordance with the standards established 1731
under division (E) of this section, that a more restrictive or a 1732
less restrictive sanction is appropriate and may impose a 1733
different sanction. The authority also may recommend that the 1734
parole board or court increase or reduce the duration of the 1735
period of post-release control imposed by the court. If the 1736
authority recommends that the board or court increase the 1737
duration of post-release control, the board or court shall 1738
review the releasee's behavior and may increase the duration of 1739
the period of post-release control imposed by the court up to 1740
eight years. If the authority recommends that the board or court 1741
reduce the duration of control for an offense described in 1742
division (B) or (C) of this section, the board or court shall 1743
review the releasee's behavior and may reduce the duration of 1744

the period of control imposed by the court. In no case shall the 1745
board or court reduce the duration of the period of control 1746
imposed for an offense described in division (B) (1) of this 1747
section to a period less than the length of the stated prison 1748
term originally imposed, and in no case shall the board or court 1749
permit the releasee to leave the state without permission of the 1750
court or the releasee's parole or probation officer. 1751

(E) The department of rehabilitation and correction, in 1752
accordance with Chapter 119. of the Revised Code, shall adopt 1753
rules that do all of the following: 1754

(1) Establish standards for the imposition by the parole 1755
board of post-release control sanctions under this section that 1756
are consistent with the overriding purposes and sentencing 1757
principles set forth in section 2929.11 of the Revised Code and 1758
that are appropriate to the needs of releasees; 1759

(2) Establish standards that provide for a period of post- 1760
release control of up to three years for all prisoners described 1761
in division (C) of this section who are to be released before 1762
the expiration of their stated prison term under a risk 1763
reduction sentence and standards by which the parole board can 1764
determine which prisoners described in division (C) of this 1765
section who are not to be released before the expiration of 1766
their stated prison term under a risk reduction sentence should 1767
be placed under a period of post-release control; 1768

(3) Establish standards to be used by the parole board in 1769
reducing the duration of the period of post-release control 1770
imposed by the court when authorized under division (D) of this 1771
section, in imposing a more restrictive post-release control 1772
sanction than monitored time upon a prisoner convicted of a 1773
felony of the fourth or fifth degree other than a felony sex 1774

offense, or in imposing a less restrictive control sanction upon 1775
a releasee based on the releasee's activities including, but not 1776
limited to, remaining free from criminal activity and from the 1777
abuse of alcohol or other drugs, successfully participating in 1778
approved rehabilitation programs, maintaining employment, and 1779
paying restitution to the victim or meeting the terms of other 1780
financial sanctions; 1781

(4) Establish standards to be used by the adult parole 1782
authority in modifying a releasee's post-release control 1783
sanctions pursuant to division (D) (2) of this section; 1784

(5) Establish standards to be used by the adult parole 1785
authority or parole board in imposing further sanctions under 1786
division (F) of this section on releasees who violate post- 1787
release control sanctions, including standards that do the 1788
following: 1789

(a) Classify violations according to the degree of 1790
seriousness; 1791

(b) Define the circumstances under which formal action by 1792
the parole board is warranted; 1793

(c) Govern the use of evidence at violation hearings; 1794

(d) Ensure procedural due process to an alleged violator; 1795

(e) Prescribe nonresidential community control sanctions 1796
for most misdemeanor and technical violations; 1797

(f) Provide procedures for the return of a releasee to 1798
imprisonment for violations of post-release control. 1799

(F) (1) Whenever the parole board imposes one or more post- 1800
release control sanctions upon an offender under this section, 1801
the offender upon release from imprisonment shall be under the 1802

general jurisdiction of the adult parole authority and generally 1803
shall be supervised by the field services section through its 1804
staff of parole and field officers as described in section 1805
5149.04 of the Revised Code, as if the offender had been placed 1806
on parole. If the offender upon release from imprisonment 1807
violates the post-release control sanction or any conditions 1808
described in division (A) of section 2967.131 of the Revised 1809
Code that are imposed on the offender, the public or private 1810
person or entity that operates or administers the sanction or 1811
the program or activity that comprises the sanction shall report 1812
the violation directly to the adult parole authority or to the 1813
officer of the authority who supervises the offender. The 1814
authority's officers may treat the offender as if the offender 1815
were on parole and in violation of the parole, and otherwise 1816
shall comply with this section. 1817

(2) If the adult parole authority or, pursuant to an 1818
agreement under section 2967.29 of the Revised Code, the court 1819
determines that a releasee has violated a post-release control 1820
sanction or any conditions described in division (A) of section 1821
2967.131 of the Revised Code imposed upon the releasee and that 1822
a more restrictive sanction is appropriate, the authority or 1823
court may impose a more restrictive sanction upon the releasee, 1824
in accordance with the standards established under division (E) 1825
of this section or in accordance with the agreement made under 1826
section 2967.29 of the Revised Code, or may report the violation 1827
to the parole board for a hearing pursuant to division (F) (3) of 1828
this section. The authority or court may not, pursuant to this 1829
division, increase the duration of the releasee's post-release 1830
control or impose as a post-release control sanction a 1831
residential sanction that includes a prison term, but the 1832
authority or court may impose on the releasee any other 1833

residential sanction, nonresidential sanction, or financial 1834
sanction that the sentencing court was authorized to impose 1835
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1836
Revised Code. 1837

(3) The parole board or, pursuant to an agreement under 1838
section 2967.29 of the Revised Code, the court may hold a 1839
hearing on any alleged violation by a releasee of a post-release 1840
control sanction or any conditions described in division (A) of 1841
section 2967.131 of the Revised Code that are imposed upon the 1842
releasee. If after the hearing the board or court finds that the 1843
releasee violated the sanction or condition, the board or court 1844
may increase the duration of the releasee's post-release control 1845
up to the maximum duration authorized by division (B) or (C) of 1846
this section or impose a more restrictive post-release control 1847
sanction. If a releasee was acting pursuant to division (B) (2) 1848
(b) of section 2925.11 of the Revised Code and in so doing 1849
violated the conditions of a post-release control sanction based 1850
on a minor drug possession offense as defined in that section, 1851
the board or the court may consider the releasee's conduct in 1852
seeking or obtaining medical assistance for another in good 1853
faith or for self or may consider the releasee being the subject 1854
of another person seeking or obtaining medical assistance in 1855
accordance with that division as a mitigating factor before 1856
imposing any of the penalties described in this division. When 1857
appropriate, the board or court may impose as a post-release 1858
control sanction a residential sanction that includes a prison 1859
term. The board or court shall consider a prison term as a post- 1860
release control sanction imposed for a violation of post-release 1861
control when the violation involves a deadly weapon or dangerous 1862
ordnance, physical harm or attempted serious physical harm to a 1863
person, or sexual misconduct, or when the releasee committed 1864

repeated violations of post-release control sanctions. Unless a
releasee's stated prison term was reduced pursuant to section
5120.032 of the Revised Code, the period of a prison term that
is imposed as a post-release control sanction under this
division shall not exceed nine months, and the maximum
cumulative prison term for all violations under this division
shall not exceed one-half of the stated prison term originally
imposed upon the offender as part of this sentence. If a
releasee's stated prison term was reduced pursuant to section
5120.032 of the Revised Code, the period of a prison term that
is imposed as a post-release control sanction under this
division and the maximum cumulative prison term for all
violations under this division shall not exceed the period of
time not served in prison under the sentence imposed by the
court. The period of a prison term that is imposed as a post-
release control sanction under this division shall not count as,
or be credited toward, the remaining period of post-release
control.

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

(4) Any period of post-release control shall commence upon
an offender's actual release from prison. If an offender is
serving an indefinite prison term or a life sentence in addition
to a stated prison term, the offender shall serve the period of

post-release control in the following manner: 1896

(a) If a period of post-release control is imposed upon 1897
the offender and if the offender also is subject to a period of 1898
parole under a life sentence or an indefinite sentence, and if 1899
the period of post-release control ends prior to the period of 1900
parole, the offender shall be supervised on parole. The offender 1901
shall receive credit for post-release control supervision during 1902
the period of parole. The offender is not eligible for final 1903
release under section 2967.16 of the Revised Code until the 1904
post-release control period otherwise would have ended. 1905

(b) If a period of post-release control is imposed upon 1906
the offender and if the offender also is subject to a period of 1907
parole under an indefinite sentence, and if the period of parole 1908
ends prior to the period of post-release control, the offender 1909
shall be supervised on post-release control. The requirements of 1910
parole supervision shall be satisfied during the post-release 1911
control period. 1912

(c) If an offender is subject to more than one period of 1913
post-release control, the period of post-release control for all 1914
of the sentences shall be the period of post-release control 1915
that expires last, as determined by the parole board or court. 1916
Periods of post-release control shall be served concurrently and 1917
shall not be imposed consecutively to each other. 1918

(d) The period of post-release control for a releasee who 1919
commits a felony while under post-release control for an earlier 1920
felony shall be the longer of the period of post-release control 1921
specified for the new felony under division (B) or (C) of this 1922
section or the time remaining under the period of post-release 1923
control imposed for the earlier felony as determined by the 1924
parole board or court. 1925

Sec. 4549.02. (A) (1) In the case of a motor vehicle 1926
accident ~~to~~ or collision with persons or property ~~upon any of~~ 1927
~~the~~ on a public roads or highways, ~~due to the driving or~~ 1928
~~operation thereon of any motor vehicle, the person driving or~~ 1929
~~operating~~ road or highway, the operator of the motor vehicle, 1930
having knowledge of the accident or collision, immediately shall 1931
stop the ~~driver's or operator's~~ motor vehicle at the scene of 1932
the accident or collision. The operator ~~and~~ shall remain at the 1933
scene of the accident or collision until the ~~driver or operator~~ 1934
has given the ~~driver's or operator's~~ name and address and, if 1935
the ~~driver or operator~~ is not the owner, the name and address of 1936
the owner of that motor vehicle, together with the registered 1937
number of that motor vehicle, to ~~any~~ all of the following: 1938

(a) Any person injured in the accident or collision ~~or to~~ 1939
~~the~~; 1940

(b) The operator, occupant, owner, or attendant of any 1941
motor vehicle damaged in the accident or collision, ~~or to any~~; 1942

(c) The police officer at the scene of the accident or 1943
collision. 1944

(2) In the event ~~the~~ an injured person is unable to 1945
comprehend and record the information required to be given ~~by~~ 1946
under division (A) (1) of this section, the other ~~driver operator~~ 1947
involved in the accident or collision ~~forthwith~~ shall notify the 1948
nearest police authority concerning the location of the accident 1949
or collision, and the ~~driver's operator's~~ name, address, and the 1950
registered number of the motor vehicle the ~~driver operator~~ was 1951
operating, ~~and then~~. The operator shall remain at the scene of 1952
the accident or collision until a police officer arrives, unless 1953
removed from the scene by an emergency vehicle operated by a 1954
political subdivision or an ambulance. 1955

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. 1956
1957
1958
1959
1960

(B) (1) Whoever violates division (A) of this section is guilty of failure to stop after an accident, ~~7. Except as otherwise provided in division (B) (2) or (3) of this section, failure to stop after an accident is~~ a misdemeanor of the first degree. ~~If~~ 1961
1962
1963
1964
1965

(2) If the accident or collision results in serious physical harm to a person, failure to stop after an accident is whichever of the following is applicable: 1966
1967
1968

(a) Except as otherwise provided in division (B) (2) (b) of this section, a felony of the fifth degree; 1969
1970

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree. ~~If~~ 1971
1972
1973

(3) If the accident or collision results in the death of a person, failure to stop after an accident is whichever of the following is applicable: 1974
1975
1976

(a) Except as provided in division (B) (3) (b) of this section, a felony of the third degree; 1977
1978

(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree. ~~The~~ 1979
1980
1981

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a 1982
1983

class five suspension of the offender's driver's license, 1984
commercial driver's license, temporary instruction permit, 1985
probationary license, or nonresident operating privilege from 1986
the range specified in division (A) (5) of section 4510.02 of the 1987
Revised Code. No judge shall suspend the first six months of 1988
suspension of an offender's license, permit, or privilege 1989
required by this division. 1990

The offender shall provide the court with proof of 1991
financial responsibility as defined in section 4509.01 of the 1992
Revised Code. If the offender fails to provide that proof of 1993
financial responsibility, then, in addition to any other 1994
penalties provided by law, the court may order restitution 1995
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 1996
amount not exceeding five thousand dollars for any economic loss 1997
arising from an accident or collision that was the direct and 1998
proximate result of the offender's operation of the motor 1999
vehicle before, during, or after committing the offense charged 2000
under this section. 2001

Sec. 4549.021. (A) (1) In the case of a motor vehicle 2002
accident or collision resulting in injury or damage to persons 2003
or property ~~upon~~ on any public or private property other than 2004
~~public roads or highways, due to the driving or operation~~ 2005
~~thereon of any motor vehicle, the person driving or operating a~~ 2006
public road or highway, the operator of the motor vehicle, 2007
having knowledge of the accident or collision, shall stop, ~~and,~~ 2008
~~upon~~ at the scene of the accident or collision. Upon request of 2009
~~the~~ any person who is injured or damaged, or any other person, 2010
the operator shall give that person the ~~driver's or operator's~~ 2011
name and address, and, if the ~~driver or operator~~ is not the 2012
owner, the name and address of the owner of that motor vehicle, 2013
together with the registered number of that motor vehicle, and, 2014

if available, exhibit the ~~driver's or operator's~~ driver's or
commercial driver's license. 2015
2016

~~(2) If the owner or person in charge of the damaged~~ 2017
~~property is not furnished such information, the driver operator~~ 2018
of the motor vehicle involved in the accident or collision does
not provide the information specified in division (A) (1) of this 2019
section, the operator shall give that information, within 2020
twenty-four hours after the accident or collision, ~~shall forward~~ 2021
to the police department of the city or village in which the 2022
accident or collision occurred, or if it occurred outside the 2023
corporate limits of a city or village, to the sheriff of the 2024
county in which the accident or collision occurred ~~the same~~ 2025
~~information required to be given to the owner or person in~~ 2026
~~control of the damaged property and give the date, time, and~~ 2027
~~location of the accident or collision.~~ 2028
2029

(3) If the accident or collision is with an unoccupied or 2030
unattended motor vehicle, the operator who collides with the 2031
motor vehicle shall securely attach the information required ~~to~~
~~be given in under division (A) (1) of this section, in writing,~~ 2032
to a conspicuous place in or on the unoccupied or unattended 2033
motor vehicle. 2034
2035

(B) (1) Whoever violates division (A) of this section is 2036
guilty of failure to stop after a nonpublic road accident, or 2037
Except as otherwise provided in division (B) (2) or (3) of this 2038
section, failure to stop after a nonpublic road accident is a 2039
misdemeanor of the first degree. ~~If~~ 2040

(2) If the accident or collision results in serious 2041
physical harm to a person, failure to stop after a nonpublic 2042
road accident is whichever of the following is applicable: 2043

(a) Except as otherwise provided in division (B) (2) (b) of this section, a felony of the fifth degree; 2044
2045

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree. If- 2046
2047
2048

(3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is whichever of the following is applicable: 2049
2050
2051

(a) Except as provided in division (B) (3) (b) of this section, a felony of the third degree; 2052
2053

(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree. The- 2054
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(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division. 2057
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The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss 2066
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arising from an accident or collision that was the direct and 2073
proximate result of the offender's operation of the motor 2074
vehicle before, during, or after committing the offense charged 2075
under this section. 2076

Sec. 4742.03. (A) A person may obtain certification as an 2077
emergency service telecommunicator by successfully completing a 2078
basic course of emergency service telecommunicator training that 2079
is conducted by the state board of education under section 2080
4742.02 of the Revised Code. The basic course of emergency 2081
service telecommunicator training shall include, but not be 2082
limited to, both of the following: 2083

(1) At least forty hours of instruction or training; 2084

(2) Instructional or training units in all of the 2085
following subjects: 2086

(a) The role of the emergency service telecommunicator; 2087

(b) Effective communication skills; 2088

(c) Emergency service telecommunicator liability; 2089

(d) Telephone techniques; 2090

(e) Requirements of the "Americans With Disabilities Act 2091
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 2092
pertain to emergency service telecommunicators; 2093

(f) Handling hysterical and suicidal callers; 2094

(g) Informing individuals who call about an apparent drug 2095
overdose about the immunity from prosecution for a minor drug 2096
possession offense created by section 2925.11 of the Revised 2097
Code; 2098

(h) Law enforcement terminology; 2099

(h) <u>(i)</u> Fire service terminology;	2100
(i) <u>(j)</u> Emergency medical service terminology;	2101
(j) <u>(k)</u> Emergency call processing guides for law enforcement;	2102 2103
(k) <u>(l)</u> Emergency call processing guides for fire service;	2104
(l) <u>(m)</u> Emergency call processing guides for emergency medical service;	2105 2106
(m) <u>(n)</u> Radio broadcast techniques;	2107
(n) <u>(o)</u> Disaster planning;	2108
(o) <u>(p)</u> Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	2109 2110 2111
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	2112 2113 2114 2115 2116 2117 2118 2119 2120
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	2121 2122 2123 2124 2125 2126 2127

If a person successfully completes the continuing 2128
education coursework described in division (B) of this section, 2129
the state board of education or a designee of the board shall 2130
certify the person's successful completion. The board shall send 2131
a copy of the certification to the person and to the emergency 2132
service provider by whom the person is employed. 2133

Sec. 4765.44. (A) As used in this section, "law 2134
enforcement agency" has the same meaning as in section 2925.61 2135
of the Revised Code. 2136

(B) (1) Upon request of a law enforcement agency as 2137
described in division (B) (2) of this section, emergency medical 2138
service personnel and any firefighter or volunteer firefighter 2139
acting within the course of the firefighting profession shall 2140
disclose the name and address, if known, of an individual to 2141
whom the emergency medical services personnel, firefighter, or 2142
volunteer firefighter administered naloxone due to an actual or 2143
suspected drug overdose, unless the emergency medical services 2144
personnel, firefighter, or volunteer firefighter reasonably 2145
believes that the law enforcement agency making the request does 2146
not have jurisdiction over the place where the naloxone was 2147
administered. 2148

(2) A law enforcement agency may request a name and 2149
address of an individual under division (B) (1) of this section 2150
for the purposes of investigation or treatment referral and may 2151
use a name and address received under that division for either 2152
or both of those purposes. 2153

Section 2. That existing sections 2925.11, 2929.13, 2154
2929.141, 2929.15, 2929.25, 2967.28, 4549.02, 4549.021, and 2155
4742.03 of the Revised Code are hereby repealed. 2156

Section 3. The amendments to sections 4549.02 and 4549.021	2157
of the Revised Code made in this act shall be known as Brandon's	2158
Law.	2159